

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIRST DAY — THURSDAY, MAY 25, 2023

The house met at 1:31 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 2080).

Present — Mr. Speaker(C); Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Wilson; Wu; Wiener.

Absent — Walle.

The invocation was offered by Representative Raymond as follows:

God, we ask for your help each and every day. Please guide us, please show us how to love each other, and have compassion and understanding toward each other. Show us the right way as we proceed through these turbulent times to get us to a better place. Amen.

The chair recognized Representative Leo-Wilson who led the house in the pledges of allegiance to the United States and Texas flags.

CAPITOL PHYSICIAN

The chair presented Dr. Lindsay Botsford of Houston as the "Doctor for the Day."

The house welcomed Dr. Botsford and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE GOVERNOR OF THE STATE OF TEXAS

The chair laid before the house and had read the following special message by the governor:

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND
SENATE OF THE EIGHTY-EIGHTH TEXAS LEGISLATURE, REGULAR
SESSION:

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove and veto **HB 279** of the 88th Texas Legislature, Regular Session, due to the following objections:

I am vetoing **HB 279** at the author's request because it is largely duplicative of **SB 1529**, which I have proudly signed into law. I applaud Representative Jacey Jetton and Senator Paul Bettencourt for working with Senator Joan Huffman and Representative Senfronia Thompson to protect trafficking victims.

Since you remain gathered in regular session and continue to conduct formal business, I am delivering this disapproval message directly to you along with unsigned official enrolled copy of the bill.

Respectfully submitted,

/s/Greg Abbott
Governor of Texas

Austin, Texas
May 24, 2023

HR 2339 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2339**, suspending the limitations on the conferees for **HB 1**.

HR 2340 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2340**, suspending the limitations on the conferees for **SB 30**.

(C.J. Harris in the chair)

HR 2308 - ADOPTED (by Davis)

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 2308**.

The motion prevailed.

The following resolution was laid before the house and read:

HR 2308, Honoring Eddie Bernice Johnson for her service as a United States congresswoman.

The chair recognized Representative Davis who introduced the Honorable Eddie Bernice Johnson, speaking as follows:

I'm delighted to be here on behalf of our colleagues here from Dallas and the extended colleagues that Congresswoman, Senator, Representative, and the Honorable Eddie Bernice has served with over the years. We've all learned under her tutelage. I am delighted to welcome her back to the House of Representatives where she's an admired trailblazer. She's somebody that we've all grown to love and appreciate over the years for her 51-plus years of service to the Dallas community. Through the United States Congress, through the senate, through the state house, she's just been somebody that has always been at the forefront of making Texas stronger and better for each of us. After her terms in the Texas House, as the resolution said, she went on to be—first of all, let me introduce her family who is also here with her: Her son, Kirk Johnson, and his wife—I think they are in the audience. If you'll let us recognize you and thank you for sharing this trailblazer with the community.

Representative Johnson has been instrumental in the passages of laws repealing all kinds of legislation that has been the background of so much growth and development of this state. It's hard to just isolate one thing she's worked on because her hands have been touching stuff all of these 51-plus years. We're delighted to have her back here. I know that others would like to have remarks of their personal relationships. I'm just pleased, as a constituent of District 111, I've had the extreme advantage of having her be a mentor and supporter and someone that we can always call on to uncomplicate complicated issues. As you know we have many of those in these times. So while she has left Congress, left the state, and left this house I will tell you she's very active. We still call on her. She's still out in the community making a difference for others. We're just so excited that we can honor her today with this resolution and let her to know we appreciate her tremendous commitment and her tremendous activities that she's nurtured and grown over the years to make this state what it is today.

Representative Button addressed the house, speaking as follows:

I'm standing in front of my colleagues here, but I want to express my sincere appreciation to the wonderful and very unique Congresswoman Eddie Bernice Johnson. I have known her over 25 years, since I was a little girl. Well, since my passion—I used to represent the City of Garland serving on the DART Board of Transportation and plus her chairing the Committee on Science, Space, and Technology we did have a lot of interfacing—a lot of efforts together. She always encouraged me and really, really tried to help me. Sometimes I got frustrated and she would say, "Angie, don't worry about anything like that. Those are minor." And she shared with me the story about how many years ago her conversation with Mr. Marcus of Neiman Marcus. Congresswoman, do you remember that? I was so moved at how Congresswoman Johnson broke all the barriers. Sometimes

we would joke around, and I'd say, "Congresswoman, you know I'm a Republican. There's no way you can convert me." She laughed, and she would say, "No, no, I just want you to know that I love you because you are a good person, and you want to serve." I want to say this: Congresswoman Johnson, I love you because you are a model for all the women, especially the women of color. So I am here to celebrate with my colleagues. Thank you for being a trailblazer and paving the way for all the women. Thank you.

Representative Rose addressed the house, speaking as follows:

I see that Representative Button and I have something in common because I've known Congresswoman Johnson since I was a little girl. She and my dad were great friends. I remember when she ran her first campaign. My dad hosted these seafood crab boils in the backyard. I've been able to follow her career for quite some time and she's been an inspiration. One of the things that was highlighted in the resolution—it stated that she was the first Black woman elected in Dallas. So every Black woman in Dallas stands on her shoulders. We're trying to get off of your shoulders and raise the bar, Congresswoman Johnson, because I know when people are on your shoulders, it can be heavy. I just want to thank you for all that you've done for Dallas County and the whole State of Texas. We love you.

Representative Sherman addressed the house, speaking as follows:

To those in the gallery and to her son, Kirk, and other members of the family—I was thinking about the funeral services of her brother, Carl, a couple of years ago. To see the congresswoman in service, whether in her home or at the capitol, she was always the same. She is the epitome of integrity. Her conviction to fight for us, whether it's in the back halls or on the house floor, she is not one that is into getting a lot of attention. She lets her work speak for her. That's the reason I believe that we are all here gathered here in honor of her today for her work. That is the reason she is known as Landslide Johnson. That is the reason she has never lost an election. Because she is true, she is committed, and anytime she was in D.C., her heart was home. God bless you, Congresswoman Eddie Bernice Johnson, you will always be our congresswoman. Thank you.

Representative V. Jones addressed the house, speaking as follows:

I wanted to say to Congresswoman Johnson, thank you on behalf of a younger generation of elected leaders who never had the opportunity to work with her as an elected official, but still had the opportunity to be able to serve because of her. My race started about two weeks after she announced her retirement. Throughout my race, I had the opportunity to not only engage with her as a constituent, as I had my entire life, but to see her in action as an elected official. To be motivated by her in a way that not only shows her legislative work—I got to see her passion for a community. I got to be motivated by her challenge that she gave at many speaking opportunities for elected officials to make sure that they step up and that they represent and not just occupy a seat. I just want to say, thank you so much, Congresswoman, for everything that you have done and for the countless number of people that your work still continues to echo and motivate to be able to get into our seats and do the right thing for the people that we continue to serve. Thank you so much.

Representative Reynolds addressed the house, speaking as follows:

In addition to everything that's already been said about her, I want to commend and thank her for being a trailblazer because she, along with Representative Thompson and a few others, were the founders of the Texas Legislative Black Caucus back in 1973—actually the year I was born. I don't mind telling my age. Congresswoman, I want to thank you. All of the members of the Texas Legislative Black Caucus, like Representative Rose said, we stand on your shoulders as a trailblazer, as someone who has defied the odds, overcome many trials and tribulations to be where you are today. We know that it was during a tough era where there were no—not just African Americans but women. You were a double minority, and I just can't imagine the types of challenges that you had to overcome, but you overcame it with faith and hard work. Today we just pause to say thank you for being such a fearless, phenomenal advocate that is always on the front line willing to speak truth to power. Admired all over the world, not just in Texas. Sometimes we don't realize it until we go to D.C.—when we're there how people admire her all over this United States of America. Thank you for being such a trailblazer, and thank you for your great many 50-plus years of public service. God bless you, thank you.

Representative Bryant addressed the house, speaking as follows:

I came into the Texas House of Representatives with Eddie Bernice and with Senfronia Thompson here. We fought many, many battles together. I have many pictures of us together back in those days, and in those pictures, I look a whole lot younger, but she still looks just the same. She's young on the outside, and she is young on the inside. That youth on the inside manifests itself in great courage and great idealism right up until the present day. All through her years in the Texas House, the Texas Senate, and the U.S. Congress, she was always willing to stand up for the little person, to fight the fight that was unpopular, to turn down the importuning requests of the rich and the powerful when necessary, and to do the right thing. I came to her many times—even after I was out of Congress—and she was still there to help somebody who was downtrodden, to help somebody who needed something, to help with an unpopular cause and she always said yes. I've been so deeply proud to be her friend for all of these years, and I look forward to a lot of years of fighting the good fight yet to come. Thank you, Eddie.

Representative Bowers addressed the house, speaking as follows:

Thank you, Representative Davis, for this recognition for Congresswoman Johnson. I want to say thank you from the bottom of my heart for your leadership, like they've said already, in Dallas County and beyond. I want to say thank you mostly for your encouraging words all along the way, but for also being that kind of leader that lifts as she climbs. You continue to inspire us today, and we would not be here without you. Thank you from the bottom of our hearts for your leadership.

HR 2308 was adopted.

On motion of Representative Rose, the names of all the members of the house were added to **HR 2308** as signers thereof.

REMARKS ORDERED PRINTED

Representative Turner moved to print all remarks on **HR 2308**.

The motion prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Bernal on motion of Bhojani.

**HR 2115 - ADOPTED
(by Wu)**

Representative Wu moved to suspend all necessary rules to take up and consider at this time **HR 2115**.

The motion prevailed.

The following resolution was laid before the house:

HR 2115, In memory of Alex Wang of Houston.

HR 2115 was unanimously adopted by a rising vote.

**HR 2213 - ADOPTED
(by Toth)**

Representative Toth moved to suspend all necessary rules to take up and consider at this time **HR 2213**.

The motion prevailed.

The following resolution was laid before the house:

HR 2213, In memory of Kathryn Jean Nielsen Ross.

HR 2213 was unanimously adopted by a rising vote.

**HR 2275 - ADOPTED
(by Davis and S. Thompson)**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 2275**.

The motion prevailed.

The following resolution was laid before the house:

HR 2275, In memory of Johnny Welton Self.

HR 2275 was unanimously adopted by a rising vote.

On motion of Representative S. Thompson, the names of all the members of the house were added to **HR 2275** as signers thereof.

**HR 2190 - ADOPTED
(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 2190**.

The motion prevailed.

The following resolution was laid before the house:

HR 2190, Congratulating Laila Payne of Carnegie Vanguard High School in Houston on winning a gold medal at the 2023 UIL Track & Field State Meet.

HR 2190 was adopted.

INTRODUCTION OF GUEST

The chair recognized Representative J. Jones who introduced Laila Payne.

HR 2163 - ADOPTED

(by Zwiener)

Representative Zwiener moved to suspend all necessary rules to take up and consider at this time **HR 2163**.

The motion prevailed.

The following resolution was laid before the house:

HR 2163, Honoring Pedernales Electric Cooperative on the 85th anniversary of its incorporation.

HR 2163 was adopted.

HR 2162 - ADOPTED

(by Zwiener)

Representative Zwiener moved to suspend all necessary rules to take up and consider at this time **HR 2162**.

The motion prevailed.

The following resolution was laid before the house:

HR 2162, Honoring the staff and electrical utility line workers of Pedernales Electric Cooperative for their efforts during the 2023 winter storm.

HR 2162 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Davis who introduced representatives of House District 111.

HR 1747 - ADOPTED

(by C.E. Harris)

Representative C.E. Harris moved to suspend all necessary rules to take up and consider at this time **HR 1747**.

The motion prevailed.

The following resolution was laid before the house:

HR 1747, Extending best wishes to Amanda Villarreal Salvo and her newborn son, Gabriel Sebastian Salvo, as they continue on the road to recovery.

HR 1747 was adopted.

HR 2224 - ADOPTED
(by Button)

Representative Button moved to suspend all necessary rules to take up and consider at this time **HR 2224**.

The motion prevailed.

The following resolution was laid before the house:

HR 2224, Congratulating Dale Craymer on his retirement as president of the Texas Taxpayers and Research Association.

HR 2224 was adopted.

HR 2243 - ADOPTED
(by Sherman)

Representative Sherman moved to suspend all necessary rules to take up and consider at this time **HR 2243**.

The motion prevailed.

The following resolution was laid before the house:

HR 2243, Commending Beverly Day Humphrey for her exceptional achievements as chief of athletics and girls' track coach with Lancaster ISD.

HR 2243 was adopted.

HR 1611 - ADOPTED
(by Sherman)

Representative Sherman moved to suspend all necessary rules to take up and consider at this time **HR 1611**.

The motion prevailed.

The following resolution was laid before the house:

HR 1611, Commending the legislative interns of State Representative Carl Sherman for their service during the 88th Legislative Session.

HR 1611 was adopted.

HR 2094 - ADOPTED
(by Bowers)

Representative Bowers moved to suspend all necessary rules to take up and consider at this time **HR 2094**.

The motion prevailed.

The following resolution was laid before the house:

HR 2094, Commending the staff members of State Representative Rhett Andrews Bowers for their service during the 88th Legislative Session.

HR 2094 was adopted.

RESOLUTIONS ADOPTED

Representative V. Jones moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

HR 2206 (by V. Jones), Commending Alaina Colleen Dixon on her service as an administrative aide and Texas Legislative Internship Program Fellow in the office of State Representative Venton Jones.

HR 2207 (by V. Jones), Commending Kevin Sean Roberts for his service as a legislative aide in the office of State Representative Venton Jones during the 88th Legislature.

HR 2208 (by V. Jones), Commending Cecilia Bee Garcia for her service as legislative director in the office of State Representative Venton Jones.

HR 2209 (by V. Jones), Commending Toni Rahchelle Bryant for her service as district director in the office of State Representative Venton Jones.

HR 2210 (by V. Jones), Commending Gavin Riley Nicholson for his service as chief of staff in the office of State Representative Venton Jones.

The resolutions were adopted.

(Walle now present)

(Guerra in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

SCR 50 (Muñoz - House Sponsor), Recognizing the Bazan family on the occasion of the 50th anniversary of Taco Olé.

SCR 51 (C.E. Harris - House Sponsor), Recognizing May 11, 2023, as American Heritage Girls Day.

SCR 53 (Cain - House Sponsor), Recognizing Mikael and Carolyn Garcia on the birth of their daughter, Mary Faustina Garcia.

SCR 54 (Guerra - House Sponsor), Recognizing E. Linda Villarreal for her service as president of the Texas Medical Association.

HCR 113 (by Vasut), Commemorating the dedication of the Battle of Velasco Memorial Monument.

HCR 118 (by Craddick), Commending Bobby Burns on his service as president and CEO of the Midland Chamber of Commerce.

HR 1610 (by Frazier), Congratulating Cameron James Atkins on his graduation from the Abilene Police Academy.

HR 1611 was previously adopted.

HR 1613 (by Longoria), Congratulating Genyva Salas Monjaras on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1614 (by Longoria), Congratulating Juan Navarro Jr. on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1615 (by Longoria), Congratulating Anna Marie Sanchez Varela on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1616 (by Longoria), Congratulating Anikka Garza on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1617 (by Longoria), Congratulating Isaac Vidaurri on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1618 (by Longoria), Congratulating Krystalina Vallejo on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1619 (by Longoria), Congratulating Aldo Solis on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1620 (by Longoria), Congratulating Efrain Solis on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1621 (by Longoria), Congratulating Adrian Solis on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1622 (by Longoria), Congratulating Oscar Solis on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1623 (by Longoria), Congratulating Lonnie Gonzalez of Los Badd Boyz del Valle on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1624 (by Longoria), Congratulating Carlos Gonzalez of Los Badd Boyz del Valle on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1625 (by Longoria), Congratulating Lucky Joe on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1626 (by Longoria), Congratulating Shane Ruiz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1627 (by Longoria), Congratulating Norfilia Layton Gonzalez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1628 (by Longoria), Congratulating Oscar Layton Gonzalez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1629 (by Longoria), Congratulating Rene Layton of Los Hermanos Layton on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1630 (by Longoria), Congratulating Tony Layton of Los Hermanos Layton on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1631 (by Longoria), Congratulating Benny Layton of Los Hermanos Layton on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1632 (by Longoria), Congratulating Javier Gonzalez of the Delta Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1633 (by Longoria), Congratulating Jaime Gonzalez of the Delta Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1634 (by Longoria), Congratulating Eddie Gonzalez of the Delta Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1635 (by Longoria), Congratulating Arturo Alviar III of the Delta Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1636 (by Longoria), Congratulating Victor H. De La Cruz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1637 (by Longoria), Congratulating Roberto Pulido on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1638 (by Longoria), Congratulating Arturo Alviar Jr. on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1639 (by Longoria), Congratulating Ruben De La Cruz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1640 (by Longoria), Congratulating Rosendo Beltran on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1641 (by Longoria), Congratulating David Vidaurri on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1642 (by Longoria), Congratulating Eddie Gonzalez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1643 (by Longoria), Congratulating Epi Martinez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1644 (by Longoria), Congratulating Cruz Martinez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1645 (by Longoria), Congratulating Benjamin Varela on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1646 (by Longoria), Congratulating Dino Cavasos on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1647 (by Longoria), Congratulating Delvis Cortez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1648 (by Longoria), Congratulating Danny Molina on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1649 (by Longoria), Congratulating Roel Flores on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1650 (by Longoria), Congratulating Wilfredo Contreras on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1651 (by Longoria), Congratulating Alejandro Mascorro Sr. on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1652 (by Longoria), Congratulating Violanda Mascorro on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1653 (by Meza), Commemorating Matthew McCoy for his service as a legislative intern in the office of State Representative Terry Meza.

HR 1654 (by Longoria), Congratulating Lupe Saenz Jr. on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1655 (by Longoria), Congratulating Juan Colle on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1656 (by Longoria), Congratulating Veronica Solis on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1657 (by Longoria), Congratulating Rocky Beltran on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1658 (by Longoria), Congratulating Gilbert Gonzalez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1659 (by Longoria), Congratulating Jimmy Jack Lawrence on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1660 (by Longoria), Congratulating Miguel Tinajero on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1661 (by Longoria), Congratulating Kerry Ybarra of the Valley Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1662 (by Herrero), Recognizing Padre Island National Seashore on being named a top travel destination by The Independent.

HR 1663 (by Longoria), Congratulating Kevin Ybarra of the Valley Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1664 (by Longoria), Congratulating Anthony Ybarra of the Valley Boyz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1665 (by Longoria), Congratulating Omar Garcia on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1666 (by Longoria), Congratulating Felix Aleman on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1667 (by Longoria), Congratulating Esteban Jordan on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1668 (by Longoria), Congratulating Carlos Arispe on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1669 (by Longoria), Congratulating Isaac Riojas on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1670 (by Longoria), Congratulating Noe Hernandez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1671 (by Longoria), Congratulating Gilberto Hernandez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1672 (by Longoria), Congratulating Alex Comminos on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1673 (by Longoria), Congratulating Billy Gonzalez on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1674 (by Longoria), Congratulating Javiel Ruiz on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1675 (by Longoria), Congratulating Randy Villarreal on being honored at the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1676 (by Longoria), Commemorating the 2022 From the Delta, With Love recognition ceremony hosted by the City of Edcouch.

HR 1677 (by Hinojosa), Congratulating Austin Public access television on its 50th anniversary.

HR 1684 (by Vasut), Congratulating the Angleton Christian School boys' basketball team on winning the 2023 TCAL 2A state championship.

HR 1685 (by Vasut), Congratulating Neldia Ahlquist on her receipt of the 2022 Outstanding Woman of the Year Award from the Brazosport Area Chamber of Commerce.

HR 1686 (by Vasut), Commemorating the 75th anniversary of the founding of the Student Senate of Texas A&M University.

HR 1687 (by Vasut), Congratulating Jason Cordoba on his receipt of the 2022 Outstanding Man of the Year Award from the Brazosport Area Chamber of Commerce.

HR 1688 (by Geren), Commending Dr. Sylvia Trent-Adams on her appointment as president of the University of North Texas Health Science Center at Fort Worth.

HR 1689 (by Meza), Commemorating Eloy Barrera, Jr. of Uvalde for his service as a Mexican American Legislative Caucus intern in the office of State Representative Terry Meza.

HR 1690 (by Bucy), Honoring Mike Sanders for his contributions to the Leander Independent School District.

HR 1691 (by Bucy), Congratulating Cassie Brawner on her selection as the 2024 Elementary Teacher of the Year in Round Rock ISD.

HR 1692 (by Turner), Commending Michelle Mares for her service as a legislative aide in the office of State Representative Chris Turner.

HR 1693 (by Turner), Commending Rhayne Trahan for her service as a legislative aide in the office of State Representative Chris Turner.

HR 1694 (by Turner), Commending Dayleen Nicole Chery for her service as a legislative aide in the office of State Representative Chris Turner.

HR 1695 (by Turner), Commending Katherine Sarahan on her service as a legislative aide in the office of State Representative Chris Turner.

HR 1696 (by Turner), Commending Sadie Klos for her service as a legislative aide in the office of State Representative Chris Turner.

HR 1697 (by Harless), Congratulating Dr. Philip L. Leggett on his receipt of a 2023 Ashbel Smith Distinguished Alumni Award from The University of Texas Medical Branch John Sealy School of Medicine Alumni Association.

HR 1698 (by Buckley), Commemorating the 50th anniversary of Century 21 Bill Bartlett in Salado.

HR 1700 (by Lalani), Commemorating Father's Day 2023.

HR 1701 (by Smithee), Congratulating the Amarillo High School tennis team on winning the 2022 UIL 5A team tennis state championship.

HR 1702 (by Smithee), Congratulating Eleanor Archer and Morgan Rose of Amarillo High School on winning the 5A doubles championship at the 2023 UIL Tennis State Tournament.

HR 1703 (by Smithee), Congratulating Kelton Brown and Wade Bryant of Amarillo High School on winning the 5A boys' doubles championship at the 2023 UIL Tennis State Tournament.

HR 1706 (by Burrows), Congratulating agriculture teacher Roger Green on his retirement from Monterey High School in Lubbock.

HR 1708 (by Gámez), Congratulating Manuel M. Vela on his service as president and chief executive officer of Valley Baptist Health System.

HR 1709 (by Kacal), Commending Milton Y. Tate Jr. on his service as mayor of Brenham.

HR 1710 (by Leo-Wilson), Congratulating Larrian Meniffee of Ball High School in Galveston on his nomination for the 2024 Grammy Music Educator Award.

HR 1712 (by Flores), Congratulating Gabriela Kane Guardia on her appointment as interim executive director of Latinitas.

HR 1714 (by Herrero), Commending Jose Camacho for his service as a legislative aide and Moreno/Rangel Legislative Leadership Program Fellow in the office of State Representative Abel Herrero.

HR 1715 (by J.E. Johnson), Congratulating the ITKAN Robotics team on winning two top awards at the FIRST Championship Robotics Competition.

HR 1720 (by Ordaz), Commending Cabela's El Paso for its contributions to the community.

HR 1722 (by Herrero), Commending Miranda Williams for her service as committee director for the House Committee on Corrections and its chair, State Representative Abel Herrero, during the 88th Legislative Session.

HR 1723 (by Herrero), Commending Mo Jenkins for her service as legislative director in the office of State Representative Abel Herrero during the 88th Legislature.

HR 1725 (by A. Johnson), Congratulating the Bellaire City Library on winning a 2022 Achievement of Excellence in Libraries Award.

HR 1727 (by Morales Shaw), Commending Dr. Laura Murillo for her contributions to the Houston community.

HR 1731 (by A. Johnson), Commemorating the 60th anniversary of Ben Taub Hospital in Houston.

HR 1732 (by Leo-Wilson), Commemorating the 2023 Texas Crab Festival in Crystal Beach.

HR 1733 (by Leo-Wilson), Commemorating the 10th annual Bayou Fest in La Marque.

HR 1735 (by A. Johnson), Congratulating Catherine Shen on winning the 2023 UIL 6A girls' singles tennis state championship.

HR 1739 (by Flores), Honoring Augustin Ramirez of Austin for his contributions to Tejano music.

HR 1740 (by Leo-Wilson), Congratulating the Mid Chambers Christian Caring Center on being named the Anahuac Area Chamber of Commerce Member of the Month for May 2023.

HR 1742 (by Leo-Wilson), Congratulating the Galveston Park Board of Trustees on its 60th anniversary.

HR 1744 (by Reynolds), Commemorating the 2023 Missouri City Juneteenth Celebration.

HR 1745 (by C.E. Harris), Congratulating the Georgetown High School girls' soccer team on its achievements during the 2023 season.

HR 1746 (by C.E. Harris), Congratulating Dale Clay on receiving the Silver Beaver Award from the Capitol Area Council of Scouts BSA.

HR 1747 was previously adopted.

HR 1749 (by Bucy), Congratulating Julian Jones on his selection as the 2024 Secondary Teacher of the Year in the Round Rock Independent School District.

HR 1750 (by Neave Criado), Commemorating Run For The Blue Dallas 2023.

HR 1751 (by Neave Criado), Congratulating Lucas Ranfranz on graduating as valedictorian of the West Mesquite High School Class of 2023.

HR 1752 (by Neave Criado), Commemorating the 2023 Mesquite Martin Luther King Jr. Parade and Celebration.

HR 1753 (by Neave Criado), Commending Priscila Medina of Texas Christian University on her accomplishments in boxing and for her dedication to her community.

HR 1754 (by Neave Criado), Congratulating Deputy Chief Bruce Kunz on his retirement from the Mesquite Fire Department.

HR 1755 (by Neave Criado), Congratulating Sergeant Alberto "Roc" Ramos on his retirement from the Dallas Police Department.

HR 1756 (by Neave Criado), Honoring the Hispanic Women's Network of Texas Dallas Chapter on the occasion of its inaugural Noche de Carnaval.

HR 1757 (by Neave Criado), Congratulating Bryan Bradford on his retirement as the city manager of Garland.

HR 1758 (by Lozano), Congratulating Richard Max Callahan of Canton on achieving his goal of visiting all 63 U.S. national parks.

HR 1761 (by Klick), Recognizing May 2023 as Nurses Month.

HR 1762 (by Klick), Commemorating the 70th anniversary of the City of North Richland Hills.

HR 1764 (by A. Johnson), Commending Girls Empowerment Network for its achievements.

HR 1767 (by Herrero), Congratulating Corpus Christi ISD on its receipt of a 2023 H-E-B Excellence in Education Award.

HR 1768 (by Kacal), Congratulating the Cafe Texan in Huntsville on its reopening.

HR 1772 (by Leo-Wilson), Congratulating Tina Ly of Anahuac High School on her selection for the STEM Enhancement in Earth Science Summer High School Intern Program at The University of Texas at Austin Center for Space Research.

HR 1773 (by Leo-Wilson), Congratulating Lauren Harpe of Mont Belvieu on her participation in Season 44 of television's Survivor.

HR 1776 (by Leo-Wilson), Congratulating Barbers Hill ISD on receiving a 2023 Best Communities for Music Education designation from the National Association of Music Merchants Foundation.

HR 1777 (by Clardy), Congratulating the Carthage High School football team on winning the 2022 UIL 4A Division 2 state championship.

HR 1778 (by Muñoz), Honoring Frances Garcia for her 25 years of service with Angelitos Primary Home Care.

HR 1779 (by Lujan), Congratulating the Randolph High School girls' track team on winning the 3A championship at the 2023 UIL Track & Field State Meet.

HR 1781 (by Geren), Commemorating the 50th anniversary of the Texas Association of Regional Councils.

HR 1783 (by Guerra), Congratulating South Texas ISD Science Academy on ranking 15th on Stacker's 2023 list of the Top 30 Best Public High Schools in Texas.

HR 1784 (by M. González), Congratulating Sara Long on her installation as president of the Woman's Club of El Paso.

HR 1785 (by Buckley), Recognizing May 20-26, 2023, as National Safe Boating Week.

HR 1786 (by Clardy), Commemorating the 175th anniversary of the City of Carthage.

HR 1787 (by Orr), Congratulating Wesley Holt on his retirement as superintendent of Connally ISD.

HR 1788 (by Harless), Honoring Mark and Becky Lanier on the occasion of the opening of the Lanier Learning Center.

HR 1789 (by Harless), Commending Dr. Shah Ardalan for his service as founding president of Lone Star College-University Park in Houston.

HR 1790 (by Harless), Commending DeLora Wilkinson of Houston for her achievements in the field of real estate.

HR 1791 (by A. Johnson), Congratulating Memorial Hermann Health System on its receipt of the 2023 Foster G. McGaw Prize for Excellence in Community Service from the American Hospital Association.

HR 1792 (by Ortega), Congratulating Christian Campos on his receipt of a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1793 (by Ortega), Congratulating Carlos Castanon on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1794 (by Ortega), Congratulating Jasmine Crain on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1795 (by Ortega), Congratulating Ashley Delgado on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1796 (by Ortega), Congratulating Laiza Hernandez-Legaspi on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1797 (by Ortega), Congratulating Sarah Mickelson on her receipt of a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1798 (by Ortega), Congratulating Alejandra Prieto Moreno on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1799 (by Ortega), Congratulating Sofia Ronquillo-Silva on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1800 (by Ortega), Congratulating Brianna "Iberty" Trevino on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1801 (by Ortega), Congratulating Ian Valdez on receiving a 2023 Top Ten Seniors Award from the UTEP Alumni Association.

HR 1802 (by Guerra), Congratulating Reynaldo Alegria on graduating as a member of Class VIII of RGV Leadership.

HR 1803 (by Guerra), Congratulating Antonio Alvarez on graduating as a member of Class VIII of RGV Leadership.

HR 1804 (by Guerra), Congratulating Donato Amaya Jr. on graduating as a member of Class VIII of RGV Leadership.

HR 1805 (by Guerra), Congratulating Shukan Bhakta on graduating as a member of Class VIII of RGV Leadership.

HR 1806 (by Guerra), Congratulating Jamie-Lynne Brown Rosas on graduating as a member of Class VIII of RGV Leadership.

HR 1807 (by Guerra), Congratulating Arielle Caraveo on graduating as a member of Class VIII of RGV Leadership.

HR 1808 (by Guerra), Congratulating Noah Davis on graduating as a member of Class VIII of RGV Leadership.

HR 1809 (by Guerra), Congratulating Maricela De Leon on graduating as a member of Class VIII of RGV Leadership.

HR 1810 (by Guerra), Congratulating Priscilla N. Frias on graduating as a member of Class VIII of RGV Leadership.

HR 1811 (by Guerra), Congratulating Aldo Garcia on graduating as a member of Class VIII of RGV Leadership.

HR 1812 (by Guerra), Congratulating Laura Eugenia Garcia Aviles on graduating as a member of Class VIII of RGV Leadership.

HR 1813 (by Guerra), Congratulating Christie Gonzalez on graduating as a member of Class VIII of RGV Leadership.

HR 1814 (by Guerra), Congratulating A. Raquel Limas on graduating as a member of Class VIII of RGV Leadership.

HR 1815 (by Guerra), Congratulating Vanessa N. Hernandez on graduating as a member of Class VIII of RGV Leadership.

HR 1816 (by Guerra), Congratulating Eric Luebanos on graduating as a member of Class VIII of RGV Leadership.

HR 1817 (by Guerra), Congratulating Cindy Mata-Vasquez on graduating as a member of Class VIII of RGV Leadership.

HR 1818 (by Guerra), Congratulating Orlando Quintanilla on graduating as a member of Class VIII of RGV Leadership.

HR 1819 (by Guerra), Congratulating Daniel Montano on graduating as a member of Class VIII of RGV Leadership.

HR 1820 (by Guerra), Congratulating Daniel Rivera on graduating as a member of Class VIII of RGV Leadership.

HR 1821 (by Guerra), Congratulating Julian Ramirez on graduating as a member of Class VIII of RGV Leadership.

HR 1822 (by Guerra), Congratulating Pablo Rosas on graduating as a member of Class VIII of RGV Leadership.

HR 1823 (by Guerra), Congratulating Marla Sandoval on graduating as a member of Class VIII of RGV Leadership.

HR 1824 (by Guerra), Congratulating Miriam Suarez on graduating as a member of Class VIII of RGV Leadership.

HR 1825 (by Guerra), Congratulating Charly Vallez on graduating as a member of Class VIII of RGV Leadership.

HR 1826 (by Guerra), Congratulating Michael Vargas on graduating as a member of Class VIII of RGV Leadership.

HR 1827 (by Guerra), Congratulating Josue "Josh" Vasquez on graduating as a member of Class VIII of RGV Leadership.

HR 1828 (by Guerra), Congratulating Rocio Villalobos on graduating as a member of Class VIII of RGV Leadership.

HR 1829 (by Guerra), Congratulating Sabrina Walker Hernandez on graduating as a member of Class VIII of RGV Leadership.

HR 1830 (by Moody), Congratulating Chris Canales on his election as the District 8 representative on the El Paso City Council.

HR 1831 (by Moody), Congratulating Brian Kennedy on his election to the El Paso City Council.

HR 1832 (by Moody), Congratulating Sergio Coronado on his election as the El Paso County commissioner for Precinct 4.

HR 1833 (by Moody), Congratulating Humberto Enriquez on his election as El Paso County justice of the peace for Precinct 7.

HR 1834 (by Herrero), Congratulating Irene Ramos on receiving a 2023 Women in Education Award from the Education Service Center Region 2.

HR 1835 was previously adopted.

HR 1837 (by Perez), Commemorating the 50th annual Strawberry Festival in Pasadena.

HR 1838 (by Ordaz), Commending the Rancho del Sol Neighborhood Association for its service to the El Paso community.

HR 1839 (by Ordaz), Commending the Las Palmas Neighborhood Association for its service to the El Paso community.

HR 1840 (by Ordaz), Commending the Travis White Neighborhood Association for its service to the El Paso community.

HR 1841 (by Ordaz), Commending the Palm Grove Neighborhood Association for its service to the El Paso community.

HR 1842 (by Ordaz), Commending the Cielo Vista Neighborhood Association for its service to the El Paso community.

HR 1843 (by Ordaz), Commending the Valley View Heights/Crest Hill Neighborhood Association for its service to the El Paso community.

HR 1844 (by Ordaz), Commending the Normandy Neighborhood Association for its service to the El Paso community.

HR 1845 (by Ordaz), Commending the United Neighborhood Association for its service to the El Paso community.

HR 1846 (by Ordaz), Commending the Austin Terrace Neighborhood Association for its service to the El Paso community.

HR 1847 (by Ordaz), Commending the Radford Hills Neighborhood Association for its service to the El Paso community.

HR 1848 (by Ordaz), Commending the Summerlin Neighborhood Association for its service to the El Paso community.

HR 1849 (by Ordaz), Commending the Mesquite Hills North Neighborhood Association for its service to the El Paso community.

HR 1850 (by Turner), Congratulating Pastor Kennedy Jones on his installation as president of the Arlington Branch of the NAACP.

HR 1851 (by Orr), Commending Nicholas Cooper for his service as a legislative aide in the office of State Representative Angelia Orr.

HR 1852 (by Harrison), Commemorating the 2023 Patriot Day BBQ Bash in Ennis.

HR 1853 (by Holland), Commemorating the 2023 Smoke Sessions BBQ Competition in Royse City.

HR 1854 (by Jetton), Congratulating Alex Hai Shi on graduating as salutatorian of the Tompkins High School Class of 2023.

HR 1855 (by Jetton), Congratulating Sanjana Perungulam on graduating as valedictorian of the Tompkins High School Class of 2023.

HR 1856 (by Jetton), Congratulating Minkyu Lim on graduating as salutatorian of the Taylor High School Class of 2023.

HR 1857 (by Jetton), Congratulating Melissa Deng Huang on graduating as valedictorian of the Taylor High School Class of 2023.

HR 1858 (by Jetton), Congratulating Aayushi Ajay Gandhi on graduating as salutatorian of the Seven Lakes High School Class of 2023.

HR 1859 (by Jetton), Congratulating Akash Joseph on graduating as valedictorian of the Seven Lakes High School Class of 2023.

HR 1860 (by Jetton), Congratulating Fatima Noor Shaikh on graduating as salutatorian of the Paetow High School Class of 2023.

HR 1861 (by Jetton), Congratulating Mohammad Mutaz Yaghi on graduating as valedictorian of the Paetow High School Class of 2023.

HR 1862 (by Jetton), Congratulating Alex Faith Heiliger on graduating as salutatorian of the Morton Ranch High School Class of 2023.

HR 1864 (by Jetton), Congratulating Logan John Pedersen on graduating as valedictorian of the Morton Ranch High School Class of 2023.

HR 1865 (by Jetton), Congratulating Jasmine Vishun Benau on graduating as salutatorian of the Mayde Creek High School Class of 2023.

HR 1866 (by Jetton), Congratulating Sodaïs Kader Ghulam on graduating as valedictorian of the Mayde Creek High School Class of 2023.

HR 1867 (by Jetton), Congratulating Rohan Bala Srinivas on graduating as salutatorian of the Katy High School Class of 2023.

HR 1868 (by Jetton), Congratulating Hudson Andrew Rhodes on graduating as valedictorian of the Katy High School Class of 2023.

HR 1869 (by Jetton), Congratulating Evan Jin on graduating as salutatorian of the Jordan High School Class of 2023.

HR 1870 (by Price), Commemorating Memorial Day 2023.

HR 1871 (by M. González), Congratulating Marissa Núñez on being named the 2022-2023 Teacher of the Year at Paso Del Norte Fine Arts Academy in the Socorro Independent School District.

HR 1872 (by M. González), Congratulating Tyronne J. Burns on being named the 2022-2023 Teacher of the Year at El Dorado High School in the Socorro Independent School District.

HR 1873 (by M. González), Congratulating Leticia Navarrette on being named the 2022-2023 Teacher of the Year at Sgt. Roberto Ituarte Elementary School in the Socorro Independent School District.

HR 1874 (by M. González), Congratulating Jennifer L. Peterson on being named the 2022-2023 Teacher of the Year at Spc. Rafael Hernando III Middle School in the Socorro Independent School District.

HR 1875 (by M. González), Congratulating Caitlyn Bowen on being named the 2022-2023 Teacher of the Year at Chester E. Jordan Elementary School in the Socorro Independent School District.

HR 1876 (by M. González), Congratulating Ashley Corona on being named the 2022-2023 Teacher of the Year at Hurshel Antwine Middle School in the Socorro Independent School District.

HR 1877 (by M. González), Congratulating Claudia Sustaita on being named the 2022-2023 Teacher of the Year at Purple Heart Elementary School in the Socorro Independent School District.

HR 1878 (by M. González), Congratulating Perla Zamora on being named the 2022-2023 Teacher of the Year at Ben Narbuth Elementary School in the Socorro Independent School District.

HR 1879 (by M. González), Congratulating Marisela Lopez on being named the 2022-2023 Teacher of the Year at Cactus Trails Elementary School in the Socorro Independent School District.

HR 1880 (by M. González), Congratulating Lori Ann Marie Tejeda on being named the 2022-2023 Teacher of the Year at Sgt. Jose F. Carrasco Elementary School in the Socorro Independent School District.

HR 1881 (by M. González), Congratulating Enrique Alberto Rey III on being named the 2022-2023 Teacher of the Year at Mission Ridge Elementary School in the Socorro Independent School District.

HR 1882 (by Jetton), Congratulating Piyush Ankush Hole on graduating as valedictorian of the Jordan High School Class of 2023.

HR 1883 (by Jetton), Congratulating Juliana Yili Zhou on graduating as salutatorian of the Cinco Ranch High School Class of 2023.

HR 1884 (by M. González), Congratulating Elsa M. Griego on being named the 2022-2023 Teacher of the Year at James P. Butler Elementary School in the Socorro Independent School District.

HR 1885 (by M. González), Congratulating Rosario Quiroga on being named the 2022-2023 Teacher of the Year at Dr. Sue A. Shook Elementary School in the Socorro Independent School District.

HR 1886 (by M. González), Congratulating JoAnne M. Rubio on being named the 2022-2023 Teacher of the Year at Desert Wind Elementary School in the Socorro Independent School District.

HR 1887 (by M. González), Congratulating Adriana Rodriguez on being named the 2022-2023 Teacher of the Year at John Drugan School in the Socorro Independent School District.

HR 1888 (by M. González), Congratulating Arleen Parada on being named the 2022-2023 Teacher of the Year at Lujan-Chavez Elementary School in the Socorro Independent School District.

HR 1889 (by M. González), Congratulating Mayté Marquez on being named the 2022-2023 Teacher of the Year at Escontrias STEAM Academy in the Socorro Independent School District.

HR 1890 (by M. González), Congratulating Brenda Ornelas on being named the 2022-2023 Teacher of the Year at Ernesto Serna School in the Socorro Independent School District.

HR 1891 (by Jetton), Congratulating Haley Lucy Saxman on graduating as valedictorian of the Cinco Ranch High School Class of 2023.

HR 1892 (by M. González), Congratulating Maria G. Fonseca on being named the 2022-2023 Teacher of the Year at Hueco Elementary School in the Socorro Independent School District.

HR 1893 (by M. González), Congratulating Vivian Sanchez on being named the 2022-2023 Teacher of the Year at Horizon Heights Elementary School in the Socorro Independent School District.

HR 1894 (by M. González), Congratulating Lizet Vasquez on being named the 2022-2023 Teacher of the Year at Campestre Elementary School in the Socorro Independent School District.

HR 1895 (by M. González), Congratulating Sara Nelly Arvizu on being named the 2022-2023 Teacher of the Year at Robert R. Rojas Elementary School in the Socorro Independent School District.

HR 1896 (by M. González), Congratulating Jazmin Gabriela Montanez on being named the 2022-2023 Teacher of the Year at H. D. Hilley Elementary School in the Socorro Independent School District.

HR 1897 (by Lujan), Congratulating Taylor Nunez of Randolph High School in Universal City on winning four gold medals at the 2023 UIL Track & Field State Meet.

HR 1898 (by M. González), Congratulating Phillip Chase on being named the 2022-2023 Teacher of the Year at SSG Manuel R. Puentes Middle School in the Socorro Independent School District.

HR 1899 (by Lujan), Congratulating Sophia Bendet of Randolph High School in Universal City on winning two gold medals and a bronze medal at the 2023 UIL Track & Field State Meet.

HR 1901 (by M. González), Congratulating Ulisses Montes on being named the 2022-2023 Teacher of the Year at Clint High School in the Clint Independent School District.

HR 1903 (by M. González), Congratulating J. M. Nohe on being named the 2022-2023 Teacher of the Year at Sun Ridge Middle School in the Socorro Independent School District.

HR 1904 (by Price and K. King), Congratulating Gruver Elementary School and Gruver Junior High School on being named 2022 National Blue Ribbon Schools.

HR 1905 (by M. González), Congratulating Veronica Parada on being named the 2022-2023 Teacher of the Year at Mountain View High School in the Clint Independent School District.

HR 1906 (by Price and K. King), Congratulating the Gruver High School girls' basketball team on winning the 2022 UIL 2A state championship.

HR 1907 (by M. González), Congratulating Melissa Contreras on being named the 2022-2023 Teacher of the Year at Horizon High School in the Clint Independent School District.

HR 1908 (by M. González), Congratulating Natasha Hernandez on being named the 2022-2023 Teacher of the Year at Early College Academy in the Clint Independent School District.

HR 1909 (by M. González), Congratulating Michael Franco on being named the 2022-2023 Teacher of the Year at Clint Junior High School in the Clint Independent School District.

HR 1910 (by M. González), Congratulating Melanie Tobias on being named the 2022-2023 Teacher of the Year at Salvador Sanchez Middle School in the Socorro Independent School District.

HR 1911 (by M. González), Congratulating David Lopez on being named the 2022-2023 Teacher of the Year at East Montana Middle School in the Clint Independent School District.

HR 1912 (by M. González), Congratulating Danielle Nichole Garcia on being named the 2022-2023 Teacher of the Year at Socorro Middle School in the Socorro Independent School District.

HR 1913 (by M. González), Congratulating Jerimiah Nelson on being named the 2022-2023 Teacher of the Year at Horizon Middle School in the Clint Independent School District.

HR 1914 (by M. González), Congratulating Bianca Gutierrez on being named the 2022-2023 Teacher of the Year at Col. John O. Ensor Middle School in the Socorro Independent School District.

HR 1915 (by M. González), Congratulating Jessica Gonzalez on being named the 2022-2023 Teacher of the Year at Desert Hills Elementary School in the Clint Independent School District.

HR 1916 (by M. González), Congratulating Bianca Sanchez on being named the 2022-2023 Teacher of the Year at Montana Vista Elementary School in the Clint Independent School District.

HR 1917 (by M. González), Congratulating Brandon Gamboa on being named the 2022-2023 Teacher of the Year at Carroll T. Welch Elementary School in the Clint Independent School District.

HR 1918 (by M. González), Congratulating Venessa Gutierrez on being named the 2022-2023 Teacher of the Year at W. M. David Surratt Elementary School in the Clint Independent School District.

HR 1919 (by M. González), Congratulating Eric J. William Jr. on being named the 2022-2023 Teacher of the Year at Pebble Hills High School in the Socorro Independent School District.

HR 1920 (by M. González), Congratulating Ernesto Lujan on being named the 2022-2023 Teacher of the Year at Ricardo Estrada Middle School in the Clint Independent School District.

HR 1921 (by M. González), Congratulating Cynthia Alvarado on being named the 2022-2023 Teacher of the Year at Frank Macias Elementary School in the Clint Independent School District.

HR 1922 (by M. González), Congratulating Diana Gomez Arredondo on being named the 2022-2023 Teacher of the Year at Eastlake High School in the Socorro Independent School District.

HR 1923 (by M. González), Congratulating Alfonso Vasquez Jr. on being named the 2022-2023 Teacher of the Year at Options High School in the Socorro Independent School District.

HR 1924 (by M. González), Congratulating Rosa Rodriguez on being named the 2022-2023 Teacher of the Year at Johanna O'Donnell Intermediate School in the Fabens Independent School District.

HR 1925 (by M. González), Congratulating Julieta Bañuelas on being named the 2022-2023 Teacher of the Year at Fabens High School in the Fabens Independent School District.

HR 1926 (by M. González), Congratulating Christina Dominguez on being named the 2022-2023 Teacher of the Year at Fabens Elementary School in the Fabens Independent School District.

HR 1927 (by M. González), Congratulating Antonio Castruita on being named the 2022-2023 Teacher of the Year at Mission Early College High School in the Socorro Independent School District.

HR 1928 (by M. González), Congratulating Laura Roa on being named the 2022-2023 Teacher of the Year at Tornillo Intermediate School in the Tornillo Independent School District.

HR 1929 (by M. González), Congratulating Jorge Silva on being named the 2022-2023 Teacher of the Year at Keys Academy in the Socorro Independent School District.

HR 1930 (by M. González), Congratulating Mabel N. Perales on being named the 2022-2023 Teacher of the Year at Socorro High School in the Socorro Independent School District.

HR 1931 (by M. González), Congratulating Cynthia Franco on being named the 2022-2023 Teacher of the Year at Fabens Middle School in the Fabens Independent School District.

HR 1932 (by M. González), Congratulating Maria Salcido on being named the 2022-2023 Teacher of the Year at Tornillo Elementary School in the Tornillo Independent School District.

HR 1933 (by M. González), Congratulating Adriana Gonzalez on being named the 2022-2023 Teacher of the Year at Tornillo High School in the Tornillo Independent School District.

HR 1934 (by M. González), Congratulating Aimee Granados on being named the 2022-2023 Teacher of the Year at Tornillo Junior High School in the Tornillo Independent School District.

HR 1935 (by M. González), Congratulating Jessica Gonzalez on being named the 2022-2023 Teacher of the Year at San Elizario High School in the San Elizario Independent School District.

HR 1936 (by M. González), Congratulating Myriam Sanchez on being named the 2022-2023 Teacher of the Year at Ann M. Garcia-Enriquez Middle School in the San Elizario Independent School District.

HR 1937 (by M. González), Congratulating Zoe Covernalli on being named the 2022-2023 Rookie Teacher of the Year at San Elizario High School in the San Elizario Independent School District.

HR 1938 (by M. González), Congratulating Nataly Ruiz on being named the 2022-2023 Rookie Teacher of the Year at Alfonso Borrego Sr. Elementary School in the San Elizario Independent School District.

HR 1939 (by M. González), Congratulating Jessica Maldonado on being named the 2022-2023 Teacher of the Year at L. G. Alarcon Elementary School in the San Elizario Independent School District.

HR 1940 (by M. González), Congratulating Krystal Mijarez on being named the 2022-2023 Teacher of the Year at Alfonso Borrego Sr. Elementary School in the San Elizario Independent School District.

HR 1941 (by M. González), Congratulating Isabel Rodriguez on being named the 2022-2023 Teacher of the Year at Lorenzo Loya Primary School in the San Elizario Independent School District.

HR 1942 (by M. González), Congratulating Diana Loya on being named the 2022-2023 Teacher of the Year at Josefa L. Sambrano Elementary School in the San Elizario Independent School District.

HR 1943 (by Price and K. King), Congratulating the Gruver High School girls' basketball team on advancing to the 2023 UIL 2A state championship game.

HR 1945 (by Price and K. King), Congratulating the Gruver High School girls' cross country team on winning the silver medal in the 2A competition at the 2022 UIL Cross Country State Championships.

HR 1947 (by Price), Congratulating the Bushland High School volleyball team on advancing to the 2022 UIL 3A state championship game.

HR 1948 (by Price), Congratulating Dalton Leven of Dumas High School on winning a state championship at the 2023 Texas High School Powerlifting Association Division 2 State Meet.

HR 1949 (by Price), Congratulating Sabien Perry of Dumas High School on winning a bronze medal at the 2023 Texas High School Powerlifting Association Division 2 State Meet.

HR 1950 (by Price), Congratulating the Panhandle High School girls' track team on winning the silver medal in the 2A team competition at the 2022 UIL Track & Field State Meet.

HR 1951 (by Price), Congratulating the Panhandle High School debate team for its performance in the 2022 UIL Cross-Examination Debate State Meet.

HR 1952 (by Price), Commending Panhandle High School students on their performance in the 2023 UIL 2A Cross-Examination Debate State Meet.

HR 1954 (by Price), Congratulating Victoria Vasquez of Palo Duro High School in Amarillo on winning a silver medal at the 2023 UIL Wrestling State Tournament.

HR 1955 (by Price), Congratulating Zurri Zamora of Tascosa High School in Amarillo on winning a silver medal at the 2023 UIL Wrestling State Tournament.

HR 1956 (by Price), Congratulating the boys' wrestling team from Tascosa High School in Amarillo on winning the 5A championship at the 2023 UIL Wrestling State Tournament.

HR 1957 (by Cunningham), Congratulating Collin Porter of Kingwood on achieving the rank of Eagle Scout.

HR 1958 (by Ortega), Commending the Mesa Hills Neighborhood Association for its service to the El Paso community.

HR 1959 (by Ortega), Commending the Buena Vista Neighborhood Association for its service to the El Paso community.

HR 1960 (by Ortega), Commending the Sierra Crest Homeowners Neighborhood Association for its service to the El Paso community.

HR 1961 (by Ortega), Commending the Kern Place Neighborhood Association for its service to the El Paso community.

HR 1962 (by Ortega), Commending the Rim Area Neighborhood Association for its service to the El Paso community.

HR 1963 (by Ortega), Commending the Lost Padre Mine Neighborhood Association for its service to the El Paso community.

HR 1964 (by Ortega), Commending the Golden Hills Neighborhood Association for its service to the El Paso community.

HR 1965 (by Ortega), Commending the Central El Paso Community Organization for its service to the El Paso community.

HR 1966 (by Ortega), Commending the El Paso High Neighborhood Improvement Association for its service to the El Paso community.

HR 1967 (by Ortega), Commending the Houston Park Neighborhood Association for its service to the El Paso community.

HR 1968 (by Ortega), Commending the Sunset Heights Neighborhood Improvement Association for its service to the El Paso community.

HR 1969 (by Ortega), Commending the Southside Neighborhood Association for its service to the El Paso community.

HR 1970 (by Ortega), Commending the Chihuahuita Neighborhood Association for its service to the El Paso community.

HR 1971 (by Ortega), Commending the Central Neighborhood Association for its service to the El Paso community.

HR 1972 (by Ortega), Commending the Chivas Town Neighborhood Association for its service to the El Paso community.

HR 1973 (by Ortega), Commending the Manhattan Heights Neighborhood Association for its service to the El Paso community.

HR 1974 (by Ortega), Commending the Five Points Neighborhood Association for its service to the El Paso community.

HR 1975 (by Ortega), Commending the Five Points Development Association for its service to the El Paso community.

HR 1976 (by Ortega), Commending the Texas Myrtle Business District Association for its service to the El Paso community.

HR 1977 (by Ortega), Commending the Familias Unidas del Chamizal neighborhood association for its service to the El Paso community.

HR 1978 (by Ortega), Commending the St. Francis Community Association for its service to the El Paso community.

HR 1979 (by Ortega), Commending the Lincoln Park Conservation Committee for its service to the El Paso community.

HR 1980 (by Ortega), Commending the Val Verde Neighborhood Association for its service to the El Paso community.

HR 1981 (by Ortega), Commending the Washington-Delta Neighborhood Association for its service to the El Paso community.

HR 1982 (by Ortega), Commending the San Juan Neighborhood Improvement Association for its service to the El Paso community.

HR 1983 (by Ortega), Commending the Corbin's/Sambrano Association for its service to the El Paso community.

HR 1984 (by Ortega), Commending the Stiles Garden Neighborhood Association for its service to the El Paso community.

HR 1985 (by Ortega), Commending the El Paso Lower Valley Association for its service to the El Paso community.

HR 1986 (by Ortega), Commending the Rosedale Neighborhood Association for its service to the El Paso community.

HR 1987 (by Ortega), Commending the Corridor 20 Civic Association for its service to the El Paso community.

HR 1988 (by Ortega), Commending the Mission Valley Civic Association for its service to the El Paso community.

HR 1989 (by Ortega), Commending the Sunnyfields Neighborhood Association for its service to the El Paso community.

HR 1990 (by Ortega), Commending the Thomas Manor Neighborhood Association for its service to the El Paso community.

HR 1991 (by Ortega), Commending the Playa Neighborhood Association for its service to the El Paso community.

HR 1992 (by Ortega), Commending the YTP Association for its service to the El Paso community.

HR 1993 (by Ortega), Commending the Save the Valley 21 neighborhood association for its service to the El Paso community.

HR 1994 (by Ortega), Commending the Santa Lucia Neighborhood Association for its service to the El Paso community.

HR 1995 (by Ortega), Commending the Yucca Neighborhood Association for its service to the El Paso community.

HR 1996 (by Ortega), Commending the Holmsley Trail Neighborhood Association for its service to the El Paso community.

HR 1997 (by Ortega), Commending the Lomaland Neighborhood Association for its service to the El Paso community.

HR 1998 (by Ortega), Commending the Pueblo Viejo Neighborhood Association for its service to the El Paso community.

HR 1999 (by Ortega), Commending the Penrose Neighborhood Association for its service to the El Paso community.

HR 2001 (by Herrero), Congratulating Jayden McCoy of Tuloso-Midway High School in Corpus Christi on winning a silver medal in the 4A long jump at the 2023 UIL Track & Field State Meet.

HR 2002 (by Ordaz), Honoring the El Paso Veterans & Riders Association for its service to the community.

HR 2004 was previously adopted.

HR 2005 (by E. Thompson), Commending Ellie Korth for her service as legislative director in the office of State Representative Ed Thompson during the 88th Legislature.

HR 2006 (by E. Thompson), Commending Henry Whitlock Davis for his service as an administrative and legislative research assistant in the office of State Representative Ed Thompson.

HR 2007 (by E. Thompson), Commending Cason Moorman for his service as a legislative intern in the office of State Representative Ed Thompson.

HR 2009 (by Zwiener), Honoring Kate Johnson of Kyle for her contributions to the preservation of Hays County history.

HR 2010 (by Lozano), Commemorating the 100th anniversary of the Rotary Club of Kingsville.

HR 2011 (by Lozano), Commemorating the 2023 Stars, Stripes, and Sizzle BBQ Cook-off.

HR 2013 (by Lozano), Congratulating Gtek Communications in Portland on its 20th anniversary.

HR 2015 (by M. González), Commending the Valle de las Misiones Neighborhood Association for its service to the El Paso community.

HR 2016 (by M. González), Commending the Paseo del Sol & Mesquite Trails Neighborhood Association for its service to the El Paso community.

HR 2017 (by M. González), Commending the Las Tierras Neighborhood Association for its service to the El Paso community.

HR 2018 (by M. González), Commending the Coyote Park Neighborhood Association for its service to the El Paso community.

HR 2019 (by M. González), Commending the Lomas del Este Neighborhood Association for its service to the El Paso community.

HR 2020 (by M. González), Commending the East Cave Neighborhood Association for its service to the El Paso community.

HR 2021 (by Gámez), Commemorating the 70th anniversary of Good Neighbor Settlement House.

HR 2022 (by Martinez Fischer), Commending Kent Ninomiya for his service as a legislative aide in the office of State Representative Trey Martinez Fischer.

HR 2023 (by Martinez Fischer), Commending Miguel Ignacio Ruiz for his service as a legislative aide in the office of State Representative Trey Martinez Fischer.

HR 2024 (by Martinez Fischer), Commending Diego López for his service as a legislative aide in the office of State Representative Trey Martinez Fischer.

HR 2025 (by C.J. Harris), Commending Nita Lamb for her longtime service to Anderson County.

HR 2028 (by C.J. Harris), Congratulating Captain Game Warden Mike Hanson Jr. on receiving a 30-year Service Award from the Texas Parks and Wildlife Department.

HR 2030 (by A. Johnson), Congratulating Brockman Hall for Opera at Rice University on being honored with a 2023 Landmark Award from the Houston Business Journal.

HR 2034 (by Kacal), Honoring Valley Spring United Methodist Church in Llano County on the 120th anniversary of the church's sanctuary.

HR 2037 (by A. Johnson), Honoring Nethupa Arachchi of Bellaire High School for completing five years of laboratory research at Rice University.

HR 2038 (by A. Johnson), Congratulating Bellaire High School on its receipt of the AP Computer Science Female Diversity Award from College Board.

HR 2039 (by Longoria), Recognizing David Melendez for his contributions to the Peñitas community as the owner of Custom Caskets and Containers.

HR 2041 (by Moody, M. González, Ortega, Ordaz, and E. Morales), Honoring Judge William Edward Moody for his service to the 34th Judicial District Court of Texas.

HR 2042 (by Price), Congratulating Ali Friemel of Groom High School on winning the silver medal in the 1A girls' singles event at the 2023 UIL Tennis State Tournament.

HR 2043 (by Price), Congratulating the Dumas High School boys' and girls' wrestling teams on their success during the 2022-2023 season.

HR 2044 (by Price), Congratulating Michael "Spanky" Stephens on his induction into the Kinesiology and Health Education Hall of Honor at The University of Texas at Austin.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

SCR 52 (Kuempel - House Sponsor), In memory of U.S. Air Force Lieutenant Colonel (Ret.) James D. Kniker.

HCR 114 (by Vasut), In memory of Arch Hartwell Aplin Jr.

HR 1679 (by Kacal, Ashby, Raney, and Harless), In memory of Fred Arthur Henson of Madisonville.

HR 1683 (by Vasut), In memory of Angela Kay Johnston of Lake Jackson.

HR 1704 (by Burrows), In memory of Randell Keith Resneder of Lubbock.

HR 1705 (by Burrows), In memory of Henry Wesley "Wes" Woodard of Meadow.

HR 1713 (by C. Morales), In memory of Mary Sanchez Almendarez of Houston.

HR 1717 (by Flores), In memory of Elna Ray Christopher of Austin.

HR 1721 (by Ordaz), In memory of Michelle Therese Adjemian of El Paso.

HR 1748 (by Bucy), In memory of Jessica Carol McKinley of Austin.

HR 1780 (by Geren), In memory of Robert Cole Grable of Fort Worth.

HR 1782 (by Geren), In memory of Victor Tinsley of Fort Worth.

HR 1863 (by Slawson), In memory of Robert Leroy Looney of Evant.

HR 1900 (by Lujan), In memory of Glenda Marie Lehnhoff of Universal City.

HR 1902 (by Price), In memory of Sam F. Cartwright Jr. of Dumas.

HR 1953 (by Meza), In memory of Herlinda Rangel Chacon of Uvalde.

HR 2000 (by Spiller), In memory of Albina Ann Mages Schmitz of Gainesville.

HR 2012 (by Lozano), In memory of Alberto "Beto" Maldonado of Kingsville.

HR 2026 (by C.J. Harris), In memory of Palestine City Council member Vickey Lynn Chivers.

HR 2027 (by C.J. Harris), In memory of Nikki Roquemore Calhoun of Palestine.

HR 2031 (by Cook), In memory of Kathleen Kennedy Mazanti.

HR 2032 (by Cook), In memory of Dr. Arnold J. Morris Jr. of Arlington.

HR 2033 (by Herrero), In memory of Gilberta P. "Bertha" Gonzalez of Corpus Christi.

HR 2035 (by Kacal), In memory of Ronald Anthony Maceo of Galveston.

HR 2036 (by Raney), In memory of Bryan Palmer.

HR 2046 (by K. Bell), In memory of Michael Don Warren of Flower Mound.

The resolutions were unanimously adopted by a rising vote.

(C.J. Harris in the chair)

HB 19 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Murr called up with senate amendments for consideration at this time,

HB 19, A bill to be entitled An Act relating to the creation of a specialty trial court to hear certain cases; authorizing fees.

Representative Murr moved to concur in the senate amendments to **HB 19**.

The motion to concur in the senate amendments to **HB 19** prevailed by (Record 2081): 86 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.(C); Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Nays — Anchía; Bhojani; Bowers; Bryant; Bucy; Cole; Collier; Dutton; Flores; Gámez; González, J.; González, M.; Goodwin; Guerra; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Wu; Zwiener.

Present, not voting — Mr. Speaker.

Absent, Excused — Bernal.

Absent — Campos; Davis; Garcia; Gervin-Hawkins; Herrero; Reynolds; VanDeaver; Walle.

STATEMENTS OF VOTE

When Record No. 2081 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2081 was taken, I was shown voting yes. I intended to vote no.

Cortez

When Record No. 2081 was taken, I was temporarily out of the house chamber. I would have voted no.

Gervin-Hawkins

Senate Committee Substitute

CSHB 19, A bill to be entitled An Act relating to the creation of a specialty trial court to hear certain cases; authorizing fees.

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

SECTION 1. Subtitle A, Title 2, Government Code, is amended by adding Chapter 25A to read as follows:

CHAPTER 25A. BUSINESS COURT

Sec. 25A.001. DEFINITIONS. In this chapter:

(1) "Controlling person" means a person who directly or indirectly controls a governing person, officer, or organization.

(2) "Derivative proceeding" means a civil action brought in the right of a domestic or foreign corporation, a domestic or foreign limited liability company, or a domestic or foreign limited partnership, to the extent provided by the Business Organizations Code.

(3) "Governing documents" means the instruments, documents, or agreements adopted under an organization's governing law to govern the organization's formation and internal affairs. The term includes:

(A) a certificate of formation, articles of incorporation, and articles of organization;

(B) bylaws;

(C) a partnership agreement;

(D) a company agreement or operating agreement;

(E) a shareholder agreement;

(F) a voting agreement or voting trust agreement; and

(G) an agreement among owners restricting the transfer of ownership interests.

(4) "Governing law" means the law governing the formation and internal affairs of an organization.

(5) "Governing person" means a person who is entitled, alone or as part of a group, to manage and direct an organization's affairs under the organization's governing documents and governing law. The term includes:

(A) a member of the board of directors of a corporation or other organization;

(B) a general partner of a general or limited partnership;

(C) a manager of a limited liability company that is managed by its managers;

(D) a member of a limited liability company that is managed by its members;

(E) a trust manager of a real estate investment trust; and

(F) a trustee of a business trust.

(6) "Governmental entity" means:

(A) this state; or

(B) a political subdivision of this state, including a municipality, a county, or any kind of district.

(7) "Internal affairs" means:

(A) the rights, powers, and duties of an organization's governing persons, officers, owners, and members; and

(B) matters relating to the organization's membership or ownership interests.

(8) "Managerial official" means a governing person or officer.

(9) "Officer" means a person elected, appointed, or designated as an officer of an organization by the organization's governing persons or governing documents.

(10) "Organization" means a foreign or domestic entity or association, regardless of whether the organization is for profit or nonprofit. The term includes:

(A) a corporation;

(B) a limited partnership;

(C) a general partnership;

(D) a limited liability partnership;

(E) a limited liability company;

(F) a business trust;

(G) a real estate investment trust;

(H) a joint venture;

(I) a joint stock company;

(J) a cooperative;

(K) a bank;

(L) a credit union;

(M) a savings and loan association;

(N) an insurance company; and

(O) a series of a limited liability company or of another entity.

(11) "Owner" means an owner of an organization. The term includes:

(A) a shareholder or stockholder of a corporation or other organization;

(B) a general or limited partner of a partnership or an assignee of a partnership interest in a partnership;

(C) a member of, or an assignee of a membership interest in, a limited liability company; and

(D) a member of a nonprofit organization.

(12) "Ownership interest" means an owner's interest in an organization, including an owner's economic, voting, and management rights.

(13) "Publicly traded company" means an entity whose voting equity securities are listed on a national securities exchange registered with the United States Securities and Exchange Commission under Section 6, Securities Exchange Act of 1934 (15 U.S.C. Section 78f) and any entity that is majority owned or controlled by such an entity.

(14) "Qualified transaction" means a transaction, other than a transaction involving a loan or an advance of money or credit by a bank, credit union, or savings and loan institution, under which a party:

(A) pays or receives, or is obligated to pay or is entitled to receive, consideration with an aggregate value of at least \$10 million; or

(B) lends, advances, borrows, receives, is obligated to lend or advance, or is entitled to borrow or receive money or credit with an aggregate value of at least \$10 million.

Sec. 25A.002. CREATION. The business court is a statutory court created under Section 1, Article V, Texas Constitution.

Sec. 25A.003. BUSINESS COURT JUDICIAL DISTRICT; DIVISIONS.
(a) The judicial district of the business court is composed of all counties in this state.

(b) The business court is composed of divisions as provided by this section.

(c) The First Business Court Division is composed of the counties composing the First Administrative Judicial Region under Section 74.042(b).

(d) The Second Business Court Division is composed of the counties composing the Second Administrative Judicial Region under Section 74.042(c), subject to funding through legislative appropriations. The division is abolished September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations.

(e) The Third Business Court Division is composed of the counties composing the Third Administrative Judicial Region under Section 74.042(d).

(f) The Fourth Business Court Division is composed of the counties composing the Fourth Administrative Judicial Region under Section 74.042(e).

(g) The Fifth Business Court Division is composed of the counties composing the Fifth Administrative Judicial Region under Section 74.042(f), subject to funding through legislative appropriations. The division is abolished on September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations.

(h) The Sixth Business Court Division is composed of the counties composing the Sixth Administrative Judicial Region under Section 74.042(g), subject to funding through legislative appropriations. The division is abolished on September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations.

(i) The Seventh Business Court Division is composed of the counties composing the Seventh Administrative Judicial Region under Section 74.042(h), subject to funding through legislative appropriations. The division is abolished on September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations.

(j) The Eighth Business Court Division is composed of the counties composing the Eighth Administrative Judicial Region under Section 74.042(i).

(k) The Ninth Business Court Division is composed of the counties composing the Ninth Administrative Judicial Region under Section 74.042(j), subject to funding through legislative appropriations. The division is abolished on September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations.

(l) The Tenth Business Court Division is composed of the counties composing the Tenth Administrative Judicial Region under Section 74.042(k), subject to funding through legislative appropriations. The division is abolished on September 1, 2026, unless reauthorized by the legislature and funded through additional legislative appropriations.

(m) The Eleventh Business Court Division is composed of the counties composing the Eleventh Administrative Judicial Region under Section 74.042(l).

(n) This subsection and Subsections (d), (g), (h), (i), (k), and (l) expire September 1, 2026.

Sec. 25A.004. JURISDICTION AND POWERS. (a) Subject to Subsections (b), (c), (d), (e), and (f), the business court has the powers provided to district courts by Chapter 24, including the power to:

(1) issue writs of injunction, mandamus, sequestration, attachment, garnishment, and supersedeas; and

(2) grant any relief that may be granted by a district court.

(b) Subject to Subsection (c), the business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$5 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:

(1) a derivative proceeding;

(2) an action regarding the governance, governing documents, or internal affairs of an organization;

(3) an action in which a claim under a state or federal securities or trade regulation law is asserted against:

(A) an organization;
(B) a controlling person or managerial official of an organization for an act or omission by the organization or by the person in the person's capacity as a controlling person or managerial official;
(C) an underwriter of securities issued by the organization; or
(D) the auditor of an organization;
(4) an action by an organization, or an owner of an organization, if the action:

(A) is brought against an owner, controlling person, or managerial official of the organization; and

(B) alleges an act or omission by the person in the person's capacity as an owner, controlling person, or managerial official of the organization;

(5) an action alleging that an owner, controlling person, or managerial official breached a duty owed to an organization or an owner of an organization by reason of the person's status as an owner, controlling person, or managerial official, including the breach of a duty of loyalty or good faith;

(6) an action seeking to hold an owner or governing person of an organization liable for an obligation of the organization, other than on account of a written contract signed by the person to be held liable in a capacity other than as an owner or governing person; and

(7) an action arising out of the Business Organizations Code.

(c) The business court has civil jurisdiction concurrent with district courts in an action described by Subsection (b) regardless of the amount in controversy if a party to the action is a publicly traded company.

(d) The business court has civil jurisdiction concurrent with district courts in the following actions in which the amount in controversy exceeds \$10 million, excluding interest, statutory damages, exemplary damages, penalties, attorney's fees, and court costs:

(1) an action arising out of a qualified transaction;

(2) an action that arises out of a contract or commercial transaction in which the parties to the contract or transaction agreed in the contract or a subsequent agreement that the business court has jurisdiction of the action, except an action that arises out of an insurance contract; and

(3) subject to Subsection (g), an action that arises out of a violation of the Finance Code or Business & Commerce Code by an organization or an officer or governing person acting on behalf of an organization other than a bank, credit union, or savings and loan association.

(e) The business court has civil jurisdiction concurrent with district courts in an action seeking injunctive relief or a declaratory judgment under Chapter 37, Civil Practice and Remedies Code, involving a dispute based on a claim within the court's jurisdiction under Subsection (b), (c), or (d).

(f) Except as provided by Subsection (h), the business court has supplemental jurisdiction over any other claim related to a case or controversy within the court's jurisdiction that forms part of the same case or controversy. A claim within the business court's supplemental jurisdiction may proceed in the

business court only on the agreement of all parties to the claim and a judge of the division of the court before which the action is pending. If the parties involved in a claim within the business court's supplemental jurisdiction do not agree on the claim proceeding in the business court, the claim may proceed in a court of original jurisdiction concurrently with any related claims proceeding in the business court.

(g) Unless the claim falls within the business court's supplemental jurisdiction, the business court does not have jurisdiction of:

(1) a civil action:

(A) brought by or against a governmental entity; or

(B) to foreclose on a lien on real or personal property;

(2) a claim arising out of:

(A) Subchapter E, Chapter 15, and Chapter 17, Business & Commerce Code;

(B) the Estates Code;

(C) the Family Code;

(D) the Insurance Code; or

(E) Chapter 53 and Title 9, Property Code;

(3) a claim arising out of the production or sale of a farm product, as that term is defined by Section 9.102, Business & Commerce Code;

(4) a claim related to a consumer transaction, as that term is defined by Section 601.001, Business & Commerce Code, to which a consumer in this state is a party, arising out of a violation of federal or state law; or

(5) a claim related to the duties and obligations under an insurance policy.

(h) The business court does not have jurisdiction of the following claims regardless of whether the claim is otherwise within the court's supplemental jurisdiction under Subsection (f):

(1) a claim arising under Chapter 74, Civil Practice and Remedies Code;

(2) a claim in which a party seeks recovery of monetary damages for bodily injury or death; or

(3) a claim of legal malpractice.

Sec. 25A.005. JUDICIAL AUTHORITY. A business court judge has all powers, duties, immunities, and privileges of a district judge.

Sec. 25A.006. INITIAL FILING; REMOVAL AND REMAND. (a) An action within the jurisdiction of the business court may be filed in the business court. The party filing the action must plead facts to establish venue in a county in a division of the business court, and the business court shall assign the action to that division. Venue may be established as provided by law or, if a written contract specifies a county as venue for the action, as provided by the contract.

(b) If the business court does not have jurisdiction of the action, the court shall, at the option of the party filing the action:

(1) transfer the action to a district court or county court at law in a county of proper venue; or

(2) dismiss the action without prejudice to the party's rights.

(c) If, after an action is assigned to a division of the business court, the court determines that the division's geographic territory does not include a county of proper venue for the action, the court shall:

(1) if an operating division of the court includes a county of proper venue, transfer the action to that division; or

(2) if there is not an operating division of the court that includes a county of proper venue, at the option of the party filing the action, transfer the action to a district court or county court at law in a county of proper venue.

(d) A party to an action filed in a district court or county court at law that is within the jurisdiction of the business court may remove the action to the business court. If the business court does not have jurisdiction of the action, the business court shall remand the action to the court in which the action was originally filed.

(e) A party to an action filed in a district court or county court at law in a county of proper venue that is not within an operating division of the business court or the judge of the court in which the action is filed may not remove the action to the business court.

(f) A party may file an agreed notice of removal at any time during the pendency of the action. If all parties to the action have not agreed to remove the action, the notice of removal must be filed:

(1) not later than the 30th day after the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action; or

(2) if an application for temporary injunction is pending on the date the party requesting removal of the action discovered, or reasonably should have discovered, facts establishing the business court's jurisdiction over the action, not later than the 30th day after the date the application is granted, denied, or denied as a matter of law.

(g) The notice of removal must be filed with the business court and the court in which the action was originally filed. On receipt of the notice, the clerk of the court in which the action was originally filed shall immediately transfer the action to the business court in accordance with rules adopted by the supreme court, and the business court clerk shall assign the action to the appropriate division of the business court.

(h) The filing of an action or a notice of removal in the business court is subject to Section 10.001, Civil Practice and Remedies Code.

(i) Removal of a case to the business court is not subject to the statutes or rules governing the due order of pleading.

(j) Removal of a case does not waive a defect in venue or constitute an appearance to determine personal jurisdiction.

(k) The judge of a court in which an action is filed may request the presiding judge for the court's administrative region to transfer the action to the business court if the action is within the business court's jurisdiction. The judge shall notify all parties of the transfer request and request a hearing on the transfer request. After a hearing on the request, the presiding judge may transfer the action to the business court if the presiding judge finds the transfer will facilitate

the fair and efficient administration of justice. The business court clerk shall assign an action transferred under this subsection to the appropriate division of the business court.

(l) The business court judge on establishment of jurisdiction and venue over an action shall by order declare the county in which any jury trial for the action will be held as determined under Section 25A.015.

Sec. 25A.007. APPEALS. (a) Notwithstanding any other law and except as provided by Subsection (b) and in instances when the supreme court has concurrent or exclusive jurisdiction, the Fifteenth Court of Appeals has exclusive jurisdiction over an appeal from an order or judgment of the business court or an original proceeding related to an action or order of the business court.

(b) If the Fifteenth Court of Appeals is not created, an appeal from an order or judgment of the business court or an original proceeding related to an action or order of the business court shall be filed in the court of appeals with appellate jurisdiction of civil cases for the county declared in an order under Section 25A.006(l).

(c) The procedure governing an appeal or original proceeding from the business court is the same as the procedure for an appeal or original proceeding from a district court.

Sec. 25A.008. QUALIFICATIONS OF JUDGE. (a) A business court judge must:

(1) be at least 35 years of age;

(2) be a United States citizen;

(3) have been a resident of a county within the division of the business court to which the judge is appointed for at least five years before appointment; and

(4) be a licensed attorney in this state who has 10 or more years of experience in:

(A) practicing complex civil business litigation;

(B) practicing business transaction law;

(C) serving as a judge of a court in this state with civil jurisdiction;

or

(D) any combination of experience described by Paragraphs

(A)-(C).

(b) A business court judge may not have had the judge's license to practice law revoked, suspended, or subject to a probated suspension.

Sec. 25A.009. APPOINTMENT OF JUDGES; TERM; PRESIDING JUDGE; EXCHANGE OF BENCHES. (a) The governor, with the advice and consent of the senate, shall appoint:

(1) two judges to each of the First, Third, Fourth, Eighth, and Eleventh Divisions of the business court; and

(2) one judge to each of the Second, Fifth, Sixth, Seventh, Ninth, and Tenth Divisions of the business court.

(b) A business court judge shall serve for a term of two years, beginning on September 1 of every even-numbered year.

(c) A business court judge may be reappointed.

(d) Not later than the seventh day after the first day of a term, the business court judges by majority vote shall select a judge of the court to serve as administrative presiding judge for the duration of the term. If a vacancy occurs in the position of administrative presiding judge, the remaining business court judges shall select a judge of the court to serve as administrative presiding judge for the remainder of the unexpired term as soon as practicable.

(e) A business court judge shall take the constitutional oath of office required of appointed officers of this state and file the oath with the secretary of state.

(f) To promote the orderly and efficient administration of justice, the business court judges may exchange benches and sit and act for each other in any matter pending before the court.

Sec. 25A.010. VACANCY. If a vacancy occurs in an office of a business court judge, the governor, with the advice and consent of the senate, shall appoint, in the same manner as the original appointment, another person to serve for the remainder of the unexpired term.

Sec. 25A.011. JUDGE'S SALARY. The salary of a business court judge is the amount provided by Section 659.012 and shall be paid in equal monthly installments.

Sec. 25A.012. REMOVAL; DISQUALIFICATION AND RECUSAL. (a) A business court judge may be removed from office in the same manner and for the same reasons as a district judge.

(b) A business court judge is disqualified and subject to mandatory recusal for the same reasons a district judge is subject to disqualification or recusal in a pending case. Disqualification or recusal of a business court judge shall be governed by the same procedure as disqualification or recusal of a district judge.

Sec. 25A.013. PRIVATE PRACTICE OF LAW. A business court judge shall diligently discharge the duties of the office on a full-time basis and may not engage in the private practice of law.

Sec. 25A.014. VISITING JUDGE. (a) A retired or former judge or justice who has the qualifications prescribed by Section 25A.008 may be assigned as a visiting judge of a division of the business court by the chief justice of the supreme court. A visiting judge of a division of the business court is subject to objection, disqualification, or recusal in the same manner as a retired or former judge or justice is subject to objection, disqualification, or recusal if appointed as a visiting district judge.

(b) Before accepting an assignment as a visiting judge of a division of the business court, a retired or former judge or justice shall take the constitutional oath of office required of appointed officers of this state and file the oath with the secretary of state.

Sec. 25A.015. JURY PRACTICE AND PROCEDURE; VENUE FOR JURY TRIAL. (a) A party in an action pending in the business court has the right to a trial by jury when required by the constitution.

(b) Subject to Subsection (d), a jury trial in a case filed initially in the business court shall be held in any county in which the case could have been filed under Section 15.002, Civil Practice and Remedies Code, as chosen by the plaintiff.

(c) Subject to Subsections (b) and (d), a jury trial in a case removed to the business court shall be held in the county in which the action was originally filed.

(d) A jury trial for a case in which a written contract specifies a county as venue for suits shall be held in that county.

(e) The parties and the business court judge may agree to hold the jury trial in any other county. A party may not be required to agree to hold the jury trial in a different county.

(f) The drawing of jury panels, selection of jurors, and other jury-related practice and procedure in the business court shall be the same as for the district court in the county in which the trial is held.

(g) Practice, procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials, hearings, and other business in the business court are governed by the laws and rules prescribed for district courts, unless otherwise provided by this chapter.

Sec. 25A.016. WRITTEN OPINIONS. The supreme court shall adopt rules for the issuance of written opinions by the business court.

Sec. 25A.017. COURT LOCATION; STAFFING. (a) In this section, "remote proceeding" means a proceeding before the business court in which one or more of the participants, including a judge, party, attorney, witness, court reporter, or other individual attends the proceeding remotely through the use of technology.

(b) The administrative presiding judge of the business court shall manage administrative and personnel matters on behalf of the court. The administrative presiding judge of the business court shall appoint a clerk, whose office shall be located in Travis County in facilities provided by this state. The clerk shall:

(1) accept all filings in the business court; and

(2) fulfill the legal and administrative functions of a district clerk.

(c) Each business court judge shall maintain chambers in the county the judge selects within the geographic boundaries of the division to which the judge is appointed in facilities provided by this state. For purposes of this section, the Office of Court Administration of the Texas Judicial System may contract for the use of facilities with a county.

(d) Subject to Section 25A.015, a business court judge may hold court at any courtroom within the geographic boundaries of the division to which the judge is appointed as the court determines necessary or convenient for a particular civil action. To the extent practicable, a county using existing courtrooms and facilities shall accommodate the business court in the conduct of the court's hearings and other proceedings.

(e) The business court may conduct a proceeding other than a jury trial as a remote proceeding to facilitate the resolution of a matter before the court. The business court may not require a party or attorney to remotely attend a court proceeding in which oral testimony is heard, absent the agreement of the parties.

(f) The business court shall conduct a remote proceeding from a courtroom or the facilities provided to a business court judge by this state.

(g) The business court shall provide reasonable notice to the public that a proceeding will be conducted remotely and an opportunity for the public to observe the remote proceeding.

(h) In a county in which a division of the business court sits, the sheriff shall in person or by deputy attend the business court as required by the court. The sheriff or deputy is entitled to reimbursement from this state for the cost of attending the business court.

(i) The business court may appoint personnel necessary for the operation of the court, including:

- (1) personnel to assist the clerk of the court;
- (2) staff attorneys for the court;
- (3) staff attorneys for each judge of the business court;
- (4) court coordinators; and
- (5) administrative assistants.

(j) The court officials shall perform the duties and responsibilities of their offices and are entitled to the compensation, fees, and allowances prescribed by law for the offices.

Sec. 25A.0171. REPORT. Not later than December 1 of each year, the Office of Court Administration of the Texas Judicial System shall submit to the legislature a report on the number and types of cases heard by the business court in the preceding year.

Sec. 25A.018. FEES. The supreme court shall set fees for filings and actions in the business court in amounts sufficient to cover the costs of administering this chapter, taking into account fee waivers necessary for the interest of justice.

Sec. 25A.019. SEAL. The seal of the business court is the same as that provided by law for a district court except that the seal must contain the name "The Business Court of Texas."

Sec. 25A.020. RULES. (a) The supreme court shall adopt rules of civil procedure as the court determines necessary, including rules providing for:

(1) the timely and efficient removal and remand of cases to and from the business court; and

(2) the assignment of cases to judges of the business court.

(b) The business court may adopt rules of practice and procedure consistent with the Texas Rules of Civil Procedure and the Texas Rules of Evidence.

SECTION 2. Sections 659.012(a) and (e), Government Code, are amended to read as follows:

(a) Notwithstanding Section 659.011 and subject to Subsections (b) and (b-1):

(1) a judge of a district court or a division of the business court is entitled to an annual base salary from the state as set by the General Appropriations Act in an amount equal to at least \$140,000, except that the combined base salary of a district judge or judge of a division of the business court from all state and county sources, including compensation for any

extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the maximum combined base salary from all state and county sources for a justice of a court of appeals other than a chief justice as determined under this subsection;

(2) a justice of a court of appeals other than the chief justice is entitled to an annual base salary from the state in the amount equal to 110 percent of the state base salary of a district judge as set by the General Appropriations Act, except that the combined base salary of a justice of the court of appeals other than the chief justice from all state and county sources, including compensation for any extrajudicial services performed on behalf of the county, may not exceed the amount that is \$5,000 less than the base salary for a justice of the supreme court as determined under this subsection;

(3) a justice of the supreme court other than the chief justice or a judge of the court of criminal appeals other than the presiding judge is entitled to an annual base salary from the state in the amount equal to 120 percent of the state base salary of a district judge as set by the General Appropriations Act; and

(4) the chief justice or presiding judge of an appellate court is entitled to an annual base salary from the state in the amount equal to \$2,500 more than the state base salary provided for the other justices or judges of the court, except that the combined base salary of the chief justice of a court of appeals from all state and county sources may not exceed the amount equal to \$2,500 less than the base salary for a justice of the supreme court as determined under this subsection.

(e) For the purpose of salary payments by the state, the comptroller shall determine from sworn statements filed by the justices of the courts of appeals, ~~[and] district judges, and business court judges~~ that the required salary limitations provided by Subsection (a) are maintained. If the state base salary for a judge or justice prescribed by Subsection (a) combined with additional compensation from a county would exceed the limitations provided by Subsection (a), the comptroller shall reduce the salary payment made by the state by the amount of the excess.

SECTION 3. Section 837.001(a), Government Code, is amended to read as follows:

(a) Membership ~~[Except as provided by Subsection (b), membership]~~ in the retirement system is limited to persons who have never been eligible for membership in the Judicial Retirement System of Texas or the Judicial Retirement System of Texas Plan One and who at any time on or after the effective date of this Act are judges, justices, or commissioners of:

- (1) the supreme court;
- (2) the court of criminal appeals;
- (3) a court of appeals;
- (4) the business court;
- (5) a district court; or
- (6) ~~(5)~~ a commission to a court specified in this subsection.

SECTION 4. (a) The Texas Supreme Court has exclusive and original jurisdiction over a challenge to the constitutionality of this Act or any part of this Act and may issue injunctive or declaratory relief in connection with the challenge.

(b) If the appointment of judges by the governor to the divisions of the business court under Section 25A.009, Government Code, as added by this Act, is held by the Texas Supreme Court as unconstitutional, the business court shall be staffed by retired or former judges or justices who are appointed to the court as provided by Section 25A.014, Government Code, as added by this Act.

SECTION 5. Except as otherwise provided by this Act, the business court is created September 1, 2024.

SECTION 6. (a) As soon as practicable after the effective date of this Act, the governor shall appoint judges to the First, Third, Fourth, Eighth, and Eleventh Business Court Divisions as required by Section 25A.009, Government Code, as added by this Act.

(b) On or before September 1, 2026, but not before July 1, 2026, the governor shall appoint judges to the Second, Fifth, Sixth, Seventh, Ninth, and Tenth Business Court Divisions as required by Section 25A.009, Government Code, as added by this Act.

SECTION 7. (a) Notwithstanding Chapter 25A, Government Code, as added by this Act, the business court is not created unless the legislature makes a specific appropriation of money for that purpose. For purposes of this subsection, a specific appropriation is an appropriation identifying the business court or an Act of the 88th Legislature, Regular Session, 2023, relating to the creation of a specialty trial court to hear certain cases or of the business court.

(b) Notwithstanding Section 25A.007(a), Government Code, as added by this Act, a court of appeals retains the jurisdiction the court had on August 31, 2024, if the business court is not created as a result of Subsection (a) of this section.

SECTION 8. The changes in law made by this Act apply to civil actions commenced on or after September 1, 2024.

SECTION 9. This Act takes effect September 1, 2023.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 19** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 25A.017(j), Government Code (page 9, line 7), strike "The" and substitute "Subject to Subsection (k), the".

(2) In SECTION 1 of the bill, in added Section 25A.017, Government Code (page 9, between lines 10 and 11), insert the following:

(k) All personnel, including the business court clerk, appointed under this section are employees of the Office of Court Administration of the Texas Judicial System and are state employees for all purposes, including accrual of leave time, insurance benefits, retirement benefits, and travel regulations.

(3) In SECTION 1 of the bill, strike added Section 25A.0171, Government Code (page 9, lines 11 through 14), and substitute the following appropriately numbered section in and renumber subsequent sections of added Chapter 25A, Government Code, accordingly:

Sec. 25A. . ADMINISTRATIVE ATTACHMENT TO OFFICE OF COURT ADMINISTRATION; REPORT. (a) The business court is administratively attached to the Office of Court Administration of the Texas Judicial System.

(b) The Office of Court Administration of the Texas Judicial System shall provide administrative support to the business court as necessary to enable the business court to carry out its duties under this chapter.

(c) The Office of Court Administration of the Texas Judicial System may employ personnel necessary to provide administrative support to the business court under this chapter.

(d) Only the business court may exercise the duties of the business court under this chapter. Except as otherwise provided by this chapter, the Office of Court Administration of the Texas Judicial System does not have any authority or responsibility related to the duties of the business court under this chapter.

(e) Not later than December 1 of each year, the Office of Court Administration of the Texas Judicial System shall submit to the legislature a report on the number and types of cases heard by the business court in the preceding year.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 19** (senate committee report) in SECTION 1 of the bill, in added Section 25A.006(e), Government Code (page 5, line 69), between "may not remove" and "the action", by inserting "or transfer".

HB 2555 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Metcalf called up with senate amendments for consideration at this time,

HB 2555, A bill to be entitled An Act relating to transmission and distribution system resiliency planning by and cost recovery for electric utilities.

Representative Metcalf moved to concur in the senate amendments to **HB 2555**.

The motion to concur in the senate amendments to **HB 2555** prevailed by (Record 2082): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Gerdes; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado;

Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Flores; Gates; Meza; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Bernal.

Absent — Campos; Garcia; Gervin-Hawkins; Herrero; Longoria.

STATEMENTS OF VOTE

When Record No. 2082 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2082 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 2082 was taken, I was shown voting yes. I intended to vote no.

Harrison

When Record No. 2082 was taken, I was shown voting no. I intended to vote yes.

Toth

Senate Committee Substitute

CSHB 2555, A bill to be entitled An Act relating to transmission and distribution system resiliency planning by and cost recovery for electric utilities.

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

SECTION 1. The legislature finds that:

(1) extreme weather conditions, including high winds, lightning, flooding, and freezes, can cause extraordinary damage to electrical transmission and distribution facilities, resulting in power outages;

(2) it is in the state's interest to promote the use of resiliency measures to enable electrical transmission and distribution infrastructure to withstand extreme weather conditions, including hardening electrical transmission and distribution facilities, undergrounding certain electrical distribution lines, lightning mitigation measures, flood mitigation measures, information technology, cybersecurity measures, physical security measures, vegetation management, and wildfire mitigation and response;

(3) protecting electrical transmission and distribution infrastructure from extreme weather conditions can effectively reduce system restoration costs to and outage times for customers and improve system resiliency and overall service reliability for customers;

(4) it is in the state's interest for each electric utility to seek to mitigate system restoration costs to and outage times for customers when developing plans to enhance electrical transmission and distribution infrastructure storm resiliency; and

(5) all customers benefit from reduced system restoration costs.

SECTION 2. Subchapter D, Chapter 38, Utilities Code, is amended by adding Section 38.078 to read as follows:

Sec. 38.078. TRANSMISSION AND DISTRIBUTION SYSTEM RESILIENCY PLAN AND COST RECOVERY. (a) In this section, "plan" means a transmission and distribution system resiliency plan described by Subsection (b).

(b) An electric utility may file, in a manner authorized by commission rule, a plan to enhance the resiliency of the utility's transmission and distribution system through at least one of the following methods:

- (1) hardening electrical transmission and distribution facilities;
- (2) modernizing electrical transmission and distribution facilities;
- (3) undergrounding certain electrical distribution lines;
- (4) lightning mitigation measures;
- (5) flood mitigation measures;
- (6) information technology;
- (7) cybersecurity measures;
- (8) physical security measures;
- (9) vegetation management; or
- (10) wildfire mitigation and response.

(c) A plan must explain the systematic approach the electric utility will use to carry out the plan during at least a three-year period.

(d) In determining whether to approve a plan filed under this section, the commission shall consider:

- (1) the extent to which the plan is expected to enhance system resiliency, including whether the plan prioritizes areas of lower performance; and
- (2) the estimated costs of implementing the measures proposed in the plan.

(e) The commission shall issue an order to approve, modify, or deny a plan filed under Subsection (b) and any associated rider described by Subsection (i) not later than the 180th day after the plan is filed with the commission. The commission may approve a plan only if the commission determines that approving the plan is necessary for the service, accommodation, convenience, or safety of the public.

(f) For a plan approved by the commission, with or without modification, an electric utility may request a good cause exception on implementing all or some of the measures in the plan if operational needs, business needs, financial conditions, or supply chain or labor conditions dictate the exception. The

commission's denial of a plan is not considered to be a finding of the prudence or imprudence of a measure or cost in the plan for the purposes of Chapter 36 or this chapter.

(g) An electric utility for which the commission has approved a plan under this section may request that the commission review an updated plan submitted by the electric utility. The updated plan must comply with any applicable commission rules and take effect on a date that is not earlier than the third anniversary of the approval date of the utility's most recently approved plan. The commission shall review and approve, modify, or deny the updated plan in the manner provided by Subsections (d), (e), and (f).

(h) An electric utility's implementation of a plan approved under this section may be reviewed for the purposes of Chapter 36 or this chapter. If the commission determines that the costs to implement an approved plan were imprudently incurred or otherwise unreasonable, those costs are subject to disallowance.

(i) Notwithstanding any other law, an electric utility may file with a plan an application for a rider to recover the electric utility's distribution investment that is made to implement a plan and is used and useful to the electric utility in providing service to the public. The electric utility may file the application before the electric utility places into service the distribution investment to implement an approved plan. The commission may approve the rider application before the electric utility places into service the distribution investment to implement an approved plan. An approved rider may take effect only on the date that the distribution investment begins providing service to the public. If the commission approves or modifies the plan, the commission shall determine the appropriate terms of the rider in the approval order. The commission shall adopt a procedure for reconciliation of an electric utility's distribution-related expenses to implement an approved plan.

(j) As part of a review described by Subsection (g), the commission shall reconcile the rider authorized under Subsection (i) to determine the electric utility's reasonably and prudently incurred plan costs.

(k) If an electric utility that files a plan with the commission does not apply for a rider under Subsection (i), after commission review, the utility may defer all or a portion of the distribution-related costs relating to the implementation of the plan for future recovery as a regulatory asset, including depreciation expense and carrying costs at the utility's weighted average cost of capital established in the commission's final order in the utility's most recent base rate proceeding in a manner consistent with Chapter 36, and use commission authorized cost recovery alternatives under Sections 36.209 and 36.210 or another general rate proceeding.

(l) Plan costs considered by the commission to be reasonable and prudent may include only incremental costs that are not already being recovered through the electric utility's base rates or any other rate rider and must be allocated to customer classes pursuant to the rate design most recently approved by the commission.

SECTION 3. The Public Utility Commission of Texas shall adopt rules to implement Section 38.078, Utilities Code, as added by this Act, not later than the 180th day after the effective date of this Act.

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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 2555** (senate committee printing) in SECTION 2 of the bill as follows:

(1) In added Section 38.078(e), Utilities Code (page 2, lines 30-31), strike "necessary for the service, accommodation, convenience, or safety of the public" and substitute "in the public interest".

(2) In added Section 38.078(i), Utilities Code (page 2, lines 63-64), strike "An approved rider may take effect only on the date that the distribution investment begins providing service to the public." and substitute "The commission may not approve a rider that would allow an electric utility to begin recovering the distribution investment before the utility begins to use the investment to provide service to the public.".

(3) In added Section 38.078(i), Utilities Code (page 2, line 68), strike "expenses" and substitute "costs".

COMMITTEE MEETING ANNOUNCEMENT

At 3:33 p.m., the following committee meeting was announced:

General Investigating, 3:45 p.m. today, E2.010, for a formal meeting, to consider pending, referred, and committee business.

HB 1558 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative A. Johnson called up with senate amendments for consideration at this time,

HB 1558, A bill to be entitled An Act relating to the extension or amendment of deed restrictions in certain older subdivisions.

Representative A. Johnson moved to concur in the senate amendments to **HB 1558**.

The motion to concur in the senate amendments to **HB 1558** prevailed by (Record 2083): 118 Yeas, 20 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burrows; Button; Canales; Capriglione; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gerdes; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez,

J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Shine; Smith; Spiller; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Burns; Cain; Clardy; Cook; Dean; Gates; Harris, C.E.; Harrison; Hayes; Isaac; Leo-Wilson; Metcalf; Patterson; Schaefer; Shaheen; Slawson; Stucky; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Bernal.

Absent — Bell, C.; Campos; Garcia; Gervin-Hawkins; Herrero; Jetton; Sherman; Smithee.

STATEMENTS OF VOTE

When Record No. 2083 was taken, I was in the house but away from my desk. I would have voted yes.

C. Bell

When Record No. 2083 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2083 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 2083 was taken, I was in the house but away from my desk. I would have voted yes.

Jetton

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1558** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 216.001, Property Code, immediately following added Subdivision (7) of that section (page 1, between lines 57 and 58), add the following appropriately numbered subdivision to the section:

() "University" means an institution of higher education or a private or independent institution of higher education, as those terms are defined by Section 61.003, Education Code. The term includes a university's affiliate entity, including an endowment instrument, and a unit, division, institution, or agency established to operate as a component part of a university.

(2) In added Section 216.003(a)(2)(A), Property Code (page 2, line 25), between "(A)" and "did", insert "for at least one section of the subdivision,".

(3) In added Section 216.003(a)(2)(C), Property Code, between "(C)" and "could" (page 2, line 29), insert "under the common law of this state".

(4) In added Section 216.003(a)(2)(C)(ii), Property Code (page 2, line 33), immediately following the underlined semicolon, strike "or" and substitute "and".

(5) In added Section 216.003, Property Code (page 2, lines 44-48), strike added Subsection (d) and substitute the following:

(d) This chapter does not apply to:

(1) a residential subdivision described by Section 209.0041(b);

(2) a condominium, as defined by Section 81.002 or 82.003;

(3) any portion of a residential subdivision in which restrictions are no longer enforceable due to nonresidential use; or

(4) property that is owned by a university that was owned by the university on the effective date of this chapter.

(6) In added Section 216.007(a), Property Code (page 3, line 22), between "lots" and the underlined period, insert ", but not including any parcels or tracts excluded from applicability of this chapter under Section 216.003(d)".

(7) In added Section 216.007(b), Property Code (page 3, lines 24 through 25), strike ", including any annex," and substitute "other than property excluded from applicability of this chapter under Section 216.003(d)".

LEAVES OF ABSENCE GRANTED

Pursuant to a previous motion, the following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on General Investigating:

Murr on motion of Metcalf.

A. Johnson on motion of Metcalf.

Geren on motion of Metcalf.

Longoria on motion of Metcalf.

Spiller on motion of Metcalf.

HB 1710 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Canales called up with senate amendments for consideration at this time,

HB 1710, A bill to be entitled An Act relating to notice provided to a court regarding a defendant confined in a state jail felony facility.

Representative Canales moved to concur in the senate amendments to **HB 1710**.

The motion to concur in the senate amendments to **HB 1710** prevailed by (Record 2084): 133 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gerdes; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel;

Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Gates; Slawson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Bernal.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Campos; Garcia; Gervin-Hawkins; Herrero; Sherman.

STATEMENTS OF VOTE

When Record No. 2084 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2084 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 2084 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

CSHB 1710, A bill to be entitled An Act relating to notice provided to a court regarding a defendant confined in a state jail felony facility.

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

SECTION 1. Article 42A.558, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) On request of the judge, the Texas Department of Criminal Justice shall, not later than the 60th day after the date the defendant is received into the custody of a state jail felony facility, notify the judge of the date on which the defendant will have served 75 days in the facility. The notice must be provided by e-mail or other electronic communication.

(b-2) For purposes of Subsection (b-1), the judge may submit a single request to the Texas Department of Criminal Justice with respect to all applicable defendants sentenced in the judge's court.

SECTION 2. The change in law made by this Act to Article 42A.558, Code of Criminal Procedure, applies only to a defendant who receives a sentence of confinement in a state jail felony facility on or after the effective date of this Act. A defendant who receives a sentence of confinement in a state jail felony facility before the effective date of this Act is governed by the law in effect at the time of sentencing, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2024.

HB 409 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Collier called up with senate amendments for consideration at this time,

HB 409, A bill to be entitled An Act relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.

Representative Collier moved to concur in the senate amendments to **HB 409**.

The motion to concur in the senate amendments to **HB 409** prevailed by (Record 2085): 125 Yeas, 11 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bumgarner; Cain; Gates; Harrison; Hefner; Isaac; Metcalf; Patterson; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Bernal.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Campos; Garcia; Herrero; King, T.; Sherman.

STATEMENTS OF VOTE

When Record No. 2085 was taken, my vote failed to register. I would have voted yes.

Campos

When Record No. 2085 was taken, I was shown voting yes. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 409, A bill to be entitled An Act relating to the governance and administration of the Texas Indigent Defense Commission and to certain disclosures made in relation to the provision of funding for indigent defense services.

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

SECTION 1. Sections 79.014(a) and (b), Government Code, are amended to read as follows:

(a) The governor shall appoint with the advice and consent of the senate seven ~~five~~ members of the board as follows:

(1) one member who is a district judge serving as a presiding judge of an administrative judicial region;

(2) one member who is a judge of a constitutional county court or who is a county commissioner;

(3) one member who is a practicing criminal defense attorney;

(4) one member who is a chief public defender in this state ~~[or the chief public defender's designee, who must be an attorney employed by the public defender's office]; [and]~~

(5) one member who is a judge of a constitutional county court or who is a county commissioner of a county with a population of 250,000 or more;

(6) one member who is either:

(A) a director of a managed assigned counsel program in this state;

or

(B) a person who has a demonstrated expertise in indigent defense issues; and

(7) one member who is a justice of the peace, municipal court judge, or appointed magistrate under Article 2.09, Code of Criminal Procedure, whose regular duties include presiding over hearings under Article 15.17, Code of Criminal Procedure.

(b) The board members serve staggered terms of two years, with three ~~two~~ members' terms expiring February 1 of each odd-numbered year and four ~~three~~ members' terms expiring February 1 of each even-numbered year.

SECTION 2. Sections 79.016(a) and (c), Government Code, are amended to read as follows:

(a) A board member who is a chief public defender or a director of a managed assigned counsel program for ~~[or an attorney employed by]~~ an entity that applies for funds under Section 79.037 shall disclose that fact before a vote by the board regarding an award of funds to that entity and may not participate in that vote.

(c) The commission may not award funds under Section 79.037 to an entity served by a chief public defender or a director of a managed assigned counsel program ~~[other attorney]~~ who fails to make a disclosure to the board as required by Subsection (a).

SECTION 3. This Act takes effect September 1, 2023.

HB 527 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Wu called up with senate amendments for consideration at this time,

HB 527, A bill to be entitled An Act relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.

Representative Wu moved to concur in the senate amendments to **HB 527**.

The motion to concur in the senate amendments to **HB 527** prevailed by (Record 2086): 109 Yeas, 27 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Clardy; Cole; Collier; Cook; Cortez; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frazier; Gámez; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Shine; Smith; Smithee; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Canales; Capriglione; Craddick; Dorazio; Frank; Gates; Gerdes; Harrison; Hayes; Hefner; Hull; Isaac; Klick; Metcalf; Noble; Patterson; Price; Schaefer; Shaheen; Slawson; Swanson; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Bernal.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Campos; Garcia; Herrero; Manuel; Sherman.

STATEMENTS OF VOTE

When Record No. 2086 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2086 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 2086 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 2086 was taken, I was in the house but away from my desk. I would have voted yes.

Manuel

Senate Committee Substitute

CSHB 527, A bill to be entitled An Act relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.

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

SECTION 1. Section 27.010(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) an enforcement action that is brought in the name of this state or a political subdivision of this state by the attorney general, a district attorney, a criminal district attorney, or a county attorney;

(2) a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product, insurance services, or a commercial transaction in which the intended audience is an actual or potential buyer or customer;

(3) a legal action seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action;

(4) a legal action brought under the Insurance Code or arising out of an insurance contract;

(5) a legal action arising from an officer-director, employee-employer, or independent contractor relationship that:

(A) seeks recovery for misappropriation of trade secrets or corporate opportunities; or

(B) seeks to enforce a non-disparagement agreement or a covenant not to compete;

(6) a legal action filed under Title 1, 2, 4, or 5, Family Code, or an application for a protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure;

(7) a legal action brought under Chapter 17, Business & Commerce Code, other than an action governed by Section 17.49(a) of that chapter;

(8) a legal action in which a moving party raises a defense pursuant to Section 160.010, Occupations Code, Section 161.033, Health and Safety Code, or the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.);

(9) an eviction suit brought under Chapter 24, Property Code;

(10) a disciplinary action or disciplinary proceeding brought under Chapter 81, Government Code, or the Texas Rules of Disciplinary Procedure;

(11) a legal action brought under Chapter 554, Government Code; ~~or~~

(12) a legal action based on a common law fraud claim; or

(13) a legal malpractice claim brought by a client or former client.

SECTION 2. Section 27.010(a), Civil Practice and Remedies Code, as amended by this Act, applies only to an action commenced on or after the effective date of this Act. An action commenced before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2023.

HB 3372 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Thimesch called up with senate amendments for consideration at this time,

HB 3372, A bill to be entitled An Act relating to the reporting of political contributions, including in-kind contributions, and expenditures made using a credit card.

Representative Thimesch moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3372**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3372**: Thimesch, chair; Capriglione, Goldman, E. Morales, and Slawson.

HB 1181 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Shaheen called up with senate amendments for consideration at this time,

HB 1181, A bill to be entitled An Act relating to restricting access to sexual material harmful to minors on an Internet website; providing a civil penalty.

Representative Shaheen moved to concur in the senate amendments to **HB 1181**.

The motion to concur in the senate amendments to **HB 1181** prevailed by (Record 2087): 133 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchía; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wu; Zwiener.

Nays — Flores.

Present, not voting — Mr. Speaker; Harris, C.J.(C).

Absent, Excused — Bernal.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Campos; Garcia; Herrero; Jones, V.; Manuel; Sherman; Wilson.

STATEMENTS OF VOTE

When Record No. 2087 was taken, my vote failed to register. I would have voted yes.

Campos

When Record No. 2087 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 2087 was taken, I was in the house but away from my desk. I would have voted yes.

V. Jones

When Record No. 2087 was taken, I was in the house but away from my desk. I would have voted yes.

Manuel

Senate Committee Substitute

CSHB 1181, A bill to be entitled An Act relating to access to sexually explicit material on the Internet or electronic devices; providing civil penalties.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 121 to read as follows:

CHAPTER 121. ELECTRONIC DEVICE FILTERS

SUBCHAPTER A. ELECTRONIC DEVICE FILTER REQUIREMENTS

Sec. 121.001. DEFINITIONS. In this chapter:

(1) "Activate" means the process of powering on an electronic device and associating the device with a new user account.

(2) "Electronic device" means a device with a screen that is capable of connecting to a cellular network or the Internet.

(3) "Explicit material" means visual material that:

(A) the average person applying contemporary community standards would find, taking the material as a whole, is intended to appeal to a prurient interest;

(B) depicts, regardless of whether the depiction is actual, simulated, or animated, in a patently offensive way:

(i) sexual intercourse, bestiality, masturbation, sodomy, oral copulation, flagellation, or excretory functions or actions;

(ii) the striking, manipulating, or touching of a person's nipple, breast, buttock, anus, or genitals;

(iii) the use of devices, tools, instruments, structures, or other items in relation to the performance of any of the acts listed in Subparagraph (i) or (ii); or

(iv) sadomasochistic abuse or lewd exhibition of a person's genitals, anus, pubic hair, or nipple; and

(C) taken as a whole, lacks serious literary, artistic, political, religious, or scientific value.

(4) "Filter" means software installed on an electronic device that, at the time a user activates the device, meets or exceeds industry standards and employs the manufacturer's most advanced, market-ready technology for preventing the device from accessing, downloading, or displaying explicit material using:

(A) a mobile data network;

(B) an Internet network, including wireless Internet; or

(C) a software application owned and controlled by the device's manufacturer.

(5) "Manufacturer" means a person who:

(A) is engaged in the business of manufacturing electronic devices or holds a patent for an electronic device; and

(B) maintains a registered agent under Section 5.201, Business Organizations Code.

(6) "Minor" means an individual younger than 18 years of age who:

(A) has never been married; and

(B) has not had the disabilities of minority removed for general purposes.

(7) "Simulated" has the meaning assigned by Section 21.16, Penal Code.

(8) "Visual material" means any film, photograph, videotape, negative, or slide or any photographic reproduction that contains or incorporates any film, photograph, videotape, negative, or slide.

Sec. 121.002. APPLICABILITY. This chapter does not apply to a telecommunications provider who activates an electronic device on behalf of a user.

Sec. 121.003. ELECTRONIC DEVICE FILTER REQUIRED. (a) A manufacturer shall ensure that an electronic device activated in this state will, on activation, automatically enable a filter and notify the user of the device when the filter prevents the device from accessing, downloading, or displaying explicit material.

(b) An electronic device must:

(1) allow the user of the device or a minor user's parent or guardian to circumvent the filter required under Subsection (a) by entering a password or access code; and

(2) reasonably prevent a user of the device from circumventing, modifying, removing, or uninstalling the filter without entering a password or access code.

Sec. 121.004. VIOLATION. (a) A manufacturer violates this chapter if the manufacturer releases into the market an electronic device that, when activated in this state, does not automatically enable a filter under Section 121.003 because the device lacks the necessary software or is defective.

(b) Notwithstanding Subsection (a), a manufacturer does not violate this chapter if the manufacturer makes a good faith effort to provide an electronic device that automatically enables a filter under Section 121.003.

SUBCHAPTER B. ENFORCEMENT

Sec. 121.051. CIVIL PENALTY; INJUNCTION. (a) A manufacturer who knowingly violates Section 121.004(a) is liable to this state for a civil penalty in an amount not to exceed the lesser of:

(1) \$10,000 for each violation; or

(2) \$50 million.

(b) A manufacturer who negligently violates Section 121.004(a) is liable to this state for a civil penalty in an amount not to exceed the lesser of:

(1) \$1,000 for each violation; or

(2) \$5 million.

(c) The attorney general may bring an action in the name of the state to obtain an injunction preventing further violations of this chapter by a manufacturer or to recover a civil penalty under this section. The prevailing party shall recover reasonable and necessary attorney's fees and costs incurred in an action brought under this section.

(d) The action may be brought in a district court in:

(1) Travis County; or

(2) the county in which the defendant's principal place of business is located.

(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.

SECTION 2. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 129B to read as follows:

CHAPTER 129B. LIABILITY FOR ALLOWING MINORS TO ACCESS
PORNOGRAPHIC MATERIAL

Sec. 129B.001. DEFINITIONS. In this chapter:

(1) "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.

(2) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3) "Minor" means an individual younger than 18 years of age.

(4) "News-gathering organization" includes:

(A) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the course and scope of that employment and can provide documentation of that employment with the newspaper, news publication, or news source; and

(B) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service who is acting within the course and scope of that employment and can provide documentation of that employment.

(5) "Publish" means to communicate or make information available to another person or entity on a publicly available Internet website.

(6) "Sexual material harmful to minors" includes any material that:

(A) the average person applying contemporary community standards would find, taking the material as a whole and with respect to minors, is designed to appeal to or pander to the prurient interest;

(B) in a manner patently offensive with respect to minors, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:

(i) a person's pubic hair, anus, or genitals or the nipple of the female breast;

(ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(7) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education, and employment entities.

Sec. 129B.002. PUBLICATION OF MATERIAL HARMFUL TO MINORS. (a) A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website, including a social media platform, more than one-third of which is sexual material harmful to minors, shall use reasonable age verification methods as described by Section 129B.003 to verify that an individual attempting to access the material is 18 years of age or older.

(b) A commercial entity that performs the age verification required by Subsection (a) or a third party that performs the age verification required by Subsection (a) may not retain any identifying information of the individual.

Sec. 129B.003. REASONABLE AGE VERIFICATION METHODS. (a) In this section, "digital identification" means information stored on a digital network that may be accessed by a commercial entity and that serves as proof of the identity of an individual.

(b) A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website or a third party that performs age verification under this chapter shall require an individual to:

(1) provide digital identification; or

(2) comply with a commercial age verification system that verifies age using:

(A) government-issued identification; or

(B) a commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

Sec. 129B.004. APPLICABILITY OF CHAPTER. (a) This chapter does not apply to a bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of a news-gathering organization.

(b) An Internet service provider, or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated this chapter solely for providing access or connection to or from a website or other information or content on the Internet or on a facility, system, or network not under that provider's control, including transmission, downloading, intermediate storage, access software, or other services to the extent the provider or search engine is not responsible for the creation of the content that constitutes sexual material harmful to minors.

Sec. 129B.005. CIVIL PENALTY; INJUNCTION. (a) If the attorney general believes that an entity is knowingly violating or has knowingly violated this chapter and the action is in the public interest, the attorney general may bring an action in a Travis County district court or the district court in the county in which the principal place of business of the entity is located in this state to enjoin the violation, recover a civil penalty described by Subsection (b), and obtain other relief the court considers appropriate.

(b) A civil penalty imposed under this section may be in an amount equal to not more than the total, if applicable, of:

(1) \$10,000 per day that the entity operates an Internet website in violation of the age verification requirements of this chapter;

(2) \$10,000 per instance when the entity retains identifying information in violation of Section 129B.002(b); and

(3) if, because of the entity's violation of the age verification requirements of this chapter, one or more minors accesses sexual material harmful to minors, an additional amount of not more than \$250,000.

(c) The amount of a civil penalty under this section shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) the economic effect of a penalty on the entity on whom the penalty will be imposed;

(5) the entity's knowledge that the act constituted a violation of this chapter; and

(6) any other matter that justice may require.

SECTION 3. Not later than January 1, 2024, each manufacturer shall implement a software update to automatically enable an electronic device filter on an electronic device activated in this state as required by Chapter 121, Business & Commerce Code, as added by this Act.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2023.

(b) Chapter 121, Business & Commerce Code, as added by this Act, takes effect January 1, 2024.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1181** (senate committee report) by striking all below the enacting clause (page 1, line 27 through page 4, line 63) and substituting the following:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 129B to read as follows:

CHAPTER 129B. LIABILITY FOR ALLOWING MINORS TO ACCESS PORNOGRAPHIC MATERIAL

Sec. 129B.001. DEFINITIONS. In this chapter:

(1) "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.

(2) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3) "Minor" means an individual younger than 18 years of age.

(4) "News-gathering organization" includes:

(A) an employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the course and scope of that employment and can provide documentation of that employment with the newspaper, news publication, or news source; and

(B) an employee of a radio broadcast station, television broadcast station, cable television operator, or wire service who is acting within the course and scope of that employment and can provide documentation of that employment.

(5) "Publish" means to communicate or make information available to another person or entity on a publicly available Internet website.

(6) "Sexual material harmful to minors" includes any material that:

(A) the average person applying contemporary community standards would find, taking the material as a whole and with respect to minors, is designed to appeal to or pander to the prurient interest;

(B) in a manner patently offensive with respect to minors, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:

(i) a person's pubic hair, anus, or genitals or the nipple of the female breast;

(ii) touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or

(iii) sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(7) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education, and employment entities.

Sec. 129B.002. PUBLICATION OF MATERIAL HARMFUL TO MINORS. (a) A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website, including a social media platform, more than one-third of which is sexual material harmful to minors, shall use reasonable age verification methods as described by Section 129B.003 to verify that an individual attempting to access the material is 18 years of age or older.

(b) A commercial entity that performs the age verification required by Subsection (a) or a third party that performs the age verification required by Subsection (a) may not retain any identifying information of the individual.

Sec. 129B.003. REASONABLE AGE VERIFICATION METHODS. (a) In this section, "digital identification" means information stored on a digital network that may be accessed by a commercial entity and that serves as proof of the identity of an individual.

(b) A commercial entity that knowingly and intentionally publishes or distributes material on an Internet website or a third party that performs age verification under this chapter shall require an individual to:

(1) provide digital identification; or

(2) comply with a commercial age verification system that verifies age using:

(A) government-issued identification; or

(B) a commercially reasonable method that relies on public or private transactional data to verify the age of an individual.

Sec. 129B.004. SEXUAL MATERIALS HEALTH WARNINGS. A commercial entity required to use reasonable age verification methods under Section 129B.002(a) shall:

(1) display the following notices on the landing page of the Internet website on which sexual material harmful to minors is published or distributed and all advertisements for that Internet website in 14-point font or larger:

"TEXAS HEALTH AND HUMAN SERVICES WARNING: Pornography is potentially biologically addictive, is proven to harm human brain development, desensitizes brain reward circuits, increases conditioned responses, and weakens brain function."

"TEXAS HEALTH AND HUMAN SERVICES WARNING: Exposure to this content is associated with low self-esteem and body image, eating disorders, impaired brain development, and other emotional and mental illnesses."

"TEXAS HEALTH AND HUMAN SERVICES WARNING: Pornography increases the demand for prostitution, child exploitation, and child pornography."; and

(2) display the following notice at the bottom of every page of the Internet website in 14-point font or larger:

"U.S. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION HELPLINE:
1-800-662-HELP (4357)

THIS HELPLINE IS A FREE, CONFIDENTIAL INFORMATION SERVICE
(IN ENGLISH OR SPANISH) OPEN 24 HOURS PER DAY, FOR
INDIVIDUALS AND FAMILY MEMBERS FACING MENTAL HEALTH OR
SUBSTANCE USE DISORDERS. THE SERVICE PROVIDES REFERRAL TO
LOCAL TREATMENT FACILITIES, SUPPORT GROUPS, AND
COMMUNITY-BASED ORGANIZATIONS."

Sec. 129B.005. APPLICABILITY OF CHAPTER. (a) This chapter does not apply to a bona fide news or public interest broadcast, website video, report, or event and may not be construed to affect the rights of a news-gathering organization.

(b) An Internet service provider, or its affiliates or subsidiaries, a search engine, or a cloud service provider may not be held to have violated this chapter solely for providing access or connection to or from a website or other information or content on the Internet or on a facility, system, or network not under that provider's control, including transmission, downloading, intermediate storage, access software, or other services to the extent the provider or search engine is not responsible for the creation of the content that constitutes sexual material harmful to minors.

Sec. 129B.006. CIVIL PENALTY; INJUNCTION. (a) If the attorney general believes that an entity is knowingly violating or has knowingly violated this chapter and the action is in the public interest, the attorney general may bring

an action in a Travis County district court or the district court in the county in which the principal place of business of the entity is located in this state to enjoin the violation, recover a civil penalty, and obtain other relief the court considers appropriate.

(b) A civil penalty imposed under this section for a violation of Section 129B.002 or 129B.003 may be in an amount equal to not more than the total, if applicable, of:

(1) \$10,000 per day that the entity operates an Internet website in violation of the age verification requirements of this chapter;

(2) \$10,000 per instance when the entity retains identifying information in violation of Section 129B.002(b); and

(3) if, because of the entity's violation of the age verification requirements of this chapter, one or more minors accesses sexual material harmful to minors, an additional amount of not more than \$250,000.

(c) The amount of a civil penalty under this section shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) the economic effect of a penalty on the entity on whom the penalty will be imposed;

(5) the entity's knowledge that the act constituted a violation of this chapter; and

(6) any other matter that justice may require.

(d) The attorney general may recover reasonable and necessary attorney's fees and costs incurred in an action under this section.

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

HB 2071 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Jetton called up with senate amendments for consideration at this time,

HB 2071, A bill to be entitled An Act relating to certain public facilities used to provide affordable housing.

HB 2071 - REMARKS

REPRESENTATIVE JETTON: Members, bear with me for a moment I want to explain this infamous PFC bill that we have before us. I know many of you have heard about this one.

Every member of the chamber knows that our PFC workforce housing program must be reformed. The need for reform has been debated in this building for two sessions now. In this session alone, 12 bills from republicans and democrats were filed to rein in PFCs. This bill began its journey as a bill that died last session. It was the topic of interim studies, the work product of stakeholders, was debated several times in committee, debated and amended on the house floor, debated and amended on the senate floor, and before you is the best version of

this bill possible. This has been a bipartisan effort and I genuinely believe this entire chamber should be proud of the bill before us. This bill passed out of the house with 142 votes and passed 28 to 3 in the senate. This is a bill that ends the abuses of PFCs and strengthens the accountability and effectiveness of PFCs.

I want to directly address two contentions that a small, but very well funded, opposition is trying to latch onto to force conference of this bill. First, the content of this bill is not new and has been discussed and debated in this legislature. Second, the enactment clause in this bill is the same enactment clause that we put on nearly all of our bills. We believe that the parameters and transparencies set forth in this bill is good policy for protecting taxpayers and this program. We have a grandfather clause for PFC deals approved and acquired prior to the date of this act. I believe that a certain municipal management district and private equity groups out of New York and California want three more months to cram in as many deals as possible potentially allowing hundreds of millions to over a billion dollars worth of property to roll off the tax rolls, without the parameters we are adding in this bill. The abuse has to end now and I do not believe for one second that the special interest groups actually care about the enactment language. They want to send this bill to conference in order to buy more time in hopes of killing this bill. They want to run out the clock in hopes of nothing passing which would give two more years of rampant abuse. This important legislation is ready for the governor's signature. I would like to thank the team that has worked so hard to get this bill to this point: Chairman Cody Harris, Urban Affairs chair J.M. Lozano; Representatives Phil Cortez, Mano DeAyala, Trent Ashby, Gary Gates, Ron Reynolds, and many others on this floor. I am asking for your vote, with me, to concur on the senate amendments.

REPRESENTATIVE DUTTON: How many pages was this bill when it went to the senate?

JETTON: I don't recall.

DUTTON: It wasn't 19 pages, was it?

JETTON: I don't recall. There is an increased number of pages to this bill because nine amendments were approved by this body when we sent it over to the senate. Those senate amendments were modified to fit within this bill and was sent back to this body to concur with.

DUTTON: Okay, but it always concerns me—and it should concern everybody in this house—when we send a bill to the senate that's roughly five pages and what the senate sends us back is a bill that now contains 19 pages.

JETTON: I think that when we add amendments to the bill, that increases the number of pages. I appreciate the work we committed with the senate to ensure that we got all that in this bill before you today.

DUTTON: Well, how did the senate make your bill better?

JETTON: The amendments that were added on by this body were modified to fit within the context of the rest of the bill—some were problematic. What was voted and agreed upon when it came through the committee and this house floor, with 142 votes, is what was modified in the senate where they vastly approved it for us to concur with today here.

DUTTON: Yes, but what they did is they added a whole bunch of things to your bill—the original bill. In fact, they essentially discarded your original bill. Is that right?

JETTON: That is not accurate.

DUTTON: That's not accurate?

JETTON: That is not accurate.

DUTTON: So tell me what they did to make your bill better.

JETTON: Okay, we can go through the list of the changes the senate made to this bill. When it comes to MUD taxes the senate added additional restrictions regarding taxes imposed via MUD. The assessments will not be exempt for multifamily PFCs, unless an agreement is entered into with the district. The exemption expiration—the senate maintained an expiration of the tax exemption, but changed the period from 30 years for the acquisition projects and 60 years for new construction projects. These timelines allow these developments to obtain conventional financing. The PFC sunset—the senate removed the December 12, 2025 sunset for the entire PFC program. This had been added under House Amendment No. 6. Affordability—the senate established a minimum affordability of 10 percent of units at 60 percent AMI and 40 percent of the units at 80 percent AMI. The house had adopted this same level of affordability during floor amendments—Amendment No. 1—but also revised it in a later amendment, Amendment No. 7. Elected officials approval—the senate established that the elected officials are required to make decisions regarding PFC exemptions. This standard was previously adopted in House Amendment No. 1, but was revised in Amendment No. 3. The senate maintained an independent underwriter requirement first established in House Amendment No. 2, but also requires the publishing of the report and introduces different thresholds for new construction versus acquisitions. The audit requirement—the senate reorganized the clarification of an audit process, incorporating both third party independent auditors, as well as TDHCA and the appraisal districts to ensure these projects are meeting the requirements of the law. That was floor amendments as well. Chapter 392—the senate corrected the unintended changes to the Housing Authority Code that may have impacted other federal housing programs. Finally, the effective date—the senate allowed for an immediate effectiveness. Those are the changes from the version of the house that went to the senate. Nearly every one of those changes are a product of the amendments that this body voted and approved.

DUTTON: And you had a hearing on your bill here in the house, correct?

JETTON: That is correct.

DUTTON: The senate didn't have a hearing, though.

JETTON: I'm not advised.

DUTTON: You're not advised whether the senate—

JETTON: Actually, it was voted on and approved at a hearing in the senate side as well.

DUTTON: So you're telling this house that the senate had a public hearing on the changes you just identified?

JETTON: It was definitely voted on in a public hearing. I'm not advised as to whether or not testimony was given or what that testimony may have been.

DUTTON: I'm not sure I understood you. There was a hearing or was not a hearing?

JETTON: I believe that there was a hearing, to the best of my knowledge, on **HB 2071** on the senate side.

DUTTON: Well, I agree that you had a hearing on the bill in the house, but the substantive and significant changes that you just identified that the senate did to your bill—I don't believe they ever had a hearing on that. Would that be true?

JETTON: I don't believe that is true, to the best of my knowledge.

DUTTON: It is your testimony to this house that the senate actually had a hearing on this bill?

JETTON: To the best of my knowledge, yes.

DUTTON: That's a Ronald Reagan answer—to the best of your knowledge. But if they—

JETTON: I remember standing in the back of the room as the vote occurred on this bill in a public hearing.

DUTTON: Well, if they had a hearing, you would know it. Wouldn't you?

JETTON: To what extent you are talking about a public hearing occurring, I stood there at a public hearing where the vote occurred.

DUTTON: Right, but the hearing you had on the house side had people come to testify both for and against the bill. Is that right?

JETTON: We definitely had a public hearing where there was testimony. I can't attest to how much was for or against. I can tell you this: the subject matter of the amendments that were sent over there and added—what's in front of us today was both in my bill and also in Gary Gates' bill that was voted out of that committee as well. And so the subject matter of this bill was voted on. And apparently they had a public hearing in the senate on this bill on May 1, 2023.

DUTTON: They had a public hearing on the issues that you just raised that were different than when the bill left the house. You're saying they had a hearing on those?

JETTON: They had a hearing on **HB 2071** in the original format that it came out of the house to the senate.

DUTTON: Right, but there was never a hearing on the substantive changes that were made to the bill. Is that right?

JETTON: Those substantive changes were made to modify those amendments to fit within the language of the whole bill.

DUTTON: Well, let me ask you this. Your bill was designed to do what? What exactly was your bill designed to do? Increase or decrease the number of public housing units?

JETTON: The intent of the bill was to ensure that we had parameters and guidelines for what is going to be required in PFC deals going forward.

DUTTON: And would that result in greater numbers of public housing units or lesser housing units?

JETTON: It was going to result in greater affordability requirements in both acquisition and new builds for PFCs.

DUTTON: And affordability is different than availability. Are you saying that—

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Anchía on motion of Turner.

HB 2071 - (consideration continued)

REPRESENTATIVE S. THOMPSON: I watched this house the entire session. Every committee went to work and some committees worked long, long hours. I think I watched committees that worked so hard they worked into the wee hours of the morning. We have worked to put efforts in that benefit not only our constituents but the State of Texas.

When this bill left this house it did not have immediate effect. What the senate did was to erase everything below the enacting clause and send us 19 pages back over here as though all our work and effort meant nothing. I'm talking about a bill that we know nothing about—19 pages. I asked my colleague, Mr. Gates, about these 19 pages and he said that those were accumulations of the amendments that were in the house version. Why would the senate need to bundle up a bunch of amendments and send it back to us and ask us to concur on something that was passed in the house? That just doesn't make sense. There are persons who are interested in working to complete projects and we are being asked in this to concur and ask these people—telling them—that we're going to move the goalposts. We're going to move the goalposts and require you to adhere to a new set of rules.

I think the house is intelligent. I know we can read and write because we're here. I don't think the senate needs to keep running over us and sending us things over here that they expect for us to vote on. I think that we need to send this back to them, remove the immediate effect, and then we are ready to concur with the

bill. When this bill left this house the immediate effect was not in the bill. It's time, members, for the senate to stop running over the house. I move not to concur with this bill.

(Speaker in the chair)

REPRESENTATIVE GATES: Thank you for the opportunity to speak on this bill. This bill today maintains most of the good measures the house incorporated. It's a step in the right direction of curbing current abuses in the PFC program. Because of that I will be voting yes on concurrence.

Last month, thanks to the support of many of you, good changes were put in place in this bill. As you know, PFCs are used as a tool where apartment complexes receive a 100 percent property tax exemption in exchange for providing affordable housing. The abuse happens when developers in 90 percent of these deals are taking existing properties and converting them to a PFC. Most of the tenants have already been paying affordable rent so the owner suffers little to no reduction on the income side of the ledger while wiping out all property taxes on the expense side for 99 years. The most significant change to this bill is that going forward 60 percent of the tax savings has to be identified and go towards lower rents for tenants. Before, most of these apartment owners were not having to give up anything on the income side. This will force parties to go deeper into affordability if the minimum number of units required for the different income levels do not at first produce a public benefit. It will affect 90 percent of PFCs.

This is so transformative because, as I told you, members, last month, I own 44 properties in the Houston area. I own one in Mr. Dutton's district. Under the current rule, I could get my property taxes wiped out and I would suffer nothing on the income side. With these amendments that we have on this bill, I would now have to give up 60 percent of those property tax exemptions and give it back to the tenants by lowering rents. And that's what we want. Mr. Jetton went through a lot of the changes, but that is the most significant change, also reducing it from 99 years to 30 years for converting an existing property.

Let me be very clear on why we need to unanimously concur with the changes that we have attained with these amendments. In the last 30 days since we did those amendments, the industry has exploded in trying to convert 200 properties into a PFC before these changes go into effect. Ninety percent of those deals will not happen if they have to give up 60 percent of their tax exemptions to lower rents. That's another \$10 billion that could be wiped off the property taxes if we don't act today and concur. Members, I've been told that SH130 Municipal Management District, known as the Texas Essential Housing, is one of the worst ones in this business. They have hired countless lobbyists to try to spread misinformation. This is a group that has been doing deals far beyond your jurisdiction. I've viewed their website and talked with others in the industry and they are doing a deal every four to six business days, getting \$1 million cash at closing in addition to getting the lease payment—or that pilot payment in lieu of taxes for 99 years, and wiping out school, county, and city taxes that are

hundreds of miles away from their jurisdiction. Their goal is to kill this bill or have us concur at under two-thirds so that it will not take effect until September 1.

In closing, I am committed to working to continue to improve this bill. Let's take what we accomplished last month with the amendments that remain here and let's unanimously concur to send a message to the industry that the legislature is watching and we are not done. I encourage you to greenlight this on concurrence to stop this egregious abuse immediately.

S. THOMPSON: Mr. Gates, isn't it a fact that the senate ignored your amendments and put in 19 pages of their own and sent it back to us?

GATES: No, Ms. T.

S. THOMPSON: Yes, they did. I mean, I respectfully disagree with you. They sent back what they wanted you to have.

REPRESENTATIVE VASUT: Mr. Gates, do you believe the current system, that is in place and being used, is corrupt?

GATES: I believe it's very corrupt. It's being misused.

VASUT: Should the house tolerate corruption?

GATES: No, it should not.

VASUT: Thank you, sir.

REPRESENTATIVE DUTTON: I don't think I've ever done this in my 20 sessions, but you've heard me tell you that we ought not to let the senate disrespect us or they ought to expect us. Well, this is a time we ought to show up. Because let me tell you something—the reason they disrespect us is not because they're the senate, but because we're the house. We've been voluntarily letting them disrespect us. When we send a bill to the senate, we don't expect that it will come back with 19 pages. Go read the bill. What you will see is that, "Wait a minute, what the senate did is throw away everything that we did in the house and decided that this is the way that they wanted it to work."

You know, I suppose we could always complain about the senate taking us hostage, but if we've voluntarily become hostages we can't complain. And yes, I think this house ought to do away with corruption, but we ought to start first with the senate. When we send bills to the senate we don't expect that substantively they will be so changed that they look nothing like what we sent them. And so today, members, I tell you—let's decide that we're not going to be voluntarily held hostage by the senate. The door is open so we can leave. What we can do today is we can say, "Let's send this bill back. Let's not concur." Let's send this bill back so that the senate will decide that they might disrespect us, but they should expect us. I vote not to concur.

GATES: Mr. Dutton, you've visited the property I own in your district—Pleasant Village?

DUTTON: I did because the people living there didn't want the new owner.

GATES: That's right. It was a nonprofit that owned it before and then I bought it from the nonprofit. It's made up of senior citizens, right?

DUTTON: Correct.

GATES: It's a fully occupied property. You understand that under this current system that I could convert that to a PFC and not have to reduce any of those rents because all those tenants are already under the 80 percent of area median income because they're all seniors?

DUTTON: That's the way it was before you purchased it.

GATES: That's right. When I bought it from a nonprofit it put it back on the tax roll. It's now on the tax roll for several million dollars.

DUTTON: And you had to raise the rent to pay the taxes that now you were incurring.

GATES: If I put it into this program then it would wipe out the property taxes and I wouldn't have to reduce anything on the rent side. You would be okay with that?

DUTTON: No. You wouldn't have to raise the rent, sir. What you told the residents there is that the reason you had to raise the rent was because you were not a nonprofit but a for-profit entity, and now you were paying taxes and you expected them to pay towards the taxes that were being imposed.

GATES: That's correct. And right now, I could put it into this PFC program and not have to reduce anything on the income side and you're okay with that?

DUTTON: The question is whether the renters are okay with that if they're not going to pay higher rents. I don't think you'd be opposed to that, would you?

GATES: I'm asking, right now, you're okay with apartment owners right now buying a property like that and wiping out their taxes and not having to reduce anything on the income side?

DUTTON: Let me tell you what I'm not okay with. I'm not okay with the fact that you purchased the property in my district and didn't tell me anything about it. I didn't hear about it until there was a crisis. And then when I went over there, what I found out was that you were raising the rents because now you were having to pay the taxes. If you put in your bill that you don't have to raise the rents because you pay more taxes, I'll join you in concurring. I figured that'd run you off. I move not to concur.

PARLIAMENTARY INQUIRY

REPRESENTATIVE GERVIN-HAWKINS: If the bill is sent back to conference, is there still time to pass the bill during this legislative session?

SPEAKER PHELAN: Ms. Gervin-Hawkins that is not a proper parliamentary inquiry.

GERVIN-HAWKINS: Is that a technical answer for the bill author? Who could answer the question, Mr. Speaker?

SPEAKER: The deadline to adopt a conference committee report is Sunday at midnight.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HB 2071 - (consideration continued)

REPRESENTATIVE ROMERO: I can tell you one thing, it was a joy to be on Urban Affairs this session and watch Mr. Jetton and Mr. Gates go at it. So much so that I renamed Gary Gates. I gave him a middle name. I said from now on he is Gary "Bulldog" Gates. Because if there's one thing that you question him, go ahead. The man knows a lot about his business. He knows the industry. He serves a low-income community, predominantly. So if you guys are going around here saying that you support low income housing then let me tell you something—this PFC program is not addressing its needs.

The current program serves the highest income levels at 80 percent. If you have a problem with the fact that this bill came back differently then you should go back in history and learn how the PFC program even began. It was not because it made its way through this body. It was not because it came through as a bill. It came through as an amendment. How can we say that we have a problem with the bill coming back differently if that's how it began in the first place? If you say you don't have a problem with it the way that it is then let me just use my city as an example. The Fort Worth Housing Authority is going to make this decision and they're not an elected body, they're an appointed body. Appointed officials that are not responsible to the taxpayers are making decisions about what? Fort Worth, Texas? No, because Fort Worth city limits go into Keller ISD, Northwest ISD, and Crowley ISD. How do you feel about the Fort Worth Housing Authority making decisions about a district that they are not responsible to? I have a problem with that and every single one of you should as well.

What this is about is you concur and we make this program better and we do not eliminate it. Otherwise, don't concur and continue with the system. There's a point that also needs to be made. Do you want this to happen now? Well right now, there are deals on the table. And let me tell you right now, if those deals happen, they are going to immediately take dollars off of your tax rolls from those districts, especially our schools. If you're going to fight for dollars for our teachers and for our students just know that voting not to concur is doing absolutely that.

REPRESENTATIVE DEAYALA: Before I was a candidate, I was working on this issue. Since being a candidate, I talked about this issue. The last session in this house, we had a bill that didn't make it that would have, if passed, kept billions of dollars of tax properties in our county—Harris County—from being taken off the tax rolls from 75 to 99 years while providing little to no affordability.

We have a chance to do it right this time, today. If we don't do it today—if we've got to come back in two years—there may be nothing left to save in my county and in other places around the state where some of these abuses you're seeing happen, happen. This bill, as Representative Romero said—you saw two passionate people that both wanted reform of this legislation argue about it. Those two people are together asking you to concur on this bill. One hundred forty-plus of us voted for it out of this house. It does a number of things that will stop the abuses that are happening. We need it and we need it now. We've got transparency with elected officials who are going to have to approve these things. We have feasibility studies, we have real affordability, we have accounting, auditing, and some supervision to make sure these abuses don't happen. Right now, in the State of Texas, we don't know how many of these there are because there's no reporting requirements. We've got the taxing authorities having to be provided notice so this is not happening in the dark of night. There's a ton of stuff in this bill that will help and that will stop these abuses. It's a big deal. I ask each and every one of you—150 if we can—to vote for this concurrence.

REPRESENTATIVE WALLE: I normally don't do this on these types of motions, but just to lay out the reasons why I support this motion to concur is to stop the abuses. You have some good actors who are doing good work and developing these projects. The problem is you have some bad actors. The intended purpose of these PFCs—these projects—in my view, is to spur economic development. I'm for that. The problem we're having is that these properties—the abuses that are occurring in our neighborhoods—they're building these facilities when they could get private financing for what they're trying to do. What this does is it takes these properties, once a PFC is created—they're created here and can be used in other parts of the state like Houston, Dallas, and Fort Worth. The problem we're having is it's a 100 percent rebate for these developments. The taxpayer—those properties are off the rolls now. That's not sustainable for our communities. I don't think it's fair that these PFCs are being utilized and abused in a way that hurts the taxpayer.

Representative Romero talked about how PFCs were created. They were created in the dead of night on a late-night amendment that was added where there was very little explanation on how this PFC would function. Now, we've gotten to the point where there's abuses and where folks need to be reined in so that we understand what's going on with these PFCs.

REPRESENTATIVE GERVIN-HAWKINS: Representative Walle, you know this is a very, very important issue and the concern is what happens to the existing projects if this bill was to take effect immediately?

WALLE: As I understand it I think—the author could correct me if I'm wrong, but I think one of the issues is some of those folks would get grandfathered in to the existing PFCs.

GERVIN-HAWKINS: They will get grandfathered in.

WALLE: That's my understanding.

GERVIN-HAWKINS: So on the record they will get grandfathered in and those existing projects would not be damaged? It's my understanding, when I talked to the bill author, is that they would have to rework their numbers. Anybody who's ever done these type of projects knows that it's very difficult when you go in with a plan—you've got your performer and all your other numbers, your rent's established, and now to have to change all of that as well as deal with the TDHCA deadlines and timeline. I'm concerned about existing projects.

WALLE: Well, as I understand it, even if they have to rework their deals it's still a very sweet deal for that PFC or for that entity that wants the creation of a PFC in their community. To me, it's already a sweet deal. The existing project is a 100 percent rebate. I don't understand why they couldn't rework their deal to be able to comply with what we're going to pass.

GERVIN-HAWKINS: Because the numbers determine things. Think about it. Whenever you're doing these type of projects you've got your interest rates that impact these projects, you've got your number of units that impact these projects, and you want a project that can be successful. No one wants to build something that fails.

WALLE: They can go get private financing. The taxpayer shouldn't have to foot the bill to create these projects when there's no benefit to the taxpayer and no transparency to the taxpayer. Let me also add that the bill also includes, under current law, that many of these PFCs can discriminate against voucher holders. What this bill does is it includes a provision that when you create a PFC that you cannot—if it's for affordable housing and that's part of the purpose of building a PFC, this bill now stipulates that you cannot discriminate against somebody that is a housing choice voucher participant.

GERVIN-HAWKINS: Representative Walle, I don't want to run out of time. I just want to understand this. If it doesn't get 100 votes, but it has the majority it could still move forward. The 100 votes is enacted immediately. Is that correct?

WALLE: At this point you need probably 100 votes for it to take immediate effect, yes.

GERVIN-HAWKINS: I think it passes with majority and then it allows until September 23 before it is enacted.

WALLE: I think the author would have a better understanding of the timelines.

REPRESENTATIVE SCHOFIELD: Mr. Walle, you mentioned, as did at least one other member, that this whole program was put on late one night as an amendment, as often happens. Are you aware that the purpose of the whole program was to provide workforce housing at the military installations where there are a lot of low-paid military workers?

WALLE: That's what I understood at the time. It's been well documented. The inception of the PFC, how it was created—no debate. No debate that it was slipped in as an amendment on the senate side a little less than a decade ago.

SCHOFIELD: Do you agree that if they had bracketed the amendment at the time for the program they intended to do, which was to provide workforce housing for the military bases, our county would not be having any land taken off the tax rolls because it wouldn't apply to our county?

WALLE: That's correct. Again, members, this is a very sweet deal that these entities are able to take advantage of at the expense of the taxpayer and at the expense of our local school districts because these properties are taken off the rolls. They're taken off the rolls. And so we need reforms to be able to move forward. Again, under current law—for those that support housing and housing initiatives—these entities, these developers, can discriminate against voucher holders. This bill fixes that. I agree with the motion to concur.

REPRESENTATIVE COLLIER: Representative Jetton, I said I was going to ask you one question, but another issue came up that was talked about—immediate effect. If this bill goes into immediate effect, is there a grandfather clause for current deals that are in the process of being completed or existing?

REPRESENTATIVE JETTON: The grandfather clause that's in this bill is any deal that is accepted or acquired prior to the enactment date takes on the current requirements for a PFC. I believe it's page 17 and 18.

COLLIER: Okay, so if there's a deal right now that's in the process—

JETTON: And they are approved prior to the enactment date. One thing I want to note on this is there's a reason we have an enactment clause on here and why 100 votes will allow for immediate effect. This body agreed with 142 votes that we have PFC abuse and we need to put guardrails on here to make sure that there's transparency and affordability for these PFC programs. In the senate, same thing 28 to 3. They agree we need to stop the abuse and ensure that we have proper transparency and guardrails. There's no reason we should be waiting until September for that transparency and those guardrails on these PFC programs.

COLLIER: For the Housing Choice Voucher Program—and I got this question from HUD. I want to make sure that we're talking about affordability. We want to make sure that our tenants can have affordability and that this bill does not impact this provision. Right now, on the HUD website it says, "the housing voucher family must pay 30 percent of its monthly adjusted gross income for rent and utilities and if the rent is greater than the payment standard then the family is required to pay the additional amount. By law, whenever a family moves to a new unit where the rent exceeds the payment standard the family may not pay more than 40 percent of its adjusted monthly income for rent." Does this bill have any impact on this provision?

JETTON: This bill is silent to that issue. When it comes to those federal vouchers, they'll continue to work the same way those federal vouchers worked before. I believe that this bill will not negatively impact those federal vouchers.

COLLIER: Well, does it change that they cannot pay more than 40 percent of their adjusted monthly income for rent?

JETTON: I don't believe that the bill directly says that they must, therefore federal law would still apply as we're silent on it.

COLLIER: So even if your bill says they can charge whatever they want, if federal law says they can only pay 40 percent of adjusted monthly income for rent, that is what would prevail?

JETTON: I'm being advised that the bill currently says that we are capping it at 30 percent of their income and so it would not conflict with the 40 percent requirements for the federal vouchers. I don't believe that this bill would negatively impact.

COLLIER: That's a no, thank you so much.

REMARKS ORDERED PRINTED

Representative Collier moved to print all remarks on **HB 2071**.

The motion prevailed.

REPRESENTATIVE GERVIN-HAWKINS: Let's be clear. Current projects is the focus. On a current project, if it is in the pipeline, are they grandfathered in or not?

JETTON: If they are approved by the city council, county, or housing authority—whoever is approving those right now—if they are approved before the enactment date, then they are under the previous rules. If they are approved afterwards they would have to comply with the language that, as a body we are agreeing almost with super majority, there needs to be additional transparency and accountability around these programs.

GERVIN-HAWKINS: If the enactment is September 2023, what does that damage, if any?

JETTON: I think that it will require the PFCs that are approved afterwards to comply with the rules that we agreed to here on the transparency and guardrails that we want these PFCs so that they are not abusing the system and taking property off the tax rolls that do not provide the community impact or the affordable housing impact that we want to have in our communities.

GERVIN-HAWKINS: So to protect existing projects, having the enactment as of September 2023 is a good thing, right?

JETTON: Regardless, whether it is the day after it is signed by the governor or September 1, we want to make sure that we are providing the transparency, accountability, guardrails, and everything else that is in this bill. It is my urge to this body that voted with 142 votes a couple weeks ago that we do this again and ensure that these PFC deals comply with the transparency and accountability measures that we expect when property is taken off of our tax rolls.

GERVIN-HAWKINS: Thank you for answering my questions.

JETTON: I know everybody is tired of hearing about PFCs—I'm tired of talking about PFCs. I want to make one more thing very clear—very quickly—this bill that I filed was 12 pages. It went over to the senate with 21 pages because we

added amendments in this house. The bill is now 18 pages. That is because they modified those amendments that we agreed to in this house. When we talk about the disrespect from the senate, I think it is worth noting that the senate took our amendments—took our bill and perfected it—and sent it back over here with our language. That is not disrespect. That is our bill coming over here with transparency and accountability for PFCs. I ask for you to concur.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today and tomorrow because of important business in the district:

Herrero on motion of Walle.

HB 2071 - (consideration continued)

Representative Jetton moved to concur in the senate amendments to **HB 2071**.

The motion to concur in the senate amendments to **HB 2071** prevailed by (Record 2088): 115 Yeas, 20 Nays, 3 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Collier; Cook; Cortez; Cunningham; Darby; Dean; DeAyala; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Goldman; González, J.; González, M.; Goodwin; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.E.; Jones, J.; Kacal; King, K.; Kitzman; Klick; Kuempel; Lalani; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Allen; Bowers; Bryant; Cole; Craddick; Davis; Dorazio; Dutton; Guerra; Johnson, J.D.; Jones, V.; King, T.; Lambert; Martinez; Morrison; Muñoz; Ramos; Talarico; Thierry; Thompson, S.

Present, not voting — Mr. Speaker(C); Gervin-Hawkins; Morales Shaw.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Hernandez; Rose; Sherman.

STATEMENTS OF VOTE

When Record No. 2088 was taken, I was shown voting no. I intended to vote yes.

Bowers

When Record No. 2088 was taken, I was shown voting no. I intended to vote yes.

Guerra

When Record No. 2088 was taken, I was shown voting yes. I intended to vote no.

J. Jones

When Record No. 2088 was taken, I was shown voting no. I intended to vote yes.

Lambert

When Record No. 2088 was taken, I was in the house but away from my desk. I would have voted no.

Rose

When Record No. 2088 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

When Record No. 2088 was taken, I was in the house but away from my desk. I would have voted no.

Sherman

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2071** (senate committee report) by striking all below the enacting clause (page 1, line 22 through page 9, line 17) and substituting the following:

SECTION 1. Section 303.021, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) A corporation or a sponsor may finance, own, or operate a multifamily residential development only if:

(1) the corporation or sponsor complies with all applicable provisions of this chapter; and

(2) the development is located:

(A) inside the area of operation of the sponsor, if the sponsor is a housing authority; or

(B) if the sponsor is not a housing authority, inside the boundaries of the sponsor, without regard to whether the sponsor is authorized to own property or provide services outside the boundaries of the sponsor.

SECTION 2. Subchapter B, Chapter 303, Local Government Code, is amended by adding Section 303.0415 to read as follows:

Sec. 303.0415. APPLICABILITY OF LAWS RELATING TO CONFLICT OF INTEREST. A member of the board of a corporation or a member of the governing body of a sponsor of a corporation is subject to the same restrictions as a local public official under Chapter 171.

SECTION 3. The heading to Section 303.042, Local Government Code, is amended to read as follows:

Sec. 303.042. TAXATION; EXEMPTION.

SECTION 4. Subchapter B, Chapter 303, Local Government Code, is amended by adding Section 303.0421, and a heading is added to that section to read as follows:

Sec. 303.0421. MULTIFAMILY RESIDENTIAL DEVELOPMENTS OWNED BY PUBLIC FACILITY CORPORATIONS.

SECTION 5. Section 303.0421, Local Government Code, as added by this Act, is amended by adding Subsections (a), (c), (d), (g), (h), and (i) to read as follows:

(a) This section applies to a multifamily residential development that is owned by a corporation created under this chapter, except that this section does not apply to a multifamily residential development that:

(1) has at least 20 percent of its residential units reserved for public housing units;

(2) participates in the Rental Assistance Demonstration program administered by the United States Department of Housing and Urban Development;

(3) receives financial assistance administered under Chapter 1372, Government Code, or receives financial assistance from another type of tax-exempt bond; or

(4) receives financial assistance administered under Subchapter DD, Chapter 2306, Government Code.

(c) A multifamily residential development that is owned by a corporation created under this chapter by a housing authority and to which Subsection (a) applies must hold a public hearing, at a meeting of the authority's governing body, to approve the development.

(d) Notwithstanding Subsection (b), an occupied multifamily residential development that is acquired by a corporation and to which Subsection (a) applies is eligible for an exemption under Section 303.042(c) for:

(1) the one-year period following the date of the acquisition, regardless of whether the development complies with the requirements of Subsection (b); and

(2) a year following the year described by Subdivision (1) only if the development comes into compliance with the requirements of Subsection (b) not later than the first anniversary of the date of the acquisition.

(g) Subsection (f) does not apply to taxes imposed on a multifamily residential development by a conservation and reclamation district created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that provides water, sewer, or drainage services to the development, unless the applicable corporation has entered into a written agreement with the district to make a payment to the district in lieu of taxation, in the amount specified in the agreement.

(h) Subject to Subsection (i), an exemption under Section 303.042(c) for a multifamily residential development to which Subsection (a) applies expires:

(1) for an occupied multifamily residential development that is acquired by a corporation, on the 30th anniversary of the date of the acquisition by the corporation; and

(2) for a multifamily residential development not described by Subdivision (1), on the 60th anniversary of the date the development receives, from the corporation or the corporation's sponsor, the final approval under this chapter that is necessary to obtain the exemption.

(i) An exemption under Section 303.042(c) for a multifamily residential development to which Subsection (a) applies may be extended for the same term of years applicable to the length of the development's exemption under Subsection (h) if:

(1) in the five-year period preceding the expiration of the exemption under Subsection (h), the corporation provides notice of the extension to the governing body of the municipality in which the development is located or, if the development is not located in a municipality, the county in which the development is located;

(2) the extension is approved in the same manner as was required for the preceding approval of the exemption; and

(3) the development is in compliance with, and maintains compliance with, this section and Section 303.0425.

SECTION 6. Section 303.042(c), Local Government Code, is amended to read as follows:

(c) Subject to Section 303.0421(h), a [A] corporation is engaged exclusively in performance of charitable functions and is exempt from taxation by this state or a municipality or other political subdivision of this state. Bonds issued by a corporation under this chapter, a transfer of the bonds, interest on the bonds, and a profit from the sale or exchange of the bonds are exempt from taxation by this state or a municipality or other political subdivision of this state.

SECTION 7. Sections 303.042(d), (e), and (f), Local Government Code, are transferred to Section 303.0421, Local Government Code, as added by this Act, redesignated as Sections 303.0421(b), (c), and (f), Local Government Code, and amended to read as follows:

(b) Notwithstanding Section 303.042(c) and subject to Subsections (c) and (d) of this section, an ~~[(d) An]~~ exemption under Section 303.042(c) ~~[this section]~~ for a multifamily residential development to which Subsection (a) applies is available ~~[which is owned by a public facility corporation created by a housing authority under this chapter and which does not have at least 20 percent of its units reserved for public housing units, applies]~~ only if:

(1) the requirements under Section 303.0425 are met ~~[housing authority holds a public hearing, at a regular meeting of the authority's governing body, to approve the development]; [and]~~

(2) at least:

(A) 10 percent of the units in the multifamily residential development are reserved for occupancy as lower income housing units, as defined under Section 303.0425; and

(B) 40 [50] percent of the units in the multifamily residential development are reserved for occupancy as moderate income housing units, as defined under Section 303.0425;

(3) the corporation delivers to the presiding officer of the governing body of each taxing unit in which the development is to be located written notice of the development, at least 30 days before the date:

(A) the corporation takes action to approve a new multifamily residential development or the acquisition of an occupied multifamily residential development; and

(B) of any public hearing required to be held under this section;

(4) if a majority of the members of the board are not elected officials, the development is approved by the governing body of the municipality in which the development is located or, if the development is not located in a municipality, the county in which the development is located;

(5) for an occupied multifamily residential development that is acquired by a corporation and not otherwise subject to a land use restriction agreement under Section 2306.185, Government Code:

(A) not less than 15 percent of the total gross cost of the existing development, as shown in the settlement statement, is expended on rehabilitating, renovating, reconstructing, or repairing the development, with initial expenditures and construction activities:

(i) beginning not later than the first anniversary of the date of the acquisition; and

(ii) finishing not later than the third anniversary of the date of the acquisition; or

(B) at least 25 percent of the units are reserved for occupancy as lower income housing units, as defined under Section 303.0425, and the development is approved by the governing body of the municipality in which the development is located or, if the development is not located in a municipality, the county in which the development is located; and

(6) not less than 30 days before final approval of the development:

(A) the corporation or corporation's sponsor conducts, or obtains from a professional entity that has experience underwriting affordable multifamily residential developments and does not have a financial interest in the applicable development, developer, or public facility user, an underwriting assessment of the proposed development that allows the corporation to make a good faith determination that:

(i) for an occupied multifamily residential development acquired by a corporation, the total annual amount of rent reduction on the income-restricted units provided at the development will be not less than 60 percent of the estimated amount of the annual ad valorem taxes that would be imposed on the property without an exemption under Section 303.042(c) for the second, third, and fourth years after the date of acquisition by the corporation; and

(ii) for a newly constructed multifamily residential development, the development would not be feasible without the participation of the corporation; and

(B) the corporation publishes on its Internet website a copy of the underwriting assessment described by Paragraph (A) [by individuals and families earning less than 80 percent of the area median family income].

(e) For the purposes of Subsection (a) [(d)], a "public housing unit" is a residential [dwelling] unit for which the landlord receives a public housing operating subsidy. It does not include a unit for which payments are made to the landlord under the federal Section 8 Housing Choice Voucher Program.

(f) Notwithstanding Sections 303.042(a) and (b) and except as otherwise provided by this section [Subsections (a) and (b)], during the period [of time] that a corporation owns a particular public facility that is a multifamily residential development:

(1) [7] a leasehold or other possessory interest in the real property of the public facility granted by the corporation shall be treated in the same manner as a leasehold or other possessory interest in real property granted by an authority under Section 379B.011(b); and

(2) the materials used by a person granted a possessory interest described by Subdivision (1) to improve the real property of the public facility shall be exempt from all sales and use taxes because the materials are for the benefit of the corporation.

SECTION 8. Subchapter B, Chapter 303, Local Government Code, is amended by adding Sections 303.0425, 303.0426, and 303.0427 to read as follows:

Sec. 303.0425. ADDITIONAL REQUIREMENTS FOR BENEFICIAL TAX TREATMENT RELATING TO CERTAIN PUBLIC FACILITIES. (a) In this section:

(1) "Developer" means a private entity that constructs a development, including the rehabilitation, renovation, reconstruction, or repair of a development.

(2) "Housing choice voucher program" means the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).

(3) "Lower income housing unit" means a residential unit reserved for occupancy by an individual or family earning not more than 60 percent of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development.

(4) "Moderate income housing unit" means a residential unit reserved for occupancy by an individual or family earning not more than 80 percent of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development.

(5) "Public facility user" means a public-private partnership entity or a developer or other private entity that has an ownership interest or a leasehold or other possessory interest in a public facility that is a multifamily residential development.

(b) The percentage of lower and moderate income housing units reserved in each category of units in the development, based on the number of bedrooms per unit, must be the same as the percentage of each category of housing units reserved in the development as a whole.

(c) The monthly rent charged per unit may not exceed:

(1) for a lower income housing unit, 30 percent of 60 percent of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development; or

(2) for a moderate income housing unit, 30 percent of 80 percent of the area median income, adjusted for family size, as defined by the United States Department of Housing and Urban Development.

(d) In calculating the income of an individual or family for a lower or moderate income housing unit, the public facility user must use the definition of annual income described in 24 C.F.R. Section 5.609, as implemented by the United States Department of Housing and Urban Development. If the income of a tenant exceeds an applicable limit at the time of the renewal of a lease agreement for a residential unit, the provisions of Section 42(g)(2)(D), Internal Revenue Code of 1986, apply in determining whether the unit may still qualify as a lower or moderate income housing unit.

(e) The public facility user may not:

(1) refuse to rent a residential unit to an individual or family because the individual or family participates in the housing choice voucher program; or

(2) use a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for a unit.

(f) A public facility user may require an individual or family participating in the housing choice voucher program to pay the difference between the monthly rent for the applicable unit and the amount of the monthly voucher if the amount of the voucher is less than the rent.

(g) A corporation that owns or leases to a public facility user a public facility used as a multifamily residential development shall publish on its Internet website information about the development's:

(1) compliance with the requirements of this section; and

(2) policies regarding tenant participation in the housing choice voucher program.

(h) The public facility user shall:

(1) affirmatively market available residential units directly to individuals and families participating in the housing choice voucher program; and

(2) notify local housing authorities of the multifamily residential development's acceptance of tenants in the housing choice voucher program.

(i) Each lease agreement for a residential unit in a multifamily residential development subject to this section must provide that:

(1) the landlord may not retaliate against the tenant or the tenant's guests by taking an action because the tenant established, attempted to establish, or participated in a tenant organization;

(2) the landlord may only choose to not renew the lease if the tenant:
(A) is in material noncompliance with the lease, including
nonpayment of rent;
(B) committed one or more substantial violations of the lease;
(C) failed to provide required information on the income,
composition, or eligibility of the tenant's household; or
(D) committed repeated minor violations of the lease that:
(i) disrupt the livability of the property;
(ii) adversely affect the health and safety of any person or the
right to quiet enjoyment of the leased premises and related development facilities;
(iii) interfere with the management of the development; or
(iv) have an adverse financial effect on the development,
including the failure of the tenant to pay rent in a timely manner; and
(3) to not renew the lease, the landlord must serve a written notice of
proposed nonrenewal on the tenant not later than the 30th day before the effective
date of nonrenewal.

(j) A tenant may not waive the protections provided by Subsection (i).
(k) Requirements under this subchapter relating to the reservation of
income-restricted residential units or income restrictions applicable to tenants of
a multifamily residential development subject to this subchapter must be
documented in a land use restriction agreement or a similar restrictive instrument
that:

(1) ensures that the applicable restrictions are in effect for not less than
10 years; and

(2) is recorded in the real property records of the county in which the
development is located.

(l) An agreement or instrument recorded under Subsection (k) may be
terminated if the development that is the subject of the agreement or instrument:

(1) is the subject of a foreclosure sale; or
(2) becomes ineligible for an exemption under Section 303.042(c) for a
reason other than the failure to comply with restrictions recorded in the
agreement or instrument.

Sec. 303.0426. AUDIT REQUIREMENTS FOR CERTAIN
MULTIFAMILY RESIDENTIAL DEVELOPMENTS. (a) In this section:

(1) "Department" means the Texas Department of Housing and
Community Affairs.

(2) "Developer" has the meaning assigned by Section 303.0425.

(3) "Public facility user" has the meaning assigned by Section
303.0425.

(b) A public facility user of a multifamily residential development claiming
an exemption under Section 303.042(c) and to which Section 303.0421 applies
must annually submit to the department and the chief appraiser of the appraisal
district in which the development is located an audit report for a compliance
audit, prepared at the expense of the public facility user and conducted by an
independent auditor or compliance expert with an established history of
providing similar audits on housing compliance matters, to:

(1) determine whether the public facility user is in compliance with Sections 303.0421 and 303.0425; and

(2) identify the difference in the rent charged for income-restricted residential units and the estimated maximum market rents that could be charged for those units without the rent or income restrictions.

(c) Not later than the 60th day after the date of receipt of the audit conducted under Subsection (b), the department shall examine the audit report and publish a report summarizing the findings of the audit. The report must:

(1) be made available on the department's Internet website;

(2) be issued to a public facility user that has an interest in a development that is the subject of an audit, the comptroller, the applicable corporation, the governing body of the corporation's sponsor, and, if the corporation's sponsor is a housing authority, the elected officials who appointed the housing authority's governing board; and

(3) describe in detail the nature of any failure to comply with the requirements in Sections 303.0421 and 303.0425.

(d) If an audit report submitted under Subsection (b) indicates noncompliance with Sections 303.0421 and 303.0425, a public facility user:

(1) must be given:

(A) written notice from the department or appropriate appraisal district that:

(i) is provided not later than the 45th day after the date a report has been submitted under Subsection (b);

(ii) specifies the reasons for noncompliance;

(iii) contains at least one option for a corrective action to resolve the noncompliance; and

(iv) informs the public facility user that failure to resolve the noncompliance will result in the loss of an exemption under Section 303.042(c);

(B) 60 days after the date notice is received under this subdivision, to resolve the matter that is the subject of the notice; and

(C) if a matter that is the subject of a notice provided under this subdivision is not resolved to the satisfaction of the department and the appropriate appraisal district during the period provided by Paragraph (B), a second notice that informs the public facility user of the loss of the exemption under Section 303.042(c) due to noncompliance with Sections 303.0421 and 303.0425; and

(2) is considered to be in compliance with Sections 303.0421 and 303.0425 if notice under Subdivision (1)(A) is not provided as specified by Subparagraph (i) of that paragraph.

(e) An exemption under Section 303.042(c) does not apply for a tax year in which a multifamily residential development that is owned by a public facility corporation created under this chapter is determined by the department based on an audit conducted under Subsection (b) to not be in compliance with the requirements of Section 303.0421 or 303.0425.

(f) The initial audit report required by Subsection (b) is due not later than June 1 of the year following the first anniversary of:

(1) the date of acquisition for an occupied multifamily residential development that is acquired by a corporation; or

(2) the date a new multifamily residential development first becomes occupied by one or more tenants.

(g) Subsequent audit reports following the issuance of the initial audit report under Subsection (f) are due not later than June 1 of each year.

(h) Not later than June 1 of each year for which an audit is required under Subsection (b), a public facility user of a multifamily residential development claiming an exemption under Section 303.042(c) and to which Section 303.0421 applies shall pay to the department a fee of \$40 per unit contained in the development, as determined by the audit, to reimburse the department for expenses related to the audit.

(i) An independent auditor or compliance expert may not prepare an audit under Subsection (b) for more than three consecutive years for the same public facility user. After the third consecutive audit, the independent auditor or compliance expert may prepare an audit only after the second anniversary of the preparation of the third consecutive audit.

(j) The department shall adopt forms and reporting standards for the auditing process.

(k) An audit conducted under Subsection (b) is subject to disclosure under Chapter 552, Government Code, except that information containing tenant names, unit numbers, or other tenant identifying information may be redacted.

Sec. 303.0427. STUDY OF TAX EXEMPTIONS FOR MULTIFAMILY RESIDENTIAL DEVELOPMENTS OWNED BY PUBLIC FACILITY CORPORATIONS. (a) In this section, "board" means the Legislative Budget Board.

(b) The board shall conduct a study that assesses the long-term effects on the state's funding and revenue, including funding for public education, of ad valorem tax exemptions and sales and use tax exemptions for multifamily housing developments under Sections 303.042(c) and 303.0421(f).

(c) Not later than December 10, 2024, the board shall submit to the governor, the lieutenant governor, and the speaker of the house of representatives a report on the results of the study. The report must include an estimate of:

(1) the funding or revenue that the state has lost as a result of the exemptions; and

(2) the potential increase in funding or revenue that would result from the repeal of the exemptions.

(d) The board may delegate any authority granted to the board under this section that the board determines is necessary to conduct the study under this section.

(e) This section expires January 1, 2025.

SECTION 9. Section 392.005, Local Government Code, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) An exemption under this section for a multifamily residential development which is owned by ~~(i) a public facility corporation created by a housing authority under Chapter 303, (ii)~~ a housing development corporation[;]

or ~~[(iii)]~~ a similar entity created by a housing authority, other than a public facility corporation created by a housing authority under Chapter 303, and which does not have at least 20 percent of its residential units reserved for public housing units, applies only if:

(1) the authority holds a public hearing, at a regular meeting of the authority's governing body, to approve the development; and

(2) at least 50 percent of the units in the multifamily residential development are reserved for occupancy by individuals and families earning less than 80 percent of the area median ~~[family]~~ income, adjusted for family size.

(c-1) An exemption under this section for a multifamily residential development which is owned by a public facility corporation created by a housing authority under Chapter 303 applies only if:

(1) at least 50 percent of units in the multifamily residential development are reserved for occupancy by individuals and families earning not more than 80 percent of the area median income, adjusted for family size; and

(2) the development:

(A) has at least 20 percent of its residential units reserved for public housing units;

(B) participates in the Rental Assistance Demonstration program administered by the United States Department of Housing and Urban Development;

(C) receives financial assistance administered under Chapter 1372, Government Code, or receives financial assistance from another type of tax-exempt bond; or

(D) receives financial assistance administered under Subchapter DD, Chapter 2306, Government Code.

(d) For the purposes of Subsections ~~[Subsection]~~ (c) and (c-1), a "public housing unit" is a residential [dwelling] unit for which the owner receives a public housing operating subsidy. It does not include a unit for which payments are made to the landlord under the federal Section 8 Housing Choice Voucher Program.

SECTION 10. (a) Subject to Subsections (b), (c), and (d) of this section, Sections 303.0421 and 303.0425, Local Government Code, as added by this Act, apply only to a tax imposed for a tax year beginning on or after the effective date of this Act.

(b) Subject to Subsections (c) and (d) of this section, Sections 303.0421 and 303.0425, Local Government Code, as added by this Act, apply only to a multifamily residential development that is approved on or after the effective date of this Act by a public facility corporation or the sponsor of a public facility corporation, in accordance with Chapter 303, Local Government Code. A multifamily residential development that was approved by a public facility corporation or the sponsor of a public facility corporation before the effective date of this Act is governed by the law in effect on the date the development was approved by the corporation or sponsor, and the former law is continued in effect for that purpose.

(c) Subject to Subsection (d) of this section, Section 303.0421(d), Local Government Code, as added by this Act, applies only to an occupied multifamily residential development that is acquired by a public facility corporation on or after the effective date of this Act. An occupied multifamily residential development that is acquired by a public facility corporation before the effective date of this Act is governed by the law in effect on the date the development was acquired by the public facility corporation, and the former law is continued in effect for that purpose.

(d) Notwithstanding any other provision of this section:

(1) Section 303.0426, Local Government Code, as added by this Act, applies to all multifamily residential developments to which Section 303.0421 applies and with respect to which an exemption is sought or claimed under Section 303.042(c); and

(2) the initial audit report required to be submitted under Section 303.0426(b), Local Government Code, as added by this Act, for a multifamily residential development that was approved or acquired by a public facility corporation before the effective date of this Act must be submitted by the later of:

(A) the date established by Section 303.0426(f), Local Government Code, as added by this Act; or

(B) June 1, 2024.

SECTION 11. Not later than January 1, 2024, the Texas Department of Housing and Community Affairs shall adopt rules necessary to implement Section 303.0426, Local Government Code, as added by this Act.

SECTION 12. 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.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend Floor Amendment No. 1 to **HB 2071** by Bettencourt in SECTION 8 of the floor substitute, by striking added Section 303.0426(h), Local Government Code (page 14, lines 12 through 18), and relettering subsequent subsections and references to those subsections accordingly.

REMARKS ORDERED PRINTED

Representative Collier moved to print all remarks on **CSHB 2071** from Tuesday, April 25.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List Nos. 29, 30, 31, and 32 and Senate List No. 30).

HB 422 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Burns called up with senate amendments for consideration at this time,

HB 422, A bill to be entitled An Act relating to remotely conducting depositions, hearings, and other proceedings in juvenile cases.

Representative Burns moved to concur in the senate amendments to **HB 422**.

The motion to concur in the senate amendments to **HB 422** prevailed by (Record 2089): 127 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Garcia; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Toth; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Tinderholt; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Gámez; Gates; Harrison; Hayes; Isaac; Jones, J.; Klick; Lopez, J.; Plesa; Thompson, S.

STATEMENTS OF VOTE

When Record No. 2089 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 2089 was taken, my vote failed to register. I would have voted yes.

Isaac

When Record No. 2089 was taken, I was in the house but away from my desk. I would have voted yes.

J. Jones

When Record No. 2089 was taken, I was in the house but away from my desk. I would have voted yes.

J. Lopez

When Record No. 2089 was taken, I was in the house but away from my desk. I would have voted yes.

Plesa

When Record No. 2089 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 2089 was taken, I was shown voting no. I intended to vote yes.

Vasut

Senate Committee Substitute

CSHB 422, A bill to be entitled An Act relating to remotely conducting detention hearings in juvenile cases.

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

SECTION 1. The heading to Section 54.012, Family Code, is amended to read as follows:

Sec. 54.012. REMOTE CONDUCT [~~INTERACTIVE VIDEO RECORDING~~] OF DETENTION HEARING.

SECTION 2. Section 54.012, Family Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (e) to read as follows:

(a) A detention hearing under Section 54.01 may be conducted as a remote proceeding [~~held using interactive video equipment~~] if:

[~~(1) the child and the child's attorney agree to the video hearing; and~~
[~~(2)~~] the parties to the proceeding have the opportunity to cross-examine witnesses. Consent of the parties is not required for the detention hearing to be held in the manner specified by this subsection unless the United States or Texas Constitution requires consent.

(a-1) A juvenile court may allow or require a party, attorney, witness, court reporter, or any other individual to participate in a detention hearing conducted as a remote proceeding.

(a-2) The judge of a juvenile court shall submit to the Office of Court Administration of the Texas Judicial System a plan for conducting a detention hearing as a remote proceeding under this section. The plan must:

(1) include protocols for handling physical evidence; and
(2) require an unobstructed view of any party or witness who provides testimony from a remote location.

(e) In this section, "remote proceeding" means a proceeding in which one or more of the participants, including a judge, party, attorney, witness, court reporter, or other individual, attends the proceeding remotely through the use of technology and the Internet, including through teleconferencing or videoconferencing.

SECTION 3. Section 54.012(b), Family Code, is repealed.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 422** (senate committee printing) as follows:

In SECTION 4 of the bill, (page 1, line 58), strike "September 1, 2023" and substitute "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".

HB 456 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Craddick called up with senate amendments for consideration at this time,

HB 456, A bill to be entitled An Act relating to an exemption from ad valorem taxation of certain royalty interests owned by a charitable organization.

Representative Craddick moved to concur in the senate amendments to **HB 456**.

The motion to concur in the senate amendments to **HB 456** prevailed by (Record 2090): 135 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Hernandez; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Hinojosa; Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Davis; Hayes; Isaac.

STATEMENT OF VOTE

When Record No. 2090 was taken, my vote failed to register. I would have voted yes.

Isaac

Senate Committee Substitute

CSHB 456, A bill to be entitled An Act relating to an exemption from ad valorem taxation of certain interests in a mineral in place owned by certain charitable organizations.

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

SECTION 1. Section 11.18(a), Tax Code, is amended to read as follows:

(a) An organization that qualifies as a charitable organization as provided by this section is entitled to an exemption from taxation of:

(1) the buildings and tangible personal property that:

(A) are owned by the charitable organization; and

(B) except as permitted by Subsection (b), are used exclusively by qualified charitable organizations; ~~and~~

(2) the real property owned by the charitable organization consisting of:

(A) an incomplete improvement that:

(i) is under active construction or other physical preparation;

and

(ii) is designed and intended to be used exclusively by qualified charitable organizations; and

(B) the land on which the incomplete improvement is located that will be reasonably necessary for the use of the improvement by qualified charitable organizations; and

(3) if the charitable organization is described by Subsection (d)(1), (2), (3)(A)(ii), (5), (8), (13), (15), or (19), the real property owned by the charitable organization consisting of an interest in a mineral in place, including a royalty interest, provided that the interest:

(A) is not severed from the surface estate; or

(B) was donated to the charitable organization by the previous owner of the interest.

SECTION 2. This Act applies only to ad valorem taxes imposed for a tax year beginning on or after the effective date of this Act.

SECTION 3. This Act takes effect January 1, 2024.

HB 3161 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hull called up with senate amendments for consideration at this time,

HB 3161, A bill to be entitled An Act relating to the duties of a justice of the peace, medical examiner, or other investigator regarding the bodies of unidentified deceased persons.

Representative Hull moved to concur in the senate amendments to **HB 3161**.

The motion to concur in the senate amendments to **HB 3161** prevailed by (Record 2091): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Flores; Johnson, J.D.; Sherman; Thompson, S.

Senate Committee Substitute

CSHB 3161, A bill to be entitled An Act relating to the duties of a justice of the peace, medical examiner, or other investigator regarding the bodies of unidentified deceased persons and to the control by certain persons of the disposition of a deceased person's remains.

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

SECTION 1. Article 49.01, Code of Criminal Procedure, is amended to read as follows:

Art. 49.01. DEFINITIONS. (a) In this chapter [~~article~~]:

(1) "Autopsy" means a post mortem examination of the body of a person, including X-rays and an examination of the internal organs and structures after dissection, to determine the cause of death or the nature of any pathological changes that may have contributed to the death.

(2) "Inquest" means an investigation into the cause and circumstances of the death of a person, and a determination, made with or without a formal court hearing, as to whether the death was caused by an unlawful act or omission.

(3) "Inquest hearing" means a formal court hearing held to determine whether the death of a person was caused by an unlawful act or omission and, if the death was caused by an unlawful act or omission, to obtain evidence to form the basis of a criminal prosecution.

(4) "Institution" means any place where health care services are rendered, including a hospital, clinic, health facility, nursing home, extended-care facility, out-patient facility, foster-care facility, and retirement home.

(5) "Physician" means a practicing doctor of medicine or doctor of osteopathic medicine who is licensed by the Texas State Board of Medical Examiners under Subtitle B, Title 3, Occupations Code.

(b) For purposes of this chapter, a person or body is considered unidentified if:

(1) the deceased person's legal name is unknown; and

(2) there is no known person with the duty to inter the deceased person's remains under Section 711.002(a), Health and Safety Code.

SECTION 2. Article 49.04(a), Code of Criminal Procedure, is amended to read as follows:

(a) A justice of the peace shall conduct an inquest into the death of a person who dies in the county served by the justice if:

(1) the person dies in prison under circumstances other than those described by Section 501.055(b), Government Code, or in jail;

(2) the person dies an unnatural death from a cause other than a legal execution;

(3) the body or a body part of a person is found and either:

(A) the person is identified but [5] the cause or circumstances of death are unknown~~[-and:~~

~~[(A) the person is identified]; or~~

(B) the person is unidentified, regardless of whether the cause or circumstances of death are known;

(4) the circumstances of the death indicate that the death may have been caused by unlawful means;

(5) the person commits suicide or the circumstances of the death indicate that the death may have been caused by suicide;

(6) the person dies without having been attended by a physician;

(7) the person dies while attended by a physician who is unable to certify the cause of death and who requests the justice of the peace to conduct an inquest; or

(8) the person is a child younger than six years of age and an inquest is required by Chapter 264, Family Code.

SECTION 3. Section 6(a), Article 49.25, Code of Criminal Procedure, is amended to read as follows:

(a) Any medical examiner, or his duly authorized deputy, shall be authorized, and it shall be his duty, to hold inquests with or without a jury within his county, in the following cases:

1. When a person shall die within twenty-four hours after admission to a hospital or institution or in prison or in jail;

2. When any person is killed; or from any cause dies an unnatural death, except under sentence of the law; or dies in the absence of one or more good witnesses;

3. When the body or a body part of a person is found and either:

(A) the person is identified but [?] the cause or circumstances of death are unknown~~and:~~

~~[(A) the person is identified]; or~~

(B) the person is unidentified, regardless of whether the cause or circumstances of death are known;

4. When the circumstances of the death of any person are such as to lead to suspicion that he came to his death by unlawful means;

5. When any person commits suicide, or the circumstances of his death are such as to lead to suspicion that he committed suicide;

6. When a person dies without having been attended by a duly licensed and practicing physician, and the local health officer or registrar required to report the cause of death under Section 193.005, Health and Safety Code, does not know the cause of death. When the local health officer or registrar of vital statistics whose duty it is to certify the cause of death does not know the cause of death, he shall so notify the medical examiner of the county in which the death occurred and request an inquest;

7. When the person is a child who is younger than six years of age and the death is reported under Chapter 264, Family Code; and

8. When a person dies who has been attended immediately preceding his death by a duly licensed and practicing physician or physicians, and such physician or physicians are not certain as to the cause of death and are unable to certify with certainty the cause of death as required by Section 193.004, Health and Safety Code. In case of such uncertainty the attending physician or physicians, or the superintendent or general manager of the hospital or institution in which the deceased shall have died, shall so report to the medical examiner of the county in which the death occurred, and request an inquest.

SECTION 4. Section 711.002, Health and Safety Code, is amended by amending Subsection (l) and adding Subsections (l-1) and (l-2) to read as follows:

(l) A person listed in Subsection (a) may not control the disposition of the decedent's remains if:

(1) [?] in connection with the decedent's death, ~~[an indictment has been filed charging]~~ the person has been arrested or an arrest warrant has been issued for the person for [with] a crime under Chapter 19, Penal Code, that involves family violence against the decedent; or

(2) the decedent had filed an application for a protective order against or with respect to the person under Subchapter A, Chapter 7B, Code of Criminal Procedure, Article 17.292, Code of Criminal Procedure, Section 6.504, Family Code, or Subtitle B, Title 4, Family Code, or an order has been issued against or with respect to the person under one of those provisions.

(1-1) A person regulated under Chapter 651, Occupations Code, who knowingly allows a person described by Subsection (1) [the person charged with a crime] to control the disposition of the decedent's remains in violation of that [this] subsection commits a prohibited practice under Section 651.460, Occupations Code, and the Texas Funeral Service Commission may take disciplinary action or assess an administrative penalty against the regulated person under that chapter.

(1-2) A court with jurisdiction over probate proceedings shall expedite the proceedings to resolve any dispute over the right to control the disposition of a decedent's remains among the persons listed in Subsection (a) if the dispute involves the control of the disposition of the remains by a prohibited person described by Subsection (1).

SECTION 5. Articles 49.01, 49.04, and 49.25, Code of Criminal Procedure, as amended by this Act, apply only to an investigation of a death of an unidentified person that commences on or after the effective date of this Act. An investigation of the death of an unidentified person that commences before the effective date of this Act is governed by the law in effect when the investigation commenced, and the former law is continued in effect for that purpose.

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

HB 784 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Ordaz called up with senate amendments for consideration at this time,

HB 784, A bill to be entitled An Act relating to the delegation of certain authority of a county judge or commissioners court in certain counties.

Representative Ordaz moved to concur in the senate amendments to **HB 784**.

The motion to concur in the senate amendments to **HB 784** prevailed by (Record 2092): 119 Yeas, 20 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Burns; Burrows; Button; Campos; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave

Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Bumgarner; Cain; Canales; Clardy; Dean; Gates; Goldman; Harris, C.J.; Hayes; Hefner; Isaac; Klick; Leo-Wilson; Metcalf; Patterson; Schofield; Shaheen; Toth; Troxclair; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Capriglione.

STATEMENTS OF VOTE

When Record No. 2092 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

When Record No. 2092 was taken, I was shown voting yes. I intended to vote no.

Harrison

When Record No. 2092 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 2092 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

CSHB 784, A bill to be entitled An Act relating to the delegation of certain authority of a county judge or commissioners court in certain counties.

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

SECTION 1. Section 81.029(a), Local Government Code, is amended to read as follows:

(a) This section applies only to a county judge in a county that has a population of more than 800,000 and is located on the international border, other than a county to which Section 81.0291 applies.

SECTION 2. Subchapter B, Chapter 81, Local Government Code, is amended by adding Section 81.0291 to read as follows:

Sec. 81.0291. DELEGATION OF CERTAIN AUTHORITY OF COUNTY JUDGE OR COMMISSIONERS COURT IN CERTAIN COUNTIES. (a) This section applies only to a county that:

- (1) has a population of more than 800,000;
- (2) is located on the international border; and
- (3) borders another state.

(b) A county judge may file an order with the commissioners court of a county delegating to a county commissioner of the commissioners court, a chief administrator, or another county officer or employee the ability to sign orders or other official documents associated with the county judge's office. The delegating order must clearly indicate the types of orders or official documents that the county commissioner, chief administrator, officer, or employee may sign on behalf of the county judge.

(c) A county judge may file a standing order of emergency delegation of authority that clearly indicates the types of orders or official documents that the county commissioner, chief administrator, officer, or employee may sign on behalf of the county judge in the event of an emergency or disaster.

(d) An order or official document signed by the county commissioner, chief administrator, officer, or employee under the delegated authority of the county judge under this section has the same effect as an order of the county judge.

(e) The county judge may at any time revoke the delegated authority or transfer the authority to a different county commissioner, chief administrator, officer, or employee by filing an order with the commissioners court.

(f) The commissioners court by order may delegate managerial authority of the commissioners court to a county chief administrator. The delegating order must clearly indicate the specific managerial authority delegated to the administrator. By subsequent order, the commissioners court may revoke or modify the managerial authority delegated to the administrator.

SECTION 3. This Act takes effect September 1, 2023.

HB 2706 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Shine called up with senate amendments for consideration at this time,

HB 2706, A bill to be entitled An Act relating to the regulation of manufactured homes.

Representative Shine moved to concur in the senate amendments to **HB 2706**.

The motion to concur in the senate amendments to **HB 2706** prevailed by (Record 2093): 127 Yeas, 12 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman;

Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Canales; Hayes; Hefner; Isaac; Leo-Wilson; Patterson; Ramos; Schofield; Shaheen; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Gates.

STATEMENT OF VOTE

When Record No. 2093 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

Senate Committee Substitute

CSHB 2706, A bill to be entitled An Act relating to the regulation of manufactured homes.

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

SECTION 1. Section 1201.1025, Occupations Code, is amended by adding Subsection (a-1) and amending Subsection (c) to read as follows:

(a-1) A person is exempt from holding a retailer's license as required by Section 1201.101(b) if all manufactured homes sold or offered for sale by the person are:

(1) located in a manufactured home community, as defined by Section 94.001, Property Code; and

(2) sold or offered for sale to the same purchaser in connection with a sale of the real property of the community.

(c) A person who is eligible for an exemption under this section remains subject to the other applicable provisions of this subchapter and department rules regarding the sale or transfer of manufactured homes.

SECTION 2. Section 1201.153(c), Occupations Code, is amended to read as follows:

(c) The notice must:

(1) contain the information required by:

(A) the United States Department of Housing and Urban Development; or

(B) the board; and

(2) be of the type, size, and format required by the director.

SECTION 3. Section 1201.201(5), Occupations Code, is amended to read as follows:

(5) "Inventory":

(A) has the meaning assigned by Section 9.102, Business & Commerce Code; and

(B) does not include manufactured homes used by a retailer as equipment, as defined by Section 9.102(a)(33), Business & Commerce Code
~~[means new and used manufactured homes that:~~

~~[(A) a retailer has designated as the retailer's inventory for sale pursuant to the process implemented by the department; and~~

~~[(B) are not used as residential dwellings when so designated].~~

SECTION 4. Sections 1201.219(a) and (c), Occupations Code, are amended to read as follows:

(a) A lien on manufactured homes in inventory is perfected only by filing a financing statement in accordance with Section 9.310, Business & Commerce Code, and the other provisions of that code related to security interests for inventory [the lien with the department on the required form]. Once perfected, the lien applies to the manufactured homes in the inventory as well as to any proceeds from the sale of those homes. The department may suspend or revoke the license of a retailer who fails to satisfy a perfected inventory lien.

(c) Notwithstanding any other provision of this section or any other law, the filing of a financing statement to perfect a lien [security agreement] on the inventory of a retailer as described by Subsection (a) does not prevent a buyer in the ordinary course of business, as defined by Section 1.201, Business & Commerce Code, from acquiring good and marketable title free of that lien, and the department may not consider that lien for the purpose of title issuance.

SECTION 5. Section 1201.357(b), Occupations Code, is amended to read as follows:

(b) If the manufacturer, retailer, or installer, as applicable, fails or refuses to provide warranty service in accordance with the department order under Section 1201.356, the director may ~~shall~~ hold an informal meeting at which the manufacturer, retailer, or installer must show cause as to why the manufacturer's, retailer's, or installer's license should not be suspended or revoked and at which the consumer may express the person's views. Following the meeting, the director shall either resolve the matter by agreed order, dismiss the matter if no violation is found to have occurred, or institute an administrative action, which may include license suspension or revocation, the assessment of administrative penalties, or a combination of such actions.

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

HB 1211 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Guillen called up with senate amendments for consideration at this time,

HB 1211, A bill to be entitled An Act relating to repayment of certain mental health professional education loans.

Representative Guillen moved to concur in the senate amendments to **HB 1211**.

The motion to concur in the senate amendments to **HB 1211** prevailed by (Record 2094): 122 Yeas, 17 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hefner; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Sherman; Shine; Smithee; Stucky; Talarico; Tepper; Thierry; Thompson, E.; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Craddick; Goodwin; Hayes; Hull; Isaac; Leo-Wilson; Patterson; Schaefer; Shaheen; Slawson; Smith; Swanson; Thimesch; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Thompson, S.

STATEMENT OF VOTE

When Record No. 2094 was taken, I was shown voting yes. I intended to vote no.

Harrison

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1211** by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 51.831, Education Code, is amended to read as follows:

Sec. 51.831. COUNCIL AGREEMENT WITH PRIVATE OR INDEPENDENT INSTITUTION OF HIGHER EDUCATION. Each private or independent institution of higher education must enter into an agreement with the council under which the institution agrees to:

(1) provide academic counseling to a participating student or program alternate enrolled at the institution;

(2) as soon as practicable, implement or expand appropriate degree programs as necessary to provide participating students with sufficient preparation for enrollment in participating medical schools;

(3) select a faculty director or an academic or health professions advisor to assist in implementing the program at the institution and in implementing or expanding the institution's degree programs as necessary under Subdivision (2); and

(4) provide, in addition to any other scholarship money awarded to the student, a scholarship to a participating student in the amount required for a participating student attending a general academic teaching institution, except that [but not to exceed] the amount of scholarship awards may not exceed the amount of tuition and fees that the student is charged.

SECTION _____. The change in law made by this Act to Section 51.831, Education Code, applies to the provision of scholarships pursuant to an agreement under Section 51.831, Education Code, as amended by this Act, beginning with the 2023-2024 academic year.

HB 5336 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Vasut called up with senate amendments for consideration at this time,

HB 5336, A bill to be entitled An Act relating to the powers and duties of Port Freeport; limiting the authority of certain municipalities to regulate land use by Port Freeport; and the creation of a reinvestment zone containing property owned by Port Freeport.

Representative Vasut moved to concur in the senate amendments to **HB 5336**.

The motion to concur in the senate amendments to **HB 5336** prevailed by (Record 2095): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smith; Stuckey; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — King, T.

STATEMENTS OF VOTE

When Record No. 2095 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 2095 was taken, I was shown voting yes. I intended to vote no.

Ramos

Senate Committee Substitute

CSHB 5336, A bill to be entitled An Act relating to the powers and duties of Port Freeport; limiting the authority of certain municipalities to regulate land use by Port Freeport; and the creation of a reinvestment zone containing property owned by Port Freeport.

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

SECTION 1. Chapter 5002, Special District Local Laws Code, is amended by adding Subchapters D and E to read as follows:

SUBCHAPTER D. POWERS AND DUTIES

Sec. 5002.151. DEFINITIONS. In this subchapter:

(1) "Port use" means any use permitted or allowed, with or without a special use permit, in the following zoning districts under the zoning ordinance, or any additional use subsequently permitted or allowed in the following zoning districts under an amendment to the zoning ordinance:

(A) a zoning district designated as DT, C-1, C-2, C-3, or W-1; or

(B) a zoning district designated as "IN," other than heavy industrial or other heavy industrial uses as defined in the zoning ordinance.

(2) "Port zone" means:

(A) the lands within the protected zone that are located both south of West Eighth Street and east of Cherry Street; and

(B) all lands east of Farm-to-Market Road 1495 that are included within the Plat and Dedication of the Freeport Townsite recorded in Volume 2, at Page 95 of the Brazoria County Real Property Records.

(3) "Protected zone" means the portion of the corporate limits of the City of Freeport as they exist on September 1, 2023, that lies:

(A) within the enclosed space bounded by beginning at the intersection of State Highway 36 and the center of the Brazos River, then north along the center of the Brazos River to the intersection of the center of the Brazos River and the center of the DOW fresh water canal, then north and east along the center of the DOW fresh water canal to the intersection of the center of the DOW fresh water canal and Farm-to-Market Road 1495, then south along

Farm-to-Market Road 1495 to the intersection of Farm-to-Market Road 1495 and State Highway 36, and then west along State Highway 36 to the intersection of State Highway 36 and the center of the Brazos River;

(B) within Brazoria County 2020 United States Census tract 664501 blocks 2027, 2032, and 2034;

(C) within the enclosed space bounded by beginning at the intersection of Farm-to-Market Road 1495 and the Intracoastal Waterway, then west along the Intracoastal Waterway to the intersection of the Intracoastal Waterway and the Brazos River, then south along the Brazos River to the Gulf of Mexico, then east along the Gulf of Mexico to the intersection of a line extending from the southern terminus of Farm-to-Market Road 1495 due south to the intersection with the Gulf of Mexico, and then due north to the intersection of Farm-to-Market Road 1495 and the Intracoastal Waterway;

(D) adjacent to the old Brazos River channel and inside the floodgate, which is zoned as a W-1 District under the zoning ordinance, and bounded by Farm-to-Market Road 1495 on the west;

(E) within the portion of Brazoria County 2020 United States Census tract 664200 blocks 2059, 2060, and 2061 that lies within 3,500 feet of the centerline of State Highway 332;

(F) within the 13.316 acre tract of land described in that certain Deed recorded in Volume 11199, at Page 471 of the Brazoria County Real Property Records; or

(G) within the 56.751 acre tract of land described in that certain Deed of Exchange recorded in Volume 86286, at Page 927 of the Brazoria County Real Property Records.

(4) "Zoning ordinance" means Chapter 155, Code of Ordinances, of the City of Freeport, Texas in effect on January 1, 2023.

Sec. 5002.152. POWERS REGARDING PORTS AND FACILITIES. Except as provided by Section 5002.153, the district may:

(1) acquire by gift, purchase, or eminent domain and own land adjacent or accessible by road, rail, or water to navigable water and ports developed by the district that is necessary for the development and operation of the navigable water or ports within the district or necessary for or in aid of the development of industries and businesses on that land; and

(2) construct, extend, improve, repair, maintain, and reconstruct, cause to be constructed, extended, improved, repaired, maintained, and reconstructed, and own, rent, lease, use, and operate any facility of any kind necessary or convenient to the exercise of the rights, powers, privileges, and functions granted by this chapter.

Sec. 5002.153. LIMITATION ON ACQUISITION AND USE OF REAL PROPERTY WITHIN THE CORPORATE LIMITS OF CERTAIN MUNICIPALITIES. After the effective date of the Act enacting this section, the district shall not:

(1) acquire by gift, purchase, or condemnation any real property located within the protected zone unless:

(A) the acquisition is of a residential lot or lots for which no change in the permitted use will be sought by the district; or

(B) the acquisition is submitted to the qualified voters of the municipality within which the real property is located at an election held on a uniform election date and is approved by a majority of the votes received at the election;

(2) use any property owned or acquired by the district in the port zone for anything other than a port use; or

(3) use any property owned or acquired by the district in the protected zone that is not in the port zone for anything other than a use permitted under the zoning ordinance unless the use is approved by the governing body of the municipality in which the land is located.

Sec. 5002.154. CALLING ELECTION. The governing body of a municipality shall call an election under Section 5002.153(1)(B) to be held on the next uniform election date within 30 days of the municipality's receipt from the district of a written request for the election and the description of all property subject to the election.

Sec. 5002.155. REPLATTING OF LAND. (a) The district may replat land owned by the district in accordance with Subchapter A, Chapter 212, Local Government Code, for the purpose of combining previously platted lots for development.

(b) The municipal authority responsible for approving the plat shall approve a replat requested by the district for the purposes set forth in this section within 60 days following receipt of the application for replat.

(c) The provisions of Subsection (b) do not apply to the replatting of land by the district if the replat creates or proposes municipally owned or municipally maintained public right-of-way or municipally owned or municipally maintained water, wastewater, or stormwater infrastructure within the property being platted.

SUBCHAPTER E. RELATIONSHIP WITH MUNICIPALITIES

Sec. 5002.201. DISTRICT PROPERTY SUBJECT TO MUNICIPAL JURISDICTION. (a) This section applies only to property:

(1) owned or leased by the district; and

(2) located in:

(A) the district; and

(B) the boundaries or extraterritorial jurisdiction of a municipality with a population of less than 20,000 that is wholly located in the district and whose corporate limits border the Gulf of Mexico.

(b) Except as provided by Subsection (c), the district has exclusive land use jurisdiction over property to which this section applies.

(c) This section does not apply to an ordinance, rule, or other measure adopted by a municipality that:

(1) applies only to property within the boundaries of the municipality;

(2) regulates only the safety of the operations of the municipality or reasonable aesthetics, including regulations governing fire and emergency response, traffic, light, or noise;

(3) is commercially reasonable; and

(4) does not effectively prohibit development and operation of industries and businesses on property owned or leased by the district that are built in accordance with building codes adopted by the district that meet or exceed the building codes adopted by the local municipality.

(d) A municipality may conduct inspections to verify compliance with Subsection (c) if the inspections are conducted in a timely manner, and any differences in interpretation of applicable codes are determined in favor of the district.

(e) Except as provided by Subsection (c), a municipality may not adopt or enforce an ordinance, rule, or other measure that prohibits or restricts:

(1) the acquisition or leasing of property to which this section applies for a purpose described by Section 5002.152; or

(2) the development of industries and businesses on property to which this section applies.

Sec. 5002.202. MUNICIPAL CONSENT NOT REQUIRED. Municipal consent is not required for the district to exercise a power or duty under this chapter.

Sec. 5002.203. DESIGNATION OF REINVESTMENT ZONE. Notwithstanding Subchapter B, Chapter 312, Tax Code, the district may submit a written request to the commissioners court of a county in which a property owned by the district is located for the commissioners court to designate the property as a reinvestment zone or area for the purposes of Chapter 312, Tax Code. The commissioners court may designate the property as a reinvestment zone or area if the commissioners court finds the criteria set forth in Section 312.202, Tax Code, are met for the property as if a municipality in which the property is located were creating the zone.

Sec. 5002.204. ENFORCEMENT OF SUBCHAPTERS. (a) The provisions of Subchapters D and E may be enforced only through mandamus or declaratory or injunctive relief. A political subdivision's immunity from suit is waived in regard to an action under this subchapter.

(b) A court may award court costs and reasonable and necessary attorney's fees to the prevailing party in an action under this subchapter.

Sec. 5002.205. EFFECT OF INVALIDITY OF CERTAIN PROVISIONS. (a) This section applies only to a municipality with a population of more than 5,000 that is wholly located in the district and to property:

(1) owned or leased by the district;

(2) located in the district and within seven miles of the Gulf of Mexico;
and

(3) located in the corporate limits or extraterritorial jurisdiction of a municipality that is subject to this section.

(b) If enforcement of any part of Section 5002.201 is ever permanently enjoined or held to be invalid or to violate the requirements of the Texas Constitution by a final, non-appealable order or judgment of a court of competent jurisdiction, other than pursuant to an action initiated by the district, then:

(1) all of Section 5002.201 will be automatically enjoined from enforcement; and

(2) the authority of a municipality subject to this section to regulate property subject to this section under Chapter 211 or 212, Local Government Code, or any local code or ordinance shall be expressly preempted and Chapter 232, Local Government Code, shall exclusively apply to such property.

(c) If enforcement of any part of Section 5002.153 or 5002.154 is ever permanently enjoined or held to be invalid or to violate the requirements of the Texas Constitution by a final, non-appealable order or judgment of a court of competent jurisdiction, other than pursuant to an action initiated by a municipality, then Section 5002.201 will be automatically enjoined from enforcement.

SECTION 2. 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.

HB 5398 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative C.J. Harris called up with senate amendments for consideration at this time,

HB 5398, A bill to be entitled An Act relating to the creation of the West Lake Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

Representative C.J. Harris moved to concur in the senate amendments to **HB 5398**.

The motion to concur in the senate amendments to **HB 5398** prevailed by (Record 2096): 119 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Sherman; Shine; Smith; Smithee; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Wiener.

Nays — Cain; Capriglione; Cook; Dean; Gerdes; Goldman; Hayes; Hefner; Hull; Isaac; Leo-Wilson; Patterson; Schaefer; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Martinez Fischer; Wilson.

STATEMENTS OF VOTE

When Record No. 2096 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2096 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

When Record No. 2096 was taken, I was shown voting yes. I intended to vote no.

Holland

Senate Committee Substitute

CSHB 5398, A bill to be entitled An Act relating to the creation of the West Lake Ranch Municipal Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3942 to read as follows:

CHAPTER 3942. WEST LAKE RANCH MUNICIPAL MANAGEMENT

DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3942.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Corsicana.

(3) "County" means Navarro County.

(4) "Director" means a board member.

(5) "District" means the West Lake Ranch Municipal Management

District.

Sec. 3942.0102. NATURE OF DISTRICT. The West Lake Ranch Municipal Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3942.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the county, the city, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve the county or the city from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant county or city services provided in the district.

Sec. 3942.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

(1) developing and diversifying the economy of the state;

(2) eliminating unemployment and underemployment; and

(3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3942.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3942.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code; or

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

Sec. 3942.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3942.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3942.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors who serve staggered terms of four years.

(b) Directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

Sec. 3942.0202. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3942.0203. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) The temporary or successor temporary directors shall hold an election to elect five permanent directors as provided by Section 49.102, Water Code.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(d) If permanent directors have not been elected under Subsection (b) and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3942.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3942.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3942.0303. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement services in the district for a fee.

Sec. 3942.0304. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3942.0305. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3942.0306. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3942.0307. ADDING OR EXCLUDING LAND. The district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 3942.0308. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3942.0309. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. ASSESSMENTS

Sec. 3942.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3942.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3942.0501. TAX ELECTION REQUIRED. (a) The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

(b) Section 375.243, Local Government Code, does not apply to the district.

Sec. 3942.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3942.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3942.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

Sec. 3942.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues;
or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3942.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3942.0501, the district may issue bonds payable from ad valorem taxes.

(b) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(c) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 3942.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not issue bonds until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district as required by applicable law.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

SUBCHAPTER I. DISSOLUTION

Sec. 3942.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of:

(1) at least two-thirds of the assessed value of the property subject to assessment by the district based on the most recent certified county property tax rolls; or

(2) at least two-thirds of the surface area of the district, excluding roads, streets, highways, utility rights-of-way, other public areas, and other property exempt from assessment by the district according to the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION 2. The West Lake Ranch Municipal Management District initially includes all territory contained in the following area:

Tract 1

BEING A TRACT OF LAND SITUATED IN THE JOSEPH BUNCH SURVEY, ABSTRACT NO. 130; THE RADFORD ELLIS SURVEY, ABSTRACT NO. 252; THE JACOB ALLBRACHET SURVEY, ABSTRACT NO. 39; THE ELIJAH SANDERS SURVEY, ABSTRACT NO. 755; THE RICHARD SANDERS SURVEY, ABSTRACT NO. 754; THE JONAS DEARMAN SURVEY, ABSTRACT NO. 212; THE HICKMAN M. SHULTS SURVEY, ABSTRACT NO. 756; THE WILLIAM HAGGARD SURVEY, ABSTRACT NO. 370; THE EVAN LOWERY SURVEY, ABSTRACT NO. 476; THE JEREMIAH DAY SURVEY, ABSTRACT NO. 202; THE ROBERT B. LONGBOTHAM SURVEY, ABSTRACT NO. 79; AND THE FENWICK

R. KENDALL SURVEY, ABSTRACT NO. 460, NAVARRO COUNTY, TEXAS, BEING A PORTION OF A CALLED 2,220.14 ACRE TRACT (PART 1), ALL OF A CALLED 355.06 ACRE TRACT (PART 2), ALL OF A CALLED 798.583 ACRE TRACT (PART 3), AND ALL OF A CALLED 45.147 ACRE TRACT (PART 7) DESCRIBED IN THE DEED TO WP LEGACY, LTD. RECORDED IN DOCUMENT NO. 2009-004255 OF THE OFFICIAL RECORDS OF NAVARRO COUNTY, TEXAS (O.R.N.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE EAST CORNER OF A CALLED 121.29 ACRE TRACT DESCRIBED IN THE DEED TO JUAN F. ALVARADO RECORDED IN DOCUMENT NO. 2007-002345 (AND CORRECTED BY DOCUMENT NO. 2015-006151) O.R.N.C.T., AND THE EASTERLY NORTH CORNER OF SAID PART 3, IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE B.N.S.F. RAILROAD;

THENCE SOUTH 43° 06' 25" EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE B.N.S.F. RAILROAD AND A NORTHEASTERLY LINE OF SAID PART 3, 451.15 FEET;

THENCE SOUTH 33° 09' 22" EAST, CONTINUING ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE B.N.S.F. RAILROAD AND A NORTHEASTERLY LINE OF SAID PART 3, 1829.65 FEET TO THE NORTH CORNER OF A CALLED 2.14 ACRE TRACT DESCRIBED IN THE DEED TO VERNON WESLEY ECK ET AL. RECORDED IN DOCUMENT NO. 2021-004994 O.R.N.C.T. AND A NORTHERLY EAST CORNER OF SAID PART 3;

THENCE SOUTH 56° 50' 38" WEST, ALONG THE NORTHWEST LINE OF SAID 2.14 ACRE TRACT AND A SOUTHEASTERLY LINE OF SAID PART 3, 80.00 FEET TO THE WEST CORNER OF SAID 2.14 ACRE TRACT AND AN INTERIOR CORNER OF SAID PART 3;

THENCE SOUTH 33° 09' 22" EAST, ALONG THE SOUTHWEST LINE OF SAID 2.14 ACRE TRACT AND A NORTHEASTERLY LINE OF SAID PART 3, 637.02 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, CONTINUING ALONG THE SOUTHWEST LINE OF SAID 2.14 ACRE TRACT AND A NORTHEASTERLY LINE OF SAID PART 3, AN ARC DISTANCE OF 609.12 FEET, THROUGH A CENTRAL ANGLE OF 16° 46' 44", HAVING A RADIUS OF 2080.00 FEET, AND A LONG CHORD WHICH BEARS SOUTH 41° 32' 44" EAST, 606.95 FEET, TO THE SOUTH CORNER OF SAID 2.14 ACRE TRACT AND AN INTERIOR CORNER OF SAID PART 3;

THENCE NORTH 63° 34' 43" EAST, ALONG THE SOUTHEAST LINE OF SAID 2.14 ACRE TRACT AND A NORTHWESTERLY LINE OF SAID PART 3, 30.35 FEET TO A NORTHERLY CORNER OF SAID PART 3 IN THE SOUTHWESTERLY MARGIN OF NW COUNTY ROAD 1060;

THENCE ALONG THE SOUTHWESTERLY MARGIN OF NW COUNTY ROAD 1060, NORTHEASTERLY LINES OF SAID PART 3 AND NORTHEASTERLY LINES OF SAID PART 1, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 56° 05' 45" EAST, 338.56 FEET;

SOUTH 61° 34' 26" EAST, 381.78 FEET;

SOUTH 70° 56' 09" EAST, 259.08 FEET;

SOUTH 74° 02' 24" EAST, 663.90 FEET;

SOUTH 73° 46' 32" EAST, 1180.00 FEET;

SOUTH 74° 20' 22" EAST, 1010.01 FEET;

SOUTH 73° 25' 24" EAST, 299.21 FEET;

SOUTH 67° 10' 16" EAST, 455.76 FEET;

SOUTH 64° 53' 55" EAST, 1546.40 FEET;

SOUTH 60° 09' 18" EAST, 299.69 FEET;

THENCE SOUTH 47° 51' 02" EAST, CONTINUING ALONG A NORTHEASTERLY LINE OF SAID PART 1, 315.41 FEET;

THENCE SOUTH 45° 13' 51" EAST, CONTINUING ALONG A NORTHEASTERLY LINE OF SAID PART 1, THE SOUTHEAST LINE OF NORTHVIEW ADDITION PHASE IV, AN ADDITION TO THE CITY OF CORSICANA AS SHOWN ON THE PLAT RECORDED IN VOLUME 6, PAGE 110 OF THE PLAT RECORDS OF NAVARRO COUNTY, TEXAS (P.R.N.C.T.), THE SOUTHEAST LINE OF NORTHVIEW ADDITION PHASE III, AN ADDITION TO THE CITY OF CORSICANA AS SHOWN ON THE PLAT RECORDED IN VOLUME 6, PAGE 4 P.R.N.C.T., AND THE SOUTHEAST LINE OF NORTHVIEW ADDITION PHASE I & II, AN ADDITION TO THE CITY OF CORSICANA AS SHOWN ON THE PLAT RECORDED IN VOLUME 6, PAGE 4 P.R.N.C.T., 3987.26 FEET TO THE NORTH CORNER OF A CALLED 9.93 ACRE TRACT DESCRIBED IN THE DEED TO JEFFREY J. DREES AND MARISSA D. DREES RECORDED IN DOCUMENT NO. 2017-003183 O.R.N.C.T. AND THE NORTHERLY EAST CORNER OF SAID PART 1;

THENCE SOUTH 61° 04' 29" WEST, ALONG THE NORTHWEST LINE OF SAID 9.93 ACRE TRACT, THE NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN THE DEED TO RONALD A. WILLIS RECORDED IN VOLUME 1067, PAGE 102 O.R.N.C.T., AND A SOUTHEASTERLY LINE OF SAID PART 1, 587.80 FEET TO AN INTERIOR CORNER OF SAID PART 1;

THENCE SOUTH 30° 02' 02" EAST, ALONG A SOUTHWEST LINE OF SAID WILLIS TRACT AND A NORTHEASTERLY LINE OF SAID PART 1, 1733.93 FEET TO THE NORTH CORNER OF DOBBINS CROSSING, AN ADDITION TO THE CITY OF CORSICANA AS SHOWN ON THE PLAT RECORDED IN VOLUME 7, PAGE 281 P.R.N.C.T. AND THE SOUTHERLY EAST CORNER OF SAID PART 1;

THENCE SOUTH 61° 01' 50" WEST, ALONG THE NORTHWEST LINE OF DOBBINS CROSSING AND A SOUTHEASTERLY LINE OF SAID PART 1, AT 271.79 FEET PASSING THE NORTHWEST CORNER OF DOBBINS CROSSING AND AN INTERIOR CORNER OF SAID PART 1, CONTINUING

ACROSS SAID PART 1, A TOTAL DISTANCE OF 579.91 FEET TO A POINT 500-FEET OFFSET FROM THE NORTHWESTERLY RIGHT-OF-WAY LINE OF DOBBINS ROAD, AS SHOWN ON A MAP OF ANNEXATION FOR THE CITY OF CORSICANA, DATED MAY 2006;

THENCE CONTINUING ACROSS SAID PART 1, 500 FEET OFFSET FROM AND PARALLEL TO THE NORTHWESTERLY RIGHT-OF-WAY LINES OF DOBBINS ROAD, AS SHOWN ON SAID MAP OF ANNEXATION, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 31° 55' 42" WEST, 852.28 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 4.13 FEET, THROUGH A CENTRAL ANGLE OF 11° 54' 24", HAVING A RADIUS OF 19.85 FEET, AND A LONG CHORD WHICH BEARS SOUTH 37° 52' 54" WEST, 4.12 FEET;

SOUTH 43° 50' 06" WEST, 430.30 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 352.80 FEET, THROUGH A CENTRAL ANGLE OF 18° 00' 00", HAVING A RADIUS OF 1123.00 FEET, AND A LONG CHORD WHICH BEARS SOUTH 34° 50' 06" WEST, 351.35 FEET;

SOUTH 25° 50' 06" WEST, 2649.09 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 92.36 FEET, THROUGH A CENTRAL ANGLE OF 17° 38' 22", HAVING A RADIUS OF 300.00 FEET, AND A LONG CHORD WHICH BEARS SOUTH 34° 25' 04" WEST, 92.00 FEET TO A POINT IN THE NORTHEAST LINE OF A CALLED 5 ACRE TRACT 2 DESCRIBED IN THE DEED TO INDUSTRIAL OIL, GAS & DEVELOPMENT, INC. RECORDED IN VOLUME 1187, PAGE 27 O.R.N.C.T. AND A SOUTHWESTERLY LINE OF SAID PART 1;

THENCE NORTH 28° 41' 37" WEST, ALONG A NORTHEASTERLY LINE OF SAID TRACT 2 AND THE NORTHEAST LINE OF A CALLED 43.156 ACRE TRACT 1 DESCRIBED IN THE DEED TO INDUSTRIAL OIL, GAS & DEVELOPMENT, INC. RECORDED IN VOLUME 1187, PAGE 27 O.R.N.C.T., 1013.53 FEET TO AN INTERIOR CORNER OF SAID TRACT 1 AND A WESTERLY CORNER OF SAID PART 1;

THENCE NORTH 23° 55' 00" EAST, ALONG A NORTHERLY SOUTHEAST LINE OF SAID TRACT 1 AND A NORTHWESTERLY LINE OF SAID PART 1, 621.58 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1 AND AN INTERIOR CORNER OF SAID PART 1;

THENCE SOUTH 59° 48' 37" WEST, ALONG A NORTHWESTERLY LINE OF SAID TRACT 1 AND A SOUTHEASTERLY LINE OF SAID PART 1, 2089.72 FEET TO A POINT;

THENCE SOUTH 83° 34' 56" WEST, ALONG A WESTERLY NORTH LINE OF SAID TRACT 1, A NORTHERLY LINE OF A CALLED 16.50 ACRE TRACT DESCRIBED IN THE DEED TO SCOTT BUTLER RECORDED IN DOCUMENT NO. 2007-005269 O.R.N.C.T. AND A SOUTHERLY LINE OF

SAID PART 1, 515.92 FEET TO AN INTERIOR CORNER OF SAID PART 1 AND AN EASTERLY NORTHWEST CORNER OF SAID 16.50 ACRE TRACT;

THENCE SOUTH 30° 00' 00" EAST, ALONG AN EASTERLY LINE OF SAID PART 1 AND A WESTERLY LINE OF SAID 16.50 ACRE TRACT, 27.80 FEET TO AN INTERIOR CORNER OF SAID 16.50 ACRE TRACT AND A SOUTHEASTERLY CORNER OF SAID PART 1;

THENCE SOUTH 85° 57' 50" WEST, ALONG A NORTHERLY LINE OF SAID 16.50 ACRE TRACT, A NORTHERLY LINE OF A CALLED 17.63 ACRE TRACT DESCRIBED IN THE DEED TO NAEEM UDDIN MOHAMMED RECORDED IN DOCUMENT NO. 2021-007061 O.R.N.C.T., A NORTHERLY LINE OF A CALLED 10.525 ACRE TRACT DESCRIBED IN THE DEED TO BILLYE JANE HICKS RECORDED IN VOLUME 1501, PAGE 8 O.R.N.C.T., AND A SOUTHERLY LINE OF SAID PART 1, 1999.34 FEET TO THE SOUTHEAST CORNER OF A CALLED 51.829 ACRE TRACT DESCRIBED IN THE DEED TO JODY MCSPADDEN AND CHRISTOPHER MCSPADDEN RECORDED IN DOCUMENT NO. 2018-000887 O.R.N.C.T. AND A SOUTHWESTERLY CORNER OF SAID PART 1;

THENCE NORTH 29° 47' 33" WEST, ALONG THE NORTHEAST LINE OF SAID 51.829 ACRE TRACT AND A SOUTHWESTERLY LINE OF SAID PART 1, 2349.84 FEET TO THE NORTH CORNER OF SAID 51.829 ACRE TRACT AND AN INTERIOR CORNER OF SAID PART 1;

THENCE SOUTH 60° 47' 43" WEST, ALONG THE NORTHERLY NORTHWEST LINE OF SAID 51.829 ACRE TRACT AND A SOUTHEASTERLY LINE OF SAID PART 1, 710.97 FEET;

THENCE SOUTH 59° 19' 31" WEST, CONTINUING ALONG THE NORTHERLY NORTHWEST LINE OF SAID 51.829 ACRE TRACT AND A SOUTHEASTERLY LINE OF SAID PART 1, 88.09 FEET TO THE NORTH CORNER OF SAID PART 7 AND THE NORTHERLY WEST CORNER OF SAID 51.829 ACRE TRACT;

THENCE SOUTH 31° 15' 35" EAST, ALONG THE NORTHERLY SOUTHWEST LINE OF SAID 51.829 ACRE TRACT AND THE NORTHEAST LINE OF SAID PART 7, 1010.43 FEET TO THE EAST CORNER OF SAID PART 7 AND AN INTERIOR CORNER OF SAID 51.829 ACRE TRACT;

THENCE SOUTH 57° 56' 58" WEST, ALONG THE SOUTHERLY NORTHWEST LINE OF SAID 51.829 ACRE TRACT AND A SOUTHEAST LINE OF SAID PART 7, 523.43 FEET TO THE NORTH CORNER OF LOT 4 OF THE LUTHER C. BOSWELL SUB DIVISION, AN ADDITION TO NAVARRO COUNTY AS SHOWN ON THE PLAT RECORDED IN VOLUME 4, PAGE 50 P.R.N.C.T. AND THE SOUTHERLY WEST CORNER OF SAID 51.829 ACRE TRACT;

THENCE SOUTH 58° 28' 11" WEST, ALONG THE NORTHWEST LINE OF SAID LOT 4 AND A SOUTHEAST LINE OF SAID PART 7, 356.78 FEET TO THE NORTH CORNER OF A CALLED 4.987 ACRE TRACT DESCRIBED IN

THE DEED TO JEFFREY GRAY AND SPOUSE, ALICIA GRAY, RECORDED IN DOCUMENT NO. 2018-005616 O.R.N.C.T., AND THE WEST CORNER OF SAID LOT 4;

THENCE SOUTH 59° 41' 23" WEST, ALONG THE NORTHWEST LINE OF SAID 4.987 ACRE TRACT AND A SOUTHEAST LINE OF SAID PART 7, 172.30 FEET TO THE EAST CORNER OF A CALLED 6.073 ACRE TRACT DESCRIBED IN THE DEED TO JOSHUA JONES AND ASHLEY JONES RECORDED IN DOCUMENT NO. 2019-009547 O.R.N.C.T. AND THE EASTERLY SOUTH CORNER OF SAID PART 7;

THENCE ALONG NORTHERLY LINES OF SAID 6.073 ACRE TRACT AND SOUTHERLY LINES OF SAID PART 7, THE FOLLOWING COURSES AND DISTANCES:

NORTH 29° 17' 17" WEST, 435.74 FEET;

SOUTH 59° 41' 23" WEST, 310.12 FEET;

SOUTH 03° 02' 38" EAST, 355.13 FEET;

SOUTH 59° 41' 23" WEST, 432.64 FEET;

SOUTH 74° 07' 01" WEST, 232.95 FEET TO THE WESTERLY SOUTH CORNER OF SAID PART 7, IN THE NORTHEAST LINE OF CHAPEL HILL ESTATES, AN ADDITION TO NAVARRO COUNTY AS SHOWN ON THE PLAT RECORDED IN VOLUME 3, PAGE 28 P.R.N.C.T.;

THENCE ALONG THE NORTHEAST LINE OF CHAPEL HILL ESTATES, THE NORTHEAST LINES OF CHAPEL HILL ESTATES NO. 2, AN ADDITION TO NAVARRO COUNTY, AS SHOWN ON THE PLAT RECORDED IN VOLUME 4, PAGE 9 P.R.N.C.T., AND SOUTHWEST LINES OF SAID PART 7, THE FOLLOWING COURSES AND DISTANCES:

NORTH 30° 29' 33" WEST, 662.98 FEET;

NORTH 72° 18' 34" WEST, 178.38 FEET;

NORTH 33° 28' 34" WEST, 45.75 FEET TO THE WEST CORNER OF SAID PART 7 IN A SOUTHEASTERLY LINE OF SAID PART 1;

THENCE SOUTH 59° 19' 31" WEST, ALONG THE NORTHWEST LINE OF CHAPEL HILL ESTATES NO. 2 AND A SOUTHEASTERLY LINE OF SAID PART 1, 2444.53 FEET TO THE WESTERLY SOUTH CORNER OF SAID PART 1 IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF F.M. 1839;

THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF F.M. 1839, SOUTHWESTERLY LINES OF SAID PART 1 AND THE SOUTHWEST LINE OF SAID PART 2, THE FOLLOWING COURSES AND DISTANCES:

NORTH 27° 15' 54" WEST, 242.41 FEET;

NORTH 24° 53' 37" WEST, 168.57 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 462.72 FEET, THROUGH A CENTRAL ANGLE OF 09° 05' 44", HAVING A RADIUS OF 2914.79 FEET, AND A LONG CHORD WHICH BEARS NORTH 25° 10' 36" WEST, 462.23 FEET;

NORTH 28° 59' 27" WEST, 2864.67 FEET;

NORTH 30° 36' 08" WEST, 2434.75 FEET TO THE SOUTH CORNER OF A CALLED 19.99 ACRE TRACT DESCRIBED IN THE DEED TO JOSE LUNA AND LETICIA LOPEZ RECORDED IN DOCUMENT NO. 2017-004693 O.R.N.C.T. AND THE WEST CORNER OF SAID PART 2; THENCE NORTH 61° 07' 09" EAST, ALONG THE SOUTHEAST LINE OF SAID 19.99 ACRE TRACT AND THE WESTERLY NORTHWEST LINE OF SAID PART 2, 1322.71 FEET TO THE EAST CORNER OF SAID 19.99 ACRE TRACT AND THE WESTERLY NORTH CORNER OF SAID PART 2, IN A SOUTHWESTERLY LINE OF SAID PART 1; THENCE NORTH 29° 36' 24" WEST, ALONG THE NORTHEAST LINE OF SAID 19.99 ACRE TRACT, THE NORTHEAST LINE OF A CALLED 14.844 ACRE TRACT DESCRIBED IN THE DEED TO KEVIN PETTY AND WIFE, TRACY L. PETTY, RECORDED IN DOCUMENT NO. 2013-003151 O.R.N.C.T., AND A SOUTHWESTERLY LINE OF SAID PART 1, 1148.06 FEET TO THE NORTH CORNER OF SAID 14.844 ACRE TRACT AND AN INTERIOR CORNER OF SAID PART 1; THENCE SOUTH 60° 58' 59" WEST, ALONG THE NORTHWEST LINE OF SAID 14.844 ACRE TRACT AND A SOUTHEASTERLY LINE OF SAID PART 1, 1319.09 FEET TO A POINT IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF F.M. 1839, FOR THE WEST CORNER OF SAID 14.844 ACRE TRACT AND A NORTHERLY SOUTH CORNER OF SAID PART 1; THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINES OF F.M. 1839 AND SOUTHWESTERLY LINES OF SAID PART 1, THE FOLLOWING COURSES AND DISTANCES: NORTH 29° 24' 22" WEST, 372.28 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 200.33 FEET, THROUGH A CENTRAL ANGLE OF 11° 25' 16", HAVING A RADIUS OF 1005.00 FEET, AND A LONG CHORD WHICH BEARS NORTH 35° 07' 00" WEST, 200.00 FEET; THENCE NORTH 30° 43' 15" WEST, DEPARTING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF F.M. 1839, ALONG THE NORTHEAST LINE OF A CALLED 4.87 ACRE TRACT DESCRIBED IN THE DEED TO HECTOR HUGO GALINDO RECORDED IN DOCUMENT NO. 2017-007014 O.R.N.C.T. AND A SOUTHWESTERLY LINE OF SAID PART 1, 855.93 FEET TO A POINT WITHIN THE MARGINS OF NW COUNTY ROAD 1080, FOR THE NORTHERLY WEST CORNER OF SAID PART 1; THENCE NORTH 61° 22' 58" EAST, WITHIN THE MARGINS OF NW COUNTY ROAD 1080, ALONG A NORTHWEST LINE OF SAID PART 1, 3403.35 FEET TO A POINT IN A SOUTHWESTERLY LINE OF SAID PART 3, FOR THE WESTERLY NORTH CORNER OF SAID PART 1; THENCE NORTH 29° 03' 54" WEST, ALONG THE NORTHEAST LINE OF A CALLED 108.5 ACRE TRACT DESCRIBED IN THE DEED TO DANNY MICHAEL BOOK RECORDED IN VOLUME 1821, PAGE 662 O.R.N.C.T. AND A SOUTHWESTERLY LINE OF SAID PART 3, 2280.90 FEET TO THE

SOUTH CORNER OF A CALLED 201.547 ACRE TRACT TWO DESCRIBED IN THE DEED TO ELEAZAR CLEMENTE RECORDED IN DOCUMENT NO. 2016-008256 O.R.N.C.T. AND THE WESTERNMOST WEST CORNER OF SAID PART 3;

THENCE NORTH 59° 37' 14" EAST, ALONG THE SOUTHEAST LINE OF SAID 201.547 ACRE TRACT AND A NORTHWESTERLY LINE OF SAID PART 3, 1250.14 FEET TO THE SOUTHERLY EAST CORNER OF SAID 201.547 ACRE TRACT AND AN INTERIOR CORNER OF SAID PART 3;

THENCE NORTH 30° 22' 46" WEST, ALONG A NORTHEASTERLY LINE OF SAID 201.547 ACRE TRACT AND A SOUTHWESTERLY LINE OF SAID PART 3, 701.00 FEET TO AN INTERIOR CORNER OF SAID 201.547 ACRE TRACT AND A WESTERLY CORNER OF SAID PART 3, ON THE CENTERLINE OF BRIAR CREEK;

THENCE ALONG THE CENTERLINE OF BRIAR CREEK, SOUTHEASTERLY LINES OF SAID 201.547 ACRE TRACT, SOUTHEASTERLY LINES OF A CALLED 160.000 ACRE TRACT DESCRIBED IN THE DEED TO ELEAZAR CLEMENTE RECORDED IN DOCUMENT NO. 2016-008256 O.R.N.C.T. AND NORTHWESTERLY LINES OF SAID PART 3, THE FOLLOWING COURSES AND DISTANCES:

NORTH 75° 25' 56" EAST, 84.60 FEET;

NORTH 52° 42' 43" EAST, 201.04 FEET;

SOUTH 55° 32' 21" EAST, 160.88 FEET;

SOUTH 26° 26' 14" EAST, 153.06 FEET;

SOUTH 86° 19' 12" EAST, 81.97 FEET;

NORTH 64° 40' 54" EAST, 75.54 FEET;

NORTH 45° 37' 24" EAST, 294.98 FEET;

NORTH 02° 17' 57" EAST, 209.19 FEET;

NORTH 06° 31' 32" WEST, 209.60 FEET;

NORTH 28° 03' 32" WEST, 181.00 FEET;

SOUTH 70° 29' 28" WEST, 33.20 FEET;

NORTH 52° 57' 32" WEST, 153.18 FEET;

NORTH 16° 07' 28" EAST, 189.22 FEET;

NORTH 83° 57' 28" EAST, 183.74 FEET;

NORTH 23° 04' 28" EAST, 112.50 FEET;

NORTH 79° 04' 28" EAST, 211.00 FEET;

NORTH 12° 29' 28" EAST, 101.36 FEET;

NORTH 29° 44' 22" EAST, 412.02 FEET TO A SOUTHERLY CORNER OF SAID 121.29 ACRE TRACT AND THE WESTERLY NORTH CORNER OF SAID PART 3, IN THE SOUTHWEST LINE OF A CALLED 640 ACRE TRACT DESCRIBED IN THE DEED TO CRH INVESTMENT COMPANY, LTD. RECORDED IN VOLUME 1487, PAGE 833 O.R.N.C.T.;

THENCE SOUTH 30° 39' 19" EAST, DEPARTING BRIAR CREEK, ALONG THE SOUTHWEST LINE OF SAID 640 ACRE TRACT AND A NORTHEASTERLY LINE OF SAID PART 3, 602.85 FEET TO THE SOUTH CORNER OF SAID 640 ACRE TRACT AND AN INTERIOR CORNER OF SAID PART 3;

THENCE NORTH 59° 44' 13" EAST, ALONG THE SOUTHEAST LINE OF SAID 640 ACRE TRACT, A SOUTHEAST LINE OF SAID 121.29 ACRE TRACT, AND A NORTHWESTERLY LINE OF SAID PART 3, 2141.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,367.49 ACRES OF LAND, MORE OR LESS.

TRACT 2

BEING A TRACT OF LAND SITUATED IN THE JEREMIAH DAY SURVEY, ABSTRACT NO. 202, AND THE BENJAMIN BRAGG SURVEY, ABSTRACT NO. 92, NAVARRO COUNTY, TEXAS, BEING PART OF A CALLED 55.516 ACRE TRACT (PART 4 TRACT ONE), ALL OF A CALLED 61.429 ACRE TRACT (PART 4 TRACT TWO), AND ALL OF A CALLED 1.291 ACRE TRACT (PART 5) DESCRIBED IN THE DEED TO WP LEGACY, LTD. RECORDED IN DOCUMENT NO. 2009-004255 OF THE OFFICIAL RECORDS OF NAVARRO COUNTY, TEXAS (O.R.N.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF A CALLED 4.523 ACRE TRACT THREE DESCRIBED IN THE DEED TO SONIA CAROLINA LOPEZ RECORDED IN DOCUMENT NO. 2021-002233 O.R.N.C.T. AND THE WEST CORNER OF SAID PART 4 TRACT ONE, IN THE NORTHEAST LINE OF A CALLED 108.821 ACRE TRACT DESCRIBED IN THE DEED TO FRANKLIN D. NEAL RECORDED IN VOLUME 1786, PAGE 294 O.R.N.C.T.; THENCE NORTH 60° 31' 30" EAST, ALONG THE SOUTHEAST LINE OF SAID 4.523 ACRE TRACT THREE, THE SOUTHEAST LINE OF A CALLED 4.523 ACRE TRACT TWO DESCRIBED IN THE DEED TO JORGE AMAYA AND MARIA E. MELENDEZ AMAYA RECORDED IN DOCUMENT NO. 2019-001141 O.R.N.C.T., AND THE NORTHWEST LINE OF SAID PART 4 TRACT ONE, 1008.90 FEET TO THE SOUTH CORNER OF A CALLED 4.523 ACRE TRACT ONE DESCRIBED IN THE DEED TO MARIANO D. MELENDEZ AND ROSA E. AMAYA MELENDEZ RECORDED IN DOCUMENT NO. 2019-001143 O.R.N.C.T. AND THE EAST CORNER OF SAID 4.523 ACRE TRACT TWO;

THENCE NORTH 60° 42' 03" EAST, ALONG THE SOUTHEAST LINE OF SAID 4.523 ACRE TRACT ONE AND THE NORTHWEST LINE OF SAID PART 4 TRACT ONE, 344.06 FEET TO THE WEST CORNER OF A CALLED 2.000 ACRE TRACT DESCRIBED IN THE DEED TO JOE TOMAS MEDINA AND WIFE, LETICIA MEDINA, RECORDED IN DOCUMENT NO. 2012-007147 O.R.N.C.T.;

THENCE SOUTH 28° 57' 17" EAST, ACROSS SAID PART 4 TRACT ONE, ALONG THE SOUTHWEST LINE OF SAID 2.000 ACRE TRACT, 180.00 FEET TO THE SOUTH CORNER OF SAID 2.000 ACRE TRACT;

THENCE NORTH 60° 42' 03" EAST, CONTINUING ACROSS SAID PART 4 TRACT ONE, ALONG THE SOUTHEAST LINE OF SAID 2.000 ACRE TRACT, 484.01 FEET TO THE EAST CORNER OF SAID 2.000 ACRE TRACT, IN THE NORTHEAST LINE OF SAID PART 4 TRACT ONE AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF F.M. 1839;

THENCE ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINES OF F.M. HIGHWAY 1839, AND THE NORTHEASTERLY LINES OF SAID PART 4 TRACT ONE, PART 4 TRACT TWO AND PART 5, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 28° 57' 17" EAST, 374.31 FEET;

SOUTH 29° 01' 00" EAST, 998.33 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

WITH SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 449.96 FEET, THROUGH A CENTRAL ANGLE OF 09° 09' 30", HAVING A RADIUS OF 2815.00 FEET, AND A LONG CHORD WHICH BEARS SOUTH 24° 28' 38" EAST, 449.48 FEET;

SOUTH 20° 00' 07" EAST, 235.22 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

WITH SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 539.12 FEET, THROUGH A CENTRAL ANGLE OF 10° 35' 48", HAVING A RADIUS OF 2915.00 FEET, AND A LONG CHORD WHICH BEARS SOUTH 24° 38' 16" EAST, 538.35 FEET;

SOUTH 30° 31' 00" EAST, 457.50 FEET;

SOUTH 30° 00' 44" EAST, 304.40 FEET TO THE EAST CORNER OF SAID PART 5, AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF F.M. 1839 AND THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 22;

THENCE NORTH 80° 35' 14" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 22, THE SOUTH LINE OF SAID PART 5 AND THE SOUTH LINE OF SAID PART 4 TRACT TWO, 2276.11 FEET TO THE EAST CORNER OF A CALLED 8.158 ACRE TRACT TWO DESCRIBED IN THE DEED TO JAMES MARK MCCABE EXEMPT TRUST RECORDED IN DOCUMENT NO. 2010-005330 O.R.N.C.T. AND THE SOUTHWEST CORNER OF SAID PART 4 TRACT TWO;

THENCE NORTH 30° 22' 40" WEST, ALONG THE NORTHEAST LINE OF SAID 8.158 ACRE TRACT AND THE SOUTHWEST LINE OF SAID PART 4 TRACT TWO, 787.32 FEET TO THE NORTH CORNER OF SAID 8.158 ACRE TRACT, THE WEST CORNER OF SAID PART 4 TRACT TWO, IN THE SOUTHEAST LINE OF SAID 108.821 ACRE TRACT;

THENCE NORTH 59° 51' 10" EAST, ALONG THE SOUTHEAST LINE OF SAID 108.821 ACRE TRACT AND THE NORTHWEST LINE OF SAID PART 4 TRACT TWO 82.65 FEET TO THE EAST CORNER OF SAID 108.821 ACRE TRACT AND THE SOUTH CORNER OF SAID PART 4 TRACT ONE;

THENCE NORTH 29° 55' 43" WEST, ALONG THE NORTHEAST LINE OF SAID 108.821 ACRE TRACT AND THE SOUTHWEST LINE OF SAID PART 4 TRACT ONE, 1316.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 116.25 ACRES OF LAND, MORE OR LESS.

TRACT 3

BEING A TRACT OF LAND LOCATED IN THE JEREMIAH DAY SURVEY, ABSTRACT 202, NAVARRO COUNTY, TEXAS, AND BEING ALL OF THE REMAINDER FROM A CALLED 129.656 ACRE TRACT SAVE AND EXCEPT A CALLED 15.000 ACRE TRACT (PART 6) DESCRIBED IN THE DEED TO WP LEGACY, LTD. RECORDED IN DOCUMENT NO. 2009-004255 OF THE OFFICIAL RECORDS OF NAVARRO COUNTY, TEXAS (O.R.N.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR THE EAST CORNER OF A CALLED 114.200 ACRE TRACT DESCRIBED IN THE DEED TO C & C BUILDERS LLC RECORDED IN DOCUMENT NO. 2022-008422 O.R.N.C.T. AND THE SOUTH CORNER OF SAID PART 6, IN THE NORTHWEST LINE OF A CALLED 10.00 ACRE TRACT DESCRIBED IN THE DEED TO SHANNON R. DYER RECORDED IN DOCUMENT NO. 2009-001399 O.R.N.C.T.;

THENCE NORTH 29° 59' 05" WEST, ALONG THE NORTHEAST LINE OF SAID 114.200 ACRE TRACT AND THE SOUTHWEST LINE OF SAID PART 6, 1674.75 FEET;

THENCE NORTH 30° 22' 40" WEST, CONTINUING ALONG THE NORTHEAST LINE OF SAID 114.200 ACRE TRACT AND THE SOUTHWEST LINE OF SAID PART 6, 693.95 FEET TO THE SOUTH CORNER OF A CALLED 15.000 ACRE TRACT DESCRIBED IN THE DEED TO THE LONE STAR COWBOY CHURCH OF THE NAZARENE OF NAVARRO COUNTY RECORDED IN DOCUMENT NO. 2020-005200 O.R.N.C.T.;

THENCE ALONG THE EASTERLY LINES OF SAID 15.000 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 57° 11' 33" EAST, 620.95 FEET;

NORTH 40° 31' 51" WEST, 517.13 FEET;

NORTH 40° 27' 20" WEST, 293.72 FEET;

NORTH 41° 18' 47" WEST, 185.26 FEET;

NORTH 43° 45' 18" WEST, 124.77 FEET TO THE NORTHEAST CORNER OF SAID 15.000 ACRE TRACT, IN THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 22;

THENCE SOUTH 80° 35' 14" EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 22 AND THE NORTH LINE OF SAID PART 6, 1837.94 FEET TO THE NORTHEAST CORNER OF SAID PART 6, IN THE SOUTHWESTERLY MARGIN OF NW COUNTY ROAD 2010;

THENCE SOUTH 30° 04' 25" EAST, ALONG THE SOUTHERLY MARGIN OF NW COUNTY ROAD 2010 AND THE NORTHEAST LINE OF SAID PART 6, 2349.72 FEET TO THE NORTH CORNER OF A CALLED 60.51 ACRE TRACT DESCRIBED IN THE DEED TO STEPHENIE STORY GRUVER RECORDED IN VOLUME 1483, PAGE 265 O.R.N.C.T. AND THE EAST CORNER OF SAID PART 6;

THENCE SOUTH 60° 32' 48" WEST, ALONG THE NORTHWEST LINE OF SAID 60.51 ACRE TRACT, THE NORTHWEST LINE OF SAID 10.00 ACRE TRACT AND THE SOUTHEAST LINE OF SAID PART 6, 1825.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 114.66 ACRES OF LAND, MORE OR LESS.

SECTION 3. (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, lieutenant governor, and 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 have been fulfilled and accomplished.

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.

HB 357 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Bucy called up with senate amendments for consideration at this time,

HB 357, A bill to be entitled An Act relating to the requirements to access the online tracker of an application for a ballot to be voted by mail.

Representative Bucy moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 357**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 357**: Bucy, chair; Capriglione, J. González, Manuel, and Smith.

HB 3462 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Noble called up with senate amendments for consideration at this time,

HB 3462, A bill to be entitled An Act relating to the consolidation of ombudsman programs administered by the Health and Human Services Commission.

Representative Noble moved to concur in the senate amendments to **HB 3462**.

The motion to concur in the senate amendments to **HB 3462** prevailed by (Record 2097): 135 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Patterson; Shaheen; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Jones, V.

STATEMENT OF VOTE

When Record No. 2097 was taken, I was in the house but away from my desk. I would have voted yes.

V. Jones

Senate Committee Substitute

CSHB 3462, A bill to be entitled An Act relating to the consolidation of ombudsman programs administered by the Health and Human Services Commission.

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

SECTION 1. The heading to Subchapter Y, Chapter 531, Government Code, is amended to read as follows:

SUBCHAPTER Y. COMMISSION OMBUDSMAN PROGRAMS [~~FOR THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES~~]

SECTION 2. Section 531.991(2), Government Code, as amended by Chapter 906 (**SB 213**), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(2) "Ombudsman" means the individual appointed as the ombudsman for an ombudsman program [~~the Department of Family and Protective Services~~].

SECTION 3. Section 531.991, Government Code, is amended by adding Subdivision (3) to read as follows:

(3) "Ombudsman program" means an ombudsman program administered by the commission under this subchapter.

SECTION 4. Subchapter Y, Chapter 531, Government Code, is amended by adding Section 531.9912 to read as follows:

Sec. 531.9912. ESTABLISHMENT OF OMBUDSMAN PROGRAMS.
The executive commissioner shall establish the following ombudsman programs:

(1) the health and human services office of the ombudsman in accordance with Section 531.9915;

(2) the ombudsman for children and youth in foster care in accordance with Section 531.9931;

(3) the ombudsman for managed care assistance in accordance with Section 531.9932;

(4) the ombudsman for behavioral health access to care in accordance with Section 531.9933; and

(5) the ombudsman for individuals with an intellectual or developmental disability in accordance with Section 531.9934.

SECTION 5. Section 531.0171, Government Code, is transferred to Subchapter Y, Chapter 531, Government Code, and redesignated as Section 531.9915, Government Code, to read as follows:

Sec. 531.9915 [~~531.0171~~]. OFFICE OF OMBUDSMAN. (a) The executive commissioner shall establish the commission's office of the ombudsman with authority and responsibility over the health and human services system in performing the following functions:

(1) providing dispute resolution services for the health and human services system;

(2) performing consumer protection and advocacy functions related to health and human services, including assisting a consumer or other interested person with:

(A) raising a matter within the health and human services system that the person feels is being ignored; and

(B) obtaining information regarding a filed complaint; and

(3) collecting inquiry and complaint data related to the health and human services system.

(b) The office of the ombudsman does not have the authority to provide a separate process for resolving complaints or appeals.

(c) The executive commissioner shall develop a standard process for tracking and reporting received inquiries and complaints within the health and human services system. The process must provide for the centralized tracking of inquiries and complaints submitted to field, regional, or other local health and human services system offices.

(d) Using the process developed under Subsection (c), the office of the ombudsman shall collect inquiry and complaint data from all offices, agencies, divisions, and other entities within the health and human services system. To assist with the collection of data under this subsection, the office may access any system or process for recording inquiries and complaints used or maintained within the health and human services system.

SECTION 6. Section 531.992, Government Code, as amended by Chapter 906 (SB 213), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 531.992. APPOINTMENT OF OMBUDSMAN ~~[FOR THE DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES]~~. ~~[(a)]~~ The executive commissioner ~~[governor]~~ shall appoint an ombudsman for each ombudsman program ~~[the Department of Family and Protective Services]~~ to serve at the will of the executive commissioner ~~[governor]~~.

~~[(b)] The ombudsman is administratively attached to the office of the ombudsman for the commission.~~

~~[(c)] Subject to the appropriation of money for that purpose, the ombudsman may employ staff to assist the ombudsman in performing the ombudsman's duties under this subchapter.~~

~~[(d)] The ombudsman may not use the name or any logo of the department on any forms or other materials produced and distributed by the ombudsman.~~

SECTION 7. Section 531.9921, Government Code, as added by Chapter 906 (SB 213), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 531.9921. CONFLICT OF INTEREST. A person may not serve as ombudsman in an ombudsman program if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission ~~[department]~~;

(2) owns or controls, directly or indirectly, any interest in a business entity or other organization receiving funds from the commission ~~[department]~~;

or

(3) is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission ~~[department]~~.

SECTION 8. Section 531.993, Government Code, as amended by Chapter 906 (SB 213), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 531.993. DUTIES OF OMBUDSMAN. (a) An ~~[The]~~ ombudsman serves as an impartial ~~[a neutral]~~ party in assisting:

(1) children and youth in the conservatorship of the department with complaints regarding issues within the authority of the commission or department, as applicable ~~[or another health and human services agency]~~; and

(2) persons with a complaint against the commission ~~[department]~~ regarding case-specific activities of the programs within the health and human services system ~~[of the department, including adult protective services, child protective services, child care licensing, and statewide intake]~~.

(b) An ~~[The]~~ ombudsman shall:

(1) develop and implement statewide procedures to:

(A) receive complaints from:

(i) children and youth in the conservatorship of the department; and

(ii) other persons with a complaint against a program within the health and human services system ~~[the department]~~;

(B) review complaints filed with an ~~[the]~~ ombudsman and take appropriate action, including:

(i) conducting an investigation into individual complaints that allege violations of commission or department procedures or policies ~~[or agency procedure or policy]~~; and

(ii) referring to the commission or department ~~[or agency management]~~ for resolution any trends or systemic issues identified in complaints;

(C) provide any necessary assistance to:

(i) children and youth in the conservatorship of the department in making complaints and reporting allegations of abuse, ~~[or]~~ neglect, or exploitation under Chapter 48, Human Resources Code ~~[to the department]~~; and

(ii) any other person in making complaints against a program within the health and human services system or reporting allegations of abuse, neglect, or exploitation under Chapter 48, Human Resources Code;

(D) maintain the confidentiality of:

(i) an ~~[the]~~ ombudsman's communications and records;

(ii) records of another person that have been provided to an ~~[the]~~ ombudsman; and

(iii) communications of another person with an ~~[the]~~ ombudsman; and

(E) ensure that ~~[the department and]~~ any person ~~[or a child or youth in the conservatorship of the department]~~ who files a complaint with an ~~[the]~~ ombudsman is ~~[are]~~ informed of the results of the ombudsman's investigation of the complaint, including whether the ombudsman was able to substantiate the ~~[person's, child's, or youth's]~~ complaint;

(2) collaborate with the commission ~~[department]~~ to develop and implement an annual outreach plan to promote awareness of the ombudsman programs among the public, ~~[children]~~ and stakeholders ~~[youth in the conservatorship of the department, family members and caretakers of those children, and facilities licensed by the department and]~~ that includes:

(A) how an ombudsman ~~[the office]~~ may be contacted;

(B) the purpose of an ombudsman ~~[the office]~~; and

(C) the services an ombudsman ~~[the office]~~ provides;

(3) issue and file with the commission or department, as applicable, [and any health and human services agency] a report that contains an [the] ombudsman's final determination regarding a complaint and any recommended corrective actions to be taken as a result of the complaint;

(4) establish a secure form of communication with any individual who files a complaint with an [the] ombudsman;

(5) collaborate with the commission or department, as applicable, to identify consequences for any retaliatory action related to a complaint filed with an [the] ombudsman, in accordance with Section 531.997 [40.0041(g), Human Resources Code]; and

(6) monitor and evaluate the ~~[department's]~~ corrective actions taken in response to a recommendation by an [the] ombudsman.

(c) An [The] ombudsman's final determination in a report described by Subsection (b)(3) must include a determination of whether there was wrongdoing or negligence by the commission or department or an agent of the commission or department or whether the complaint was frivolous or [and] without merit. If the ombudsman determines there was wrongdoing or negligence, the ombudsman shall recommend corrective actions to be taken by the commission or department.

(c-1) The department and the commission shall provide written notice to an ombudsman on whether the department or commission adopted or rejected the ombudsman's recommended corrective action. If the department or commission rejects a recommended corrective action, the department or commission shall include in the notice the reason for the rejection.

(d) An [The] ombudsman may attend any judicial proceeding related to a complaint filed with the ombudsman program [office].

SECTION 9. Section 531.9931, Government Code, as added by Chapter 906 (SB 213), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

Sec. 531.9931. ~~[DIVISION OF]~~ OMBUDSMAN FOR CHILDREN AND YOUTH IN FOSTER CARE. (a) The commission shall establish an ombudsman program to provide support and information services to children and youth in foster care.

(b) An [The division of the] ombudsman appointed under this section shall [for children and youth in foster care is created within the office of the ombudsman for the purpose of]:

(1) receive [receiving] complaints from children and youth in the conservatorship of the department as provided under Section 531.993(b)(1)(A)(i) [531.993(a)(1)];

(2) inform [informing] children and youth in the conservatorship of the department who file a complaint under this subchapter about the result of an [the] ombudsman's investigation of the complaint, including whether the ombudsman was able to substantiate the child's or youth's complaint; and

(3) collaborate ~~[collaborating]~~ with the department to develop an outreach plan for children and youth in the conservatorship of the department to promote awareness of the ombudsman program.

~~[(b) If a child or youth in the conservatorship of the department contacts the ombudsman by telephone call to report a complaint under this subchapter, the call shall be transferred directly to a person employed by the division of the ombudsman created under this section.]~~

SECTION 10. Section 531.0213, Government Code, is transferred to Subchapter Y, Chapter 531, Government Code, redesignated as Section 531.9932, Government Code, and amended to read as follows:

Sec. 531.9932 ~~[531.0213]~~. OMBUDSMAN FOR MANAGED CARE ASSISTANCE ~~[SUPPORT SERVICES FOR MEDICAID RECIPIENTS]~~. (a) The commission shall establish an ombudsman program to provide support and information services to a person enrolled in or applying for Medicaid coverage who experiences barriers to receiving health care services.

(b) An ombudsman appointed under this section ~~[The commission]~~ shall give emphasis to assisting a person with an urgent or immediate medical or support need.

~~(c) [(b-1)]~~ The commission shall provide support and information services required by this section through a network of entities coordinated by the commission's ~~[office of the]~~ ombudsman program ~~[or other division of the commission designated by the executive commissioner]~~ and composed of:

(1) the commission's ~~[office of the]~~ ombudsman program or other division of the commission designated by the executive commissioner to coordinate the network;

(2) the office of the state long-term care ombudsman required under Subchapter F, Chapter 101A, Human Resources Code;

(3) the division within the commission responsible for oversight of Medicaid managed care contracts;

(4) area agencies on aging;

(5) aging and disability resource centers established under the Aging and Disability Resource Center initiative funded in part by the federal Administration on Aging and the Centers for Medicare and Medicaid Services; and

(6) any other entity the executive commissioner determines appropriate~~[, including nonprofit organizations with which the commission contracts under Subsection (e)].~~

~~[(e) The commission may provide support and information services by contracting with nonprofit organizations that are not involved in providing health care, health insurance, or health benefits.]~~

(d) As a part of the support and information services required by this section, the ombudsman program ~~[commission]~~ shall:

(1) operate a statewide toll-free assistance telephone number that includes relay services for persons with speech or hearing disabilities and assistance for persons who speak Spanish;

(2) intervene promptly with the state Medicaid office, managed care organizations and providers, and any other appropriate entity on behalf of a person who has an urgent need for medical services;

(3) assist a person who is experiencing barriers in the Medicaid application and enrollment process and refer the person for further assistance if appropriate;

(4) educate persons so that they:

(A) understand the concept of managed care;

(B) understand their rights under Medicaid, including grievance and appeal procedures; and

(C) are able to advocate for themselves;

(5) ~~collect and maintain statistical information on a regional basis regarding calls received by the assistance lines and publish quarterly reports that:~~

~~[(A) list the number of calls received by region;~~

~~[(B) identify trends in delivery and access problems;~~

~~[(C) identify recurring barriers in the Medicaid system; and~~

~~[(D) indicate other problems identified with Medicaid managed care;~~

~~[(6)]~~ assist the state Medicaid office and managed care organizations and providers in identifying and correcting problems, including site visits to affected regions if necessary;

~~[(6)]~~ ~~[(7)]~~ meet the needs of all current and future Medicaid managed care recipients, including children receiving dental benefits ~~[and other recipients receiving benefits, under the:~~

~~[(A) STAR Medicaid managed care program;~~

~~[(B) STAR + PLUS Medicaid managed care program, including the Texas Dual Eligibles Integrated Care Demonstration Project provided under that program;~~

~~[(C) STAR Kids managed care program established under Section 533.00253; and~~

~~[(D) STAR Health program];~~

~~[(7)]~~ ~~[(8)]~~ incorporate support services for children enrolled in the child health plan established under Chapter 62, Health and Safety Code; and

~~[(8)]~~ ~~[(9)]~~ ensure that staff providing support and information services receives sufficient training, including training in the Medicare program for the purpose of assisting recipients who are dually eligible for Medicare and Medicaid, and has sufficient authority to resolve barriers experienced by recipients to health care and long-term services and supports.

(e) The ~~[commission's office of the]~~ ombudsman program~~[, or other division of the commission designated by the executive commissioner to coordinate the network of entities responsible for providing support and information services under this section,]~~ must be sufficiently independent from other aspects of Medicaid managed care to represent the best interests of recipients in problem resolution.

SECTION 11. Section 531.02251, Government Code, is transferred to Subchapter Y, Chapter 531, Government Code, and redesignated as Section 531.9933, Government Code, to read as follows:

Sec. 531.9933 [~~531.02251~~]. OMBUDSMAN FOR BEHAVIORAL HEALTH ACCESS TO CARE. (a) The commission shall establish an ombudsman program to provide support and information services to a consumer enrolled in or applying for a behavioral health program [~~In this section, "ombudsman" means the individual designated as the ombudsman for behavioral health access to care.~~].

(b) [~~The executive commissioner shall designate an ombudsman for behavioral health access to care.~~]

(c) [~~The ombudsman is administratively attached to the office of the ombudsman for the commission.~~]

(~~d~~) The commission may use an alternate title for the ombudsman in consumer-facing materials if the commission determines that an alternate title would be beneficial to consumer understanding or access.

(c) An [~~e~~ ~~The~~] ombudsman serves as an impartial [~~a neutral~~] party to help consumers, including consumers who are uninsured or have public or private health benefit coverage, and behavioral health care providers navigate and resolve issues related to consumer access to behavioral health care, including care for mental health conditions and substance use disorders.

(d) An [~~f~~ ~~The~~] ombudsman shall:

(1) interact with consumers and behavioral health care providers with concerns or complaints to help the consumers and providers resolve behavioral health care access issues;

(2) identify, track, and help report potential violations of state or federal rules, regulations, or statutes concerning the availability of, and terms and conditions of, benefits for mental health conditions or substance use disorders, including potential violations related to quantitative and nonquantitative treatment limitations;

(3) report concerns, complaints, and potential violations described by Subdivision (2) to the appropriate regulatory or oversight agency;

(4) receive and report concerns and complaints relating to inappropriate care or mental health commitment;

(5) provide appropriate information to help consumers obtain behavioral health care;

(6) develop appropriate points of contact for referrals to other state and federal agencies; and

(7) provide appropriate information to help consumers or providers file appeals or complaints with the appropriate entities, including insurers and other state and federal agencies.

(e) [~~h~~] The Texas Department of Insurance shall appoint a liaison to an [~~the~~] ombudsman to receive reports of concerns, complaints, and potential violations described by Subsection (d)(2) [~~(f)(2)~~] from an [~~the~~] ombudsman, consumers, or behavioral health care providers.

SECTION 12. Subchapter Y, Chapter 531, Government Code, is amended by adding Section 531.9934 to read as follows:

Sec. 531.9934. OMBUDSMAN FOR INDIVIDUALS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY. The executive commissioner shall appoint an ombudsman to assist a client, or a person acting on behalf of an individual with an intellectual or developmental disability or a group of individuals with an intellectual or developmental disability, with a complaint or grievance regarding the infringement of the rights of an individual with an intellectual or developmental disability or the delivery of intellectual disability services submitted under Section 592.039, Health and Safety Code.

SECTION 13. Section 531.994, Government Code, is amended to read as follows:

Sec. 531.994. INVESTIGATION OF UNREPORTED COMPLAINTS. If, during the investigation of a complaint, an ~~[the]~~ ombudsman discovers unreported violations of the commission's or department's ~~[or a health and human services agency's]~~ rules and policies, the ombudsman shall open a new investigation for each unreported violation.

SECTION 14. Sections 531.995 and 531.996, Government Code, are amended to read as follows:

Sec. 531.995. ACCESS TO INFORMATION. The commission and department ~~[and each health and human services agency]~~ shall provide an ~~[the]~~ ombudsman access to the ~~[department's or agency's]~~ records that relate to a complaint the ombudsman is reviewing or investigating.

Sec. 531.996. COMMUNICATION AND CONFIDENTIALITY. (a) A person may communicate with an ~~[the]~~ ombudsman relating to a complaint by telephone, by mail, by electronic mail, or by any other means the ombudsman determines to be feasible, secure, and accessible ~~[to children and youth]~~.

(b) A communication with an ~~[the]~~ ombudsman is confidential during an investigation or review of a complaint and remains confidential after the complaint is resolved.

(c) The records of an ~~[the]~~ ombudsman are confidential and must be maintained in a manner that preserves the confidentiality of the records.

(d) The disclosure of confidential information to an ~~[the]~~ ombudsman under this subchapter ~~[section or Section 531.995]~~ does not constitute a waiver of confidentiality. Any information disclosed to the ombudsman under this subchapter ~~[section or Section 531.995]~~ remains confidential and privileged following disclosure.

(e) An ~~[The]~~ ombudsman is not prohibited from communicating with the commission or department ~~[or another health and human services agency]~~ regarding confidential information disclosed to the ombudsman ~~[by the department or agency]~~.

(f) An ~~[The]~~ ombudsman may make reports relating to an investigation of a complaint public after the complaint is resolved. A report may not include information that identifies an individual complainant, client, parent, or employee or any other person involved in the complaint.

SECTION 15. Sections 531.997 and 531.998, Government Code, as amended by Chapter 906 (**SB 213**), Acts of the 85th Legislature, Regular Session, 2017, are reenacted and amended to read as follows:

Sec. 531.997. RETALIATION PROHIBITED. The commission or department ~~[or another health and human services agency]~~ may not retaliate against an [a department] employee of the commission or department, as applicable, [a child or youth in the conservatorship of the department], or any other person who in good faith makes a complaint to an [the] ombudsman or against any person who cooperates with the ombudsman in an investigation.

Sec. 531.998. REPORT. (a) Each ~~[The]~~ ombudsman shall prepare an annual report that contains:

- (1) a description of the ombudsman's work;
- (2) any change made by the commission or department ~~[or another health and human services agency]~~ in response to a substantiated complaint;
- (3) a description of any trends in the nature of complaints received by the ombudsman or any systemic issues identified by the ombudsman in the investigation of individual complaints, any recommendations related to addressing those trends and issues, and an evaluation of the feasibility of the ombudsman's recommendations;
- (4) a glossary of terms used in the report;
- (5) a description of the methods used to promote awareness of the ombudsman under Section 531.993(b) and the ombudsman's promotion plan for the next year; and
- (6) any public feedback received by the ombudsman relating to the ombudsman's previous annual reports.

(b) Each ~~[The]~~ report must be submitted to the governor, the lieutenant governor, each standing committee of the legislature with jurisdiction over matters involving the commission ~~[department]~~, each member of the legislature, and the executive commissioner~~], and the commissioner of the department]~~ not later than December 1 of each year. On receipt of the report, the ~~[department and the]~~ commission shall make the report publicly available on the ~~[department's and the]~~ commission's Internet website ~~[websites]~~.

SECTION 16. Section 592.039, Health and Safety Code, is amended to read as follows:

Sec. 592.039. GRIEVANCES. A client, or a person acting on behalf of a person with an intellectual disability or a group of persons with an intellectual disability, has the right to submit complaints or grievances regarding the infringement of the rights of a person with an intellectual disability or the delivery of intellectual disability services against a person, group of persons, organization, or business to the Health and Human Services Commission's ombudsman for individuals with an intellectual or developmental disability as provided under Section 531.9934, Government Code ~~[department's Office of Consumer Rights and Services for investigation and appropriate action]~~.

SECTION 17. Section 531.9941, Government Code, is repealed.

SECTION 18. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 19. 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.

HB 4704 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Morrison called up with senate amendments for consideration at this time,

HB 4704, A bill to be entitled An Act relating to the taxing authority of Jackson County County-Wide Drainage District.

Representative Morrison moved to concur in the senate amendments to **HB 4704**.

The motion to concur in the senate amendments to **HB 4704** prevailed by (Record 2098): 119 Yeas, 17 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shine; Smith; Smithee; Stucky; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Capriglione; Cook; Goldman; Hefner; Hull; Isaac; Patterson; Schaefer; Schatzline; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C); Bell, K.; Tepper.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Leo-Wilson; Sherman.

STATEMENTS OF VOTE

When Record No. 2098 was taken, I was shown voting present, not voting. I intended to vote no.

K. Bell

When Record No. 2098 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

When Record No. 2098 was taken, I was shown voting yes. I intended to vote no.

Harrison

Senate Committee Substitute

CSHB 4704, A bill to be entitled An Act relating to taxing authority of Jackson County County-Wide Drainage District.

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

SECTION 1. Sections 14(a), (b), and (f), Chapter 200, Acts of the 61st Legislature, Regular Session, 1969, are amended to read as follows:

(a) On the approval of a majority of the electors of the District voting at an election called for that purpose, the District may levy and collect an ad valorem ~~[a]~~ tax at a rate of not more than 75 cents on each \$100 of assessed valuation to be used to pay the principal of and interest on bonds issued by the District ~~[district]~~ and to pay for the operation of the District ~~[district]~~ and maintenance of its property.

(b) Before a tax is levied under this section, the District shall hold an election in the District in the manner provided in Section 17 of this Act to approve the tax rate. The ballots for the election shall be printed to provide for voting for or against the proposition: 'The levy and collection of a tax on all property in the Jackson County County-Wide Drainage District in an amount of not more than (insert the amount prescribed by the election order, not to exceed 75 cents) ~~[75]~~ cents on each \$100 of assessed valuation.' The proposition for the levy of the tax may be submitted at one or more ~~[a]~~ separate elections ~~[election]~~ or it may be submitted at one or more elections ~~[an election]~~ held for other purposes by the District. A maximum tax rate approved at an election under this subsection may be modified by the District in the same manner as provided by this section.

(f) The assessor and collector of taxes for the District is entitled to a fee for the assessor and collector's ~~[his]~~ services of not more than one percent of the total tax collected, but not more than \$10,000 ~~[\$5,000]~~ in any one fiscal year. The board shall determine the exact amount of the fee, and the assessor and collector of taxes for the District shall deduct this fee from the tax payments made to the District. If the county tax assessor and collector is acting as assessor and collector of taxes for the District, the assessor and collector ~~[he]~~ shall deposit the fee paid under this subsection in the general fund of the county as a fee of office.

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.

HB 3506 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative C.E. Harris called up with senate amendments for consideration at this time,

HB 3506, A bill to be entitled An Act relating to the removal of certain DNA samples from certain DNA databases.

Representative C.E. Harris moved to concur in the senate amendments to **HB 3506**.

The motion to concur in the senate amendments to **HB 3506** prevailed by (Record 2099): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman;

Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Cain; Jones, V.; King, T.

STATEMENT OF VOTE

When Record No. 2099 was taken, I was in the house but away from my desk. I would have voted yes.

V. Jones

Senate Committee Substitute

CSHB 3506, A bill to be entitled An Act relating to the storage in and removal from certain DNA databases of certain DNA samples.

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

SECTION 1. Section 2, Article 38.01, Code of Criminal Procedure, is amended by adding Subdivisions (3-a) and (3-b) to read as follows:

(3-a) "DNA QA database" means a database maintained by a crime laboratory and used to identify possible contamination or other quality assurance events with respect to a DNA sample.

(3-b) "Elimination sample" means a blood sample or other biological sample or specimen voluntarily provided by the victim of an offense or another individual not involved in the alleged offense whose DNA is likely to be present at the scene of the crime to isolate and identify the DNA of a potential perpetrator.

SECTION 2. Article 38.01, Code of Criminal Procedure, is amended by adding Section 4-e to read as follows:

Sec. 4-e. DNA QA DATABASE; STORAGE AND REMOVAL OF CERTAIN DNA RECORDS. The commission shall adopt rules:

(1) requiring a DNA QA database to be maintained separately from any other local, state, or federal database, including the CODIS DNA database established by the Federal Bureau of Investigation;

(2) prohibiting a crime laboratory from uploading or storing a DNA record created from an elimination sample, or any other information derived from that record, in any database other than the DNA QA database maintained by the crime laboratory;

(3) prohibiting a crime laboratory from allowing any other person to access the crime laboratory's DNA QA database; and

(4) requiring each crime laboratory that maintains a DNA QA database to, not later than three months after the date on which a forensic DNA analysis of an elimination sample is completed, remove from the DNA QA database the DNA record created from the elimination sample and any other information derived from that record that is contained in the database.

SECTION 3. Section 411.141, Government Code, is amended by adding Subdivision (8-a) to read as follows:

(8-a) "Elimination sample" means a blood sample or other biological sample or specimen voluntarily provided by the victim of an offense or another individual not involved in the alleged offense whose DNA is likely to be present at the scene of the crime to isolate and identify the DNA of a potential perpetrator.

SECTION 4. Section 411.142(g), Government Code, is amended to read as follows:

(g) The DNA database may contain DNA records for the following:

(1) an individual described by this subchapter, including Section 411.1471, 411.148, or 411.154;

~~(2) a biological specimen of a deceased victim of a crime;~~

~~(3)~~ (3) a biological specimen that is legally obtained in the investigation of a crime, regardless of origin;

(3) ~~(4)~~ results of testing ordered by a court under this subchapter, Article 64.03, Code of Criminal Procedure, or other law permitting or requiring the creation of a DNA record;

(4) ~~(5)~~ an unidentified missing person, or unidentified skeletal remains or body parts;

(5) ~~(6)~~ a close biological relative of a person who has been reported missing to a law enforcement agency;

(6) ~~(7)~~ a person at risk of becoming lost, such as a child or a person declared by a court to be mentally incapacitated, if the record is required by court order or a parent, conservator, or guardian of the person consents to the record; or

(7) ~~(8)~~ an unidentified person, if the record does not contain personal identifying information.

SECTION 5. Subchapter G, Chapter 411, Government Code, is amended by adding Section 411.1431 to read as follows:

Sec. 411.1431. INCLUSION OF ELIMINATION SAMPLE IN DNA DATABASE PROHIBITED. Notwithstanding Section 411.142(g), a DNA record created from an elimination sample and all information derived from that record may not be uploaded to, stored in, or capable of being searched for in the DNA database.

SECTION 6. As soon as practicable after the effective date of this Act but not later than December 1, 2023:

(1) the Texas Forensic Science Commission shall:

(A) adopt rules regarding elimination sample DNA records stored in a crime laboratory's DNA QA database, as required by Section 4-e, Article 38.01, Code of Criminal Procedure, as added by this Act; and

(B) require each crime laboratory to remove all elimination sample DNA records and any information derived from those records that have been stored in a DNA QA database maintained by the crime laboratory for a period of more than three months; and

(2) the public safety director of the Department of Public Safety shall remove all elimination sample DNA records and any information derived from those records that have been stored in the DNA database maintained by the director under Subchapter G, Chapter 411, Government Code.

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

HB 4363 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kuempel called up with senate amendments for consideration at this time,

HB 4363, A bill to be entitled An Act relating to the establishment of the Future Texas Teachers Scholarship Program for certain students at public institutions of higher education.

Representative Kuempel moved to concur in the senate amendments to **HB 4363**.

The motion to concur in the senate amendments to **HB 4363** prevailed by (Record 2100): 119 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.J.; Harrison; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Shine; Smithee; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Harris, C.E.; Hefner; Hull; Isaac; Leo-Wilson; Patterson; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Smith; Stucky; Swanson; Tepper; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker(C); Ramos.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Sherman.

STATEMENTS OF VOTE

When Record No. 2100 was taken, I was shown voting yes. I intended to vote no.

Harrison

When Record No. 2100 was taken, I was shown voting present, not voting. I intended to vote yes.

Ramos

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 4363** (senate committee report) in SECTION 1 of the bill as follows:

(1) In added Section 56.504(a)(5), Education Code (page 2, line 30), strike "and".

(2) In added Section 56.504(a), Education Code, between Subdivisions (5) and (6) (page 2, between lines 30 and 31), insert the following:

(6) complete a criminal history background check from:

(A) any law enforcement or criminal justice agency; or

(B) a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.);

(7) provide the educator preparation program with the completed background check report and any supplemental documentation the program may request to evaluate the background check report for the purposes of this section; and

(3) In added Section 56.504(a)(6), Education Code (page 2, line 31), strike "(6)" and substitute "(8)".

(4) In added Section 56.504, Education Code (page 2, between lines 52 and 53), insert the following:

(c) An educator preparation program shall review the background check documentation provided under Subsection (a)(7) for the purposes of making a determination under Subsection (b).

**HB 711 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Frank called up with senate amendments for consideration at this time,

HB 711, A bill to be entitled An Act relating to certain contract provisions and conduct affecting health care provider networks.

Representative Frank moved to concur in the senate amendments to **HB 711**.

The motion to concur in the senate amendments to **HB 711** prevailed by (Record 2101): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores;

Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

Absent — Davis; Reynolds; Vo.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 711** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Notwithstanding Section 1458.101, Insurance Code, as amended by this Act, an anti-steering or anti-tiering provision in a provider network contract that exists on the effective date of this Act and that would otherwise be prohibited by the provisions of this Act remains in effect and enforceable until the earlier of:

(1) the effective date of an amendment to the provider network contract that eliminates the anti-steering or anti-tiering provision from the provider network contract and that is entered into in accordance with the provider network contract's terms; or

(2) December 31, 2023.

HB 3699 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Wilson called up with senate amendments for consideration at this time,

HB 3699, A bill to be entitled An Act relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

Representative Wilson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3699**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3699**: Wilson, chair; C. Bell, Thierry, E. Thompson, and Vasut.

HB 2847 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Darby called up with senate amendments for consideration at this time,

HB 2847, A bill to be entitled An Act relating to the jurisdiction of the Railroad Commission of Texas over and a study of the production, pipeline transportation, and storage of hydrogen.

Representative Darby moved to concur in the senate amendments to **HB 2847**.

The motion to concur in the senate amendments to **HB 2847** prevailed by (Record 2102): 135 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Harrison; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr; Spiller.

STATEMENTS OF VOTE

When Record No. 2102 was taken, I was shown voting no. I intended to vote yes.

Cain

When Record No. 2102 was taken, I was shown voting no. I intended to vote yes.

Vasut

Senate Committee Substitute

CSHB 2847, A bill to be entitled An Act relating to the jurisdiction of the Railroad Commission of Texas over and a study of the production, pipeline transportation, and storage of hydrogen.

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

SECTION 1. Section 81.051(a), Natural Resources Code, is amended to read as follows:

(a) The commission has jurisdiction over all:

(1) common carrier pipelines defined in Section 111.002 of this code in Texas;

(2) oil and gas wells in Texas;

(3) persons owning or operating pipelines in Texas; ~~and~~

(4) persons owning or engaged in drilling or operating oil or gas wells in Texas; and

(5) pipeline transportation and underground storage of hydrogen.

SECTION 2. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.075 to read as follows:

Sec. 81.075. TEXAS HYDROGEN PRODUCTION POLICY COUNCIL.

(a) In this section, "council" means the Texas hydrogen production policy council.

(b) The Texas hydrogen production policy council is established within the commission to study and make recommendations relating to the commission's policy framework for hydrogen energy development.

(c) The council is composed of:

(1) the chair of the commission or the chair's designee; and

(2) not more than 11 members appointed by the commission to represent as many different types of participants as possible, including at least three but not more than five representatives from the hydrogen industry.

(d) The commissioner or the commissioner's designee is the chair of the council.

(e) A member of the council is not entitled to compensation or reimbursement of expenses for service on the council.

(f) The council:

(1) shall study the development of hydrogen industries in this state, including the development of facilities for the production, pipeline transportation, and storage of hydrogen;

(2) shall monitor regional efforts for the application and development of a regional clean hydrogen hub authorized under the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) or another federal act;

(3) may coordinate actions with other state agencies in supporting an application for a regional clean hydrogen hub described by Subdivision (2); and

(4) shall develop a state plan for hydrogen production oversight by the commission.

(g) The council shall make recommendations to the legislature relating to legislative changes needed for the oversight and regulation of production, pipeline transportation, and storage of hydrogen.

(h) The council is abolished and this section expires on January 1, 2030.

SECTION 3. This Act takes effect September 1, 2023.

(Spiller now present)

HB 2263 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Darby called up with senate amendments for consideration at this time,

HB 2263, A bill to be entitled An Act relating to the authority of a natural gas local distribution company to offer energy conservation programs.

Representative Darby moved to concur in the senate amendments to **HB 2263**.

The motion to concur in the senate amendments to **HB 2263** prevailed by (Record 2103): 120 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Clardy; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Canales; Capriglione; Cook; Harrison; Hefner; Hull; Isaac; Patterson; Ramos; Schaefer; Schatzline; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr.

Absent — Bonnen; Sherman.

Senate Committee Substitute

CSHB 2263, A bill to be entitled An Act relating to the authority of a natural gas local distribution company to offer energy conservation programs.

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

SECTION 1. Chapter 104, Utilities Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. NATURAL GAS ENERGY CONSERVATION PROGRAMS

Sec. 104.401. DEFINITIONS. In this subchapter:

(1) "Energy conservation program" means a program that promotes energy conservation or energy efficiency.

(2) "Local distribution company" means a gas utility that operates a retail gas distribution system.

Sec. 104.402. ENERGY CONSERVATION PROGRAM AUTHORITY. (a) A local distribution company may offer to customers and prospective customers and provide to customers an energy conservation program in the manner provided by this subchapter.

(b) The railroad commission has exclusive original jurisdiction over energy conservation programs implemented by local distribution companies.

(c) A political subdivision served by a local distribution company that implements an energy conservation program approved by the railroad commission under this subchapter may not limit, restrict, or otherwise prevent an eligible customer from participating in the energy conservation program based on the type or source of energy delivered to the customer.

Sec. 104.403. ENERGY CONSERVATION PROGRAM COST RECOVERY. (a) A local distribution company may recover costs of energy conservation programs implemented under this subchapter if approved by the railroad commission in the manner provided by this subchapter. A local distribution company seeking to recover the costs must apply to the railroad commission before beginning recovery of the costs and at least once every three years after the date the company first applies for the cost recovery.

(b) If the railroad commission approves the local distribution company's application or approves the application with modifications, the company may recover costs prudently incurred to implement the energy conservation programs, including costs incurred to design, market, implement, administer, and deliver an energy conservation program.

(c) If the local distribution company provides an earnings monitoring report for the preceding calendar year demonstrating that the company did not earn above the rate of return established in the latest effective rates approved by the railroad commission for the company, the railroad commission may allow the company to recover an amount equal to the reduction in the company's marginal revenues due to lower sales or demand resulting from the energy conservation program.

(d) The railroad commission by rule shall require a local distribution company that implements an energy conservation program under this subchapter to submit to the railroad commission an annual report on:

(1) the performance of the company's energy conservation programs for the preceding year; and

(2) the company's planned energy conservation programs for the upcoming year.

(e) An application for cost recovery under Subsection (a) must include:

(1) a summary of and objectives for the local distribution company's energy conservation programs;

(2) a description of each program;

(3) a proposed budget for each program;

(4) the projected consumption reduction or cost savings for each program; and

(5) any public input compiled by the local distribution company on the proposed programs as required by the railroad commission.

(f) The railroad commission by rule may:

(1) determine a cost recovery mechanism for timely recovery of costs described by Subsection (a); and

(2) ensure that costs described by Subsection (a) are allocated to the customer classes eligible for participation in the energy conservation program.

(g) Energy conservation programs proposed under this section may be combined in a portfolio to provide incentives and services to encourage energy conservation. The portfolio:

(1) must be designed to overcome barriers to the adoption of energy-efficient equipment, technologies, and processes and be designed to change customer behavior as necessary; and

(2) may include measures such as:

(A) direct financial incentives;

(B) technical assistance and information, including building energy performance analyses performed by the local distribution company or a third party approved by the company;

(C) discounts or rebates for products; and

(D) weatherization for low-income customers.

(h) A proceeding filed under this section is not a ratemaking proceeding for the purposes of Section 103.022.

(i) A local distribution company implementing an energy conservation program under this subchapter shall reimburse the railroad commission for the utility's proportionate share of the railroad commission's costs related to administration of reviewing and approving or denying cost recovery applications under this subchapter.

SECTION 2. 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.

HB 1613 - MOTION TO REFUSE TO CONCUR IN SENATE AMENDMENTS

Representative Shine called up with senate amendments for consideration at this time,

HB 1613, A bill to be entitled An Act relating to the provision of state aid to certain local governments to offset the cost of the exemption from ad valorem taxation of the residence homestead of a 100 percent or totally disabled veteran.

Representative Shine moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1613**.

The motion was withdrawn.

HB 4759 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Campos called up with senate amendments for consideration at this time,

HB 4759, A bill to be entitled An Act relating to an attack by a dangerous dog; increasing criminal penalties.

Representative Campos moved to concur in the senate amendments to **HB 4759**.

The motion to concur in the senate amendments to **HB 4759** prevailed by (Record 2104): 114 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Ordaz; Orr; Ortega; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Schofield; Shine; Smithee; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Gates; Gerdes; Harris, C.J.; Harrison; Isaac; Leo-Wilson; Oliverson; Patterson; Paul; Schaefer; Schatzline; Shaheen; Slawson; Smith; Spiller; Stucky; Swanson; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr.

Absent — Bowers; DeAyala; Dorazio; Johnson, J.E.; Rogers; Sherman.

STATEMENTS OF VOTE

When Record No. 2104 was taken, I was shown voting yes. I intended to vote no.

Ashby

When Record No. 2104 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2104 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 2104 was taken, I was shown voting yes. I intended to vote no.

Clardy

When Record No. 2104 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 2104 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

When Record No. 2104 was taken, I was shown voting yes. I intended to vote no.

Holland

Senate Committee Substitute

CSHB 4759, A bill to be entitled An Act relating to an attack by a dangerous dog; increasing criminal penalties.

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

SECTION 1. Section 822.001, Health and Safety Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

SECTION 2. Sections 822.005(a) and (b), Health and Safety Code, are amended to read as follows:

(a) A person commits an offense if the person is the owner of a dog and the person:

(1) with criminal negligence, as defined by Section 6.03, Penal Code, fails to secure the dog and the dog makes an unprovoked attack on another person that occurs at a location other than the owner's real property or in or on the owner's motor vehicle or boat and that causes bodily injury, serious bodily injury[;] as defined by Section 1.07, Penal Code, or death to the other person; or

(2) knows the dog is a dangerous dog by learning in a manner described by Section 822.042(g) that the person is the owner of a dangerous dog, and the dangerous dog makes an unprovoked attack on another person that occurs at a location other than a secure enclosure in which the dog is restrained in accordance with Subchapter D and that causes bodily injury or serious bodily injury, as defined by Section 822.001, or death to the other person.

(b) An offense under this section is:

(1) a Class B misdemeanor if the attack causes bodily injury;

(2) a felony of the third degree if the attack causes serious bodily injury; or

(3) a felony of the second degree if [~~unless~~] the attack causes death[~~in which event the offense is a felony of the second degree~~].

SECTION 3. Section 822.0421, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) In this subsection, "identifying information" has the meaning assigned by Section 32.51, Penal Code. The identifying information of a witness who gives a sworn statement under Subsection (a):

(1) is confidential and not subject to disclosure under Chapter 552, Government Code; and

(2) may be disclosed only for purposes of enforcing this chapter to the governing body of the municipality or county in which the incident occurred, as applicable, and any other governmental or law enforcement agency.

SECTION 4. Subchapter D, Chapter 822, Health and Safety Code, is amended by adding Section 822.04215 to read as follows:

Sec. 822.04215. DETERMINATION THAT DOG IS DANGEROUS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality that contains more than 70 percent of the population of a county with a population of 1.5 million or more.

(b) Notwithstanding Section 822.0421(a), if a person reports an incident described by Section 822.041(2), the animal control authority shall investigate the incident. If after reviewing the sworn statements of any witness or reviewing any other applicable reports or information, the animal control authority determines the dog is a dangerous dog, the animal control authority shall notify the owner in writing of the determination.

SECTION 5. Section 822.044, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), an [Am] offense under this section is a Class C misdemeanor.

(b-1) An offense under this section is a Class A misdemeanor if it is shown on trial of the offense that the defendant has been previously convicted of an offense under this section.

SECTION 6. The changes in law made by this Act to Sections 822.005 and 822.044, Health and Safety Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. Section 822.0421(e), Health and Safety Code, as added by this Act, applies to information contained in a sworn statement released on or after the effective date of this Act, regardless of whether the sworn statement was made before, on, or after that date.

SECTION 8. Section 822.04215, Health and Safety Code, as added by this Act, applies only to a determination based on an incident that occurred on or after the effective date of this Act. An incident that occurred before the effective date of this Act is governed by the law in effect on the date the incident occurred, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2023.

HB 4628 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Goldman called up with senate amendments for consideration at this time,

HB 4628, A bill to be entitled An Act relating to the duties of law enforcement agencies, crime laboratories, and the Department of Public Safety following the performance of certain DNA profile comparisons.

Representative Goldman moved to concur in the senate amendments to **HB 4628**.

The motion to concur in the senate amendments to **HB 4628** prevailed by (Record 2105): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen;

Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr.

Absent — DeAyala; Sherman.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 4628** (senate committee report) as follows:

(1) In SECTION 1 of the bill, strike added Section 420.043(a-1), Government Code (page 1, lines 23 through 30) and substitute the following:

(a-1) An accredited crime laboratory that submits a DNA profile to the department to perform the comparison required under Subsection (a) shall monitor the accredited crime laboratory's database for any matches between the DNA profile submitted to the department and the DNA profiles contained in the databases described by Subsections (a)(1) and (2). For purposes of Section 420.0431, the date on which a match is displayed in an accredited crime laboratory's database is considered written notification of a match.

(2) In SECTION 2 of the bill, adding Section 420.0431, Government Code (page 1, lines 36 and 48), strike "Section 402.043" in each place it appears and substitute "Section 420.043".

(3) In SECTION 3 of the bill, adding transition language (page 2, line 26), strike "Section 420.0431" and substitute "Sections 420.0431 and 420.0432".

HB 1883 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bhojani called up with senate amendments for consideration at this time,

HB 1883, A bill to be entitled An Act relating to the administration of assessment instruments to public school students on religious holy days.

Representative Bhojani moved to concur in the senate amendments to **HB 1883**.

The motion to concur in the senate amendments to **HB 1883** prevailed by (Record 2106): 101 Yeas, 38 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Bell, K.; Bhojani; Bonnen; Bowers; Buckley; Bucy; Bumgarner; Burrows; Button; Campos; Canales; Capriglione; Cole; Cook; Cortez; Cunningham; Darby; Davis; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, R.; Lozano; Lujan; Manuel; Martinez;

Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Ordaz; Orr; Ortega; Patterson; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Schofield; Shaheen; Shine; Talarico; Tepper; Thierry; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vasut; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bailes; Bell, C.; Burns; Cain; Clardy; Collier; Craddick; Dean; Dorazio; Gates; Gerdes; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Leo-Wilson; Lopez, J.; Metcalf; Noble; Oliverson; Paul; Price; Rogers; Schaefer; Schatzline; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Thimesch; Tinderholt; Toth; Troxclair; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr.

Absent — Bryant; Sherman.

STATEMENTS OF VOTE

When Record No. 2106 was taken, I was in the house but away from my desk. I would have voted yes.

Bryant

When Record No. 2106 was taken, I was shown voting yes. I intended to vote no.

Isaac

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1883** (senate committee report) in SECTION 1 of the bill, by striking added Section 39.0238(a), Education Code (page 1, lines 29 through 47), and substituting the following:

(a) In this section, "religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship would be exempt from property taxation under Section 11.20, Tax Code.

HB 1009 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Turner called up with senate amendments for consideration at this time,

HB 1009, A bill to be entitled An Act relating to criminal history record information reviews of certain individuals providing services to individuals with an intellectual or developmental disability under Medicaid; providing an administrative penalty.

Representative Turner moved to concur in the senate amendments to **HB 1009**.

The motion to concur in the senate amendments to **HB 1009** prevailed by (Record 2107): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr.

Absent — Sherman.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1009** (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 40), strike "Section 531.02485" and substitute "Sections 531.02485 and 531.02486".

(2) In SECTION 2 of the bill, immediately following added Section 531.02485(f), Government Code (page 2, between lines 24 and 25), insert the following:

Sec. 531.02486. SUSPENDING EMPLOYMENT OF CERTAIN RESIDENTIAL CAREGIVERS. (a) In this section:

(1) "Consumer-directed service option" has the meaning assigned by Section 531.051.

(2) "Reportable conduct" includes:

(A) abuse or neglect that causes or may cause death or harm to an individual using the consumer-directed service option or a resident;

(B) sexual abuse of an individual using the consumer-directed service option or a resident;

(C) financial exploitation of an individual using the consumer-directed service option or a resident in an amount of \$25 or more; and

(D) emotional, verbal, or psychological abuse that causes harm to an individual using the consumer-directed service option or a resident.

(3) "Resident" means an individual residing in a group home or other residential facility who is receiving services from a residential caregiver.

(4) "Residential caregiver" has the meaning assigned by Section 531.02485.

(b) A Medicaid provider, including a provider providing services under a Section 1915(c) waiver program, who employs or contracts with a residential caregiver to provide community-based residential care services through a group home or other residential facility described by Subsection (a)(4), on receiving notice of the reportable conduct finding, shall immediately suspend the employment or contract of an individual the provider employs or contracts with as a residential caregiver who the commission finds has engaged in reportable conduct while the individual exhausts any applicable appeals process, including informal and formal appeals, pending a final decision by an administrative law judge. The provider may not reinstate the individual's employment or contract during the course of any appeals process.

(c) Notwithstanding any other law, the commission shall take disciplinary action against a Medicaid provider that violates Subsection (b), including imposing an administrative penalty or vendor hold, terminating a contract or license, or any other disciplinary action the commission determines appropriate. In determining the appropriate disciplinary action to take against a Medicaid provider under this subsection, the commission shall consider:

(1) the nature and seriousness of the violation;

(2) the history of previous violations; and

(3) any other matter justice may require.

(d) The executive commissioner shall adopt rules necessary to implement this section.

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

SECTION _____. The heading to Chapter 253, Health and Safety Code, is amended to read as follows:

CHAPTER 253. EMPLOYEE MISCONDUCT; REGISTRY

SECTION _____. Section 253.001(4), Health and Safety Code, is amended to read as follows:

(4) "Facility" means:

(A) a facility:

(i) licensed by the department; ~~or~~

(ii) licensed under Chapter 252; or

(iii) licensed under Chapter 555;

(B) an adult foster care provider that contracts with the department;

(C) a home and community support services agency licensed by the department under Chapter 142; or

(D) a prescribed pediatric extended care center licensed under Chapter 248A.

SECTION _____. Chapter 253, Health and Safety Code, is amended by adding Section 253.0025 to read as follows:

Sec. 253.0025. EMPLOYMENT SUSPENSION FOR FACILITY EMPLOYEES ACCUSED OF COMMITTING REPORTABLE CONDUCT. A facility shall suspend the employment of a facility employee who the Health and Human Services Commission finds has engaged in reportable conduct while the employee exhausts any applicable appeals process, including informal and formal appeals and any hearing or judicial review conducted in accordance with Section 253.004 or 253.005, pending a final decision by an administrative law judge. The facility may not reinstate the employee's position during the course of any applicable appeals process.

HB 3286 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Klick called up with senate amendments for consideration at this time,

HB 3286, A bill to be entitled An Act relating to prescription drug benefits under Medicaid and the child health plan program.

Representative Klick moved to concur in the senate amendments to **HB 3286**.

The motion to concur in the senate amendments to **HB 3286** prevailed by (Record 2108): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Geren; Johnson, A.; Longoria; Murr.

Absent — King, T.; Sherman.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3286** (senate committee report) in SECTION 1 of the bill, by striking added Section 531.0691, Government Code (page 1, lines 25 through 29), and substituting the following:

Sec. 531.0691. VENDOR DRUG PROGRAM INCLUSION. (a) The commission shall ensure that the vendor drug program includes all drugs and national drug codes made available under the federal Medicaid Drug Rebate Program if a certificate of information form to request the drug's inclusion in the vendor drug program has been submitted to the commission and:

(1) approved by the commission; or

(2) subject to Subsection (b), is pending review by the commission.

(b) On receipt of a certificate of information form to request the addition to the Texas Drug Code Index of a drug that is available under the federal Medicaid Drug Rebate Program, the commission shall, if the commission determines that the drug is appropriate for dispensing through an outpatient pharmacy, provisionally make the drug available under the vendor drug program for a period that expires on the earlier of:

(1) the 90th day after the date the form was submitted; or

(2) the date the commission makes a determination regarding whether to approve or deny the drug's inclusion on the vendor drug program formulary.

(c) The commission shall:

(1) denote the provisional availability of a drug under this section; and

(2) remove a drug made provisionally available under the vendor drug program:

(A) on the expiration of the 90-day period prescribed by Subsection (b)(1); or

(B) if applicable, on the date the commission denies the drug's inclusion on the vendor drug program formulary.

(Geren now present)

**HB 3579 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Bumgarner called up with senate amendments for consideration at this time,

HB 3579, A bill to be entitled An Act relating to the issuance of an emergency order by the Texas Department of Licensing and Regulation against a massage establishment.

Representative Bumgarner moved to concur in the senate amendments to **HB 3579**.

The motion to concur in the senate amendments to **HB 3579** prevailed by (Record 2109): 122 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cortez; Craddick;

Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Cain; Cook; Dean; Harrison; Hefner; Hull; Leo-Wilson; Patterson; Price; Ramos; Schaefer; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Longoria; Murr.

Absent — Sherman.

STATEMENT OF VOTE

When Record No. 2109 was taken, I was shown voting no. I intended to vote yes.

Cook

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3579** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Section 455.005, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1), (c-1), (c-2), and (e) to read as follows:

(b) Subject to Subsections (b-1), (c), (c-1), and (c-2), this [This] chapter does not affect a local regulation that:

(1) relates to:

(A) zoning requirements, including conditional use permits;

(B) hours of operation; or

(C) other [similar] regulations similar to those described by Paragraph (A) or (B) for massage establishments;

(2) authorizes or requires an investigation into the background of an owner or operator of, or an investor in, a massage establishment; or

(3) does not relate directly to the practice of massage therapy as performed by a licensed massage therapist, including a regulation related to a license holder listed in Section 455.004, while the therapist:

(A) performs under the applicable licensing law; and

(B) works with a licensed massage therapist.

(b-1) Except as provided by Chapter 243, Local Government Code, a political subdivision may not adopt a regulation of the type described by Subsection (b) that is more restrictive for massage therapists than for other health care professionals.

(c) A ~~[Except as provided by Chapter 243, Local Government Code, a]~~ political subdivision may not adopt a regulation of the type described by Subsection (b) that is more restrictive for ~~[massage therapists or]~~ massage establishments than for other health care ~~[professionals or]~~ establishments, except that a more restrictive regulation of the type described by Subsection (b) may be adopted:

(1) as provided by Chapter 243, Local Government Code; or

(2) if the regulation relates to the location, ownership, hours of operation, or operation of a massage establishment:

(A) where three or more arrests have occurred or citations in lieu of arrest have been issued for an offense under Section 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal Code, that was committed at the massage establishment;

(B) where an offense under Chapter 20A, or Section 34.02, 43.02, 43.021, 43.03, 43.04, 43.05, or 71.02, Penal Code, was committed that resulted in a conviction;

(C) that is operating at a location where another massage establishment against which a sanction was imposed for a violation of this chapter previously operated; or

(D) that is operating at a location where another massage establishment owned or operated by an individual against whom a sanction was imposed for a violation of this chapter previously operated.

(c-1) The owner or operator of a massage establishment subject to a regulation adopted under Subsection (c)(2)(C) may submit a request to the applicable political subdivision for an exemption from the regulation. The request must include documentation sufficient to demonstrate the owner or operator has undertaken or implemented procedures and controls to prevent the commission of any offense listed in Subsection (c)(2)(A) or (B).

(c-2) The governing body of a political subdivision that receives a request under Subsection (c-1) shall:

(1) consider, but is not required to approve, the requested exemption at the governing body's next regularly scheduled meeting to be held on a date after the date on which the request is received and that allows sufficient time to comply with Chapter 551, Government Code, if:

(A) the ownership of the massage establishment subject to a regulation adopted under Subsection (c)(2)(C) changed less than two years before the date of the request under Subsection (c-1); and

(B) the current owner of the massage establishment is not an individual against whom a sanction has been imposed for a violation of this chapter; or

(2) approve the requested exemption as soon as practicable after the date on which the request is received if:

(A) the ownership of the massage establishment subject to a regulation adopted under Subsection (c)(2)(C) changed at least two years before the date of the request under Subsection (c-1);

(B) in the two-year period preceding the date of the request under Subsection (c-1), an arrest has not occurred for, a citation in lieu of arrest has not been issued for, and a conviction has not resulted from an offense listed in Subsection (c)(2)(A) or (B) committed at the massage establishment; and

(C) the current owner of the massage establishment is not an individual against whom a sanction has been imposed for a violation of this chapter.

(e) In this section, "sanction" has the meaning assigned by Section 51.001.

(Longoria now present)

(Goldman in the chair)

HB 4087 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kuempel called up with senate amendments for consideration at this time,

HB 4087, A bill to be entitled An Act relating to the use of certain on-site sewage disposal systems.

Representative Kuempel moved to concur in the senate amendments to **HB 4087**.

The motion to concur in the senate amendments to **HB 4087** prevailed by (Record 2110): 129 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, K.; Bhojani; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, R.; Lozano; Lujan; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schofield; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thompson, E.; Thompson, S.; Toth; Troxclair; Turner; VanDeaver; Vasut; Walle; Wilson; Wu; Zwiener.

Nays — Patterson; Shaheen; Tinderholt.

Present, not voting — Mr. Speaker; Goldman(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Bell, C.; Bonnen; Dorazio; Longoria; Lopez, J.; Manuel; Schatzline; Sherman; Thimesch; Vo.

STATEMENTS OF VOTE

When Record No. 2110 was taken, I was in the house but away from my desk. I would have voted yes.

J. Lopez

When Record No. 2110 was taken, my vote failed to register. I would have voted yes.

Manuel

When Record No. 2110 was taken, I was in the house but away from my desk. I would have voted yes.

Thimesch

When Record No. 2110 was taken, I was shown voting yes. I intended to vote no.

Toth

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend proposed **HB 4087** in SECTION 1 of the bill, adding (F), to Section 366.012 of the Health and Safety Code (page 1 after line 59) as follows:

(F) for a county with a population of more than 40,000 and less than 50,000 that borders the Red River along the Oklahoma state line and has a major interstate road running through it, allow for the installation of aerobic drip emitter systems on subdivided or platted properties less than one-half acre in size, serving single-family residences supplied by a public drinking water system if site-specific planning materials have been:

(i) submitted by a licensed engineer or registered sanitarian,
and

(ii) approved by the appropriate authorize agent.

HB 1613 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Shine called up with senate amendments for consideration at this time,

HB 1613, A bill to be entitled An Act relating to the provision of state aid to certain local governments to offset the cost of the exemption from ad valorem taxation of the residence homestead of a 100 percent or totally disabled veteran.

HB 1613 - REMARKS

REPRESENTATIVE SHINE: Texas is the home to 15 federal military installations. The installations contribute an estimated \$114 billion to the state's economy annually, ranking third behind only manufacturing and the oil and gas industry in Texas. The communities that surround and support each of these military installations are home to the majority of our 100 percent disabled veterans and are the most disproportionately impacted by the state granted 100 percent homestead exemption for our 100 percent disabled veterans. The communities around these installations support a \$114 billion industry, but are being handicapped by the disabled veterans exemption.

The physical impact of **HB 1613** is \$200 million per year. That is three-sixteenths of one percent in equivalent of the economic impact that these installations have to the State of Texas. Cities and counties disproportionately impacted by this exemption struggle to fund basic services like roads, water systems, law enforcement, EMS, parks, and other quality-of-life amenities. Military communities are evaluated on quality of life by the Department of Defense. Its scoring criteria for future basing decisions that impact troop-level commodifications, base realignment, and closure—which is the BRAC decisions. The low quality of life and public safety resulting from this could lose our military stronghold in the State of Texas. Finally, the governor's committee to support the military lists mitigating the impact of lost property tax revenue from the veterans' exemption as its top recommendation for protecting military value.

I want to thank all of you that supported the bill. One hundred and two signed on as co-sponsors and 136 of you voted it out of this house to the senate. This overwhelming support shows this chamber's dedication to our veterans and the communities that support our military. The senate took **HB 1613** and bracketed it to two counties. The senate substitute completely neglects our friends in Lampasas, Guadalupe, Wilson, Bexar, El Paso Counties, and others. I asked all of you to support a statewide initiative. I'll not pull a fast one here at the finish line and cut you out of that. I want to be very clear, the 100 percent disabled veterans' homestead exemption is an important and meaningful benefit to those who have given so much to protect our country. It's an honor to have so many veterans choose Texas as their home, but Texas is now failing to protect them. The impact of these exemptions are threatening the quality of life for the very veterans they intend to benefit while additionally, directly impacting active-duty military, veterans with lesser disabilities, and other property owners. It's time that we ensure their quality of life and the communities that support them.

Representative Shine moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1613**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1613**: Shine, chair; Clardy, Kuempel, Martinez Fischer, and Spiller.

HJR 2 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bonnen called up with senate amendments for consideration at this time,

HJR 2. A joint resolution proposing a constitutional amendment limiting the contribution rate of the members of the Teacher Retirement System of Texas, authorizing the legislature to provide cost-of-living adjustments or other benefit enhancements to eligible annuitants of the system, and providing a one-time transfer of funds for benefit enhancements and for contributions and actuarially determined payments to eliminate the unfunded actuarial liabilities of the system.

Representative Bonnen moved to concur in the senate amendments to **HJR 2.**

The motion to concur in the senate amendments to **HJR 2** prevailed by (Record 2111): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Goldman(C); Morales Shaw.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Longoria.

STATEMENTS OF VOTE

When Record No. 2111 was taken, I was shown voting present, not voting. I intended to vote yes.

Morales Shaw

When Record No. 2111 was taken, I was excused to attend a meeting of the Committee on General Investigating. I would have voted yes.

Murr

Senate Committee Substitute

CSHJR 2, A joint resolution proposing a constitutional amendment limiting the authority of the legislature to provide cost-of-living adjustments or other benefit enhancements to certain annuitants of the Teacher Retirement System of Texas and providing a one-time transfer of funds to the retirement system to provide a cost-of-living adjustment.

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

SECTION 1. Article XVI, Texas Constitution, is amended by adding Section 67-a to read as follows:

Sec. 67-a. (a) Only as authorized by this section, the legislature by general law may provide one or more cost-of-living adjustments or supplemental payments as benefit enhancements to annuitants of the Teacher Retirement System of Texas who are eligible for the enhancements, as determined by that law.

(b) The legislature may provide a benefit enhancement as described by this section and, as necessary, direct the comptroller of public accounts to transfer funds to the Teacher Retirement System of Texas for the payment of the benefit enhancement only if:

(1) the retirement system is actuarially sound, as determined by general law; and

(2) subject to Subsection (c) of this section, the legislature appropriates money in an amount sufficient to ensure that providing the benefit enhancement does not increase the unfunded actuarial liabilities of the retirement system, as determined by the board of trustees of the retirement system.

(c) In determining the amount that is sufficient to ensure that providing a benefit enhancement does not increase the unfunded actuarial liabilities of the Teacher Retirement System of Texas under Subsection (b)(2) of this section, the board of trustees of the retirement system shall reduce that amount by the amount by which the actuarial value of the retirement system's assets exceeds the actuarial accrued liability of the retirement system.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, limiting the authority of the legislature to provide cost-of-living adjustments or other benefit enhancements to certain annuitants of the Teacher Retirement System of Texas and providing a one-time transfer of funds to the retirement system to provide a cost-of-living adjustment.

(b) As soon as practicable after the effective date of the amendment to which this temporary provision applies, the comptroller of public accounts shall transfer \$3.323 billion from the General Revenue Fund to an account in the trust

fund of the Teacher Retirement System of Texas established for that purpose. Money transferred to an account under this temporary provision may be spent by the retirement system only for the purpose of providing a cost-of-living adjustment of not less than two percent and not more than four percent of each eligible annuitant's annuity, as provided by general law. The transfer made under this temporary provision is not:

(1) an appropriation of state tax revenues for the purposes of Section 22, Article VIII, of this constitution; or

(2) a contribution by the state to the retirement system under Section 67(b)(3), Article XVI, of this constitution, or any other law.

(c) This temporary provision expires on the earlier of:

(1) the date all money transferred to an account in the trust fund of the Teacher Retirement System of Texas under this temporary provision has been expended; or

(2) the date on which:

(A) no annuitants who are eligible for the cost-of-living adjustment authorized under this temporary provision remain; and

(B) any unexpended balance has been transferred to the General Revenue Fund under Subsection (d) of this temporary provision.

(d) If no annuitants who are eligible for the cost-of-living adjustment authorized under this temporary provision remain, the board of trustees of the Teacher Retirement System of Texas shall notify the comptroller and the comptroller shall transfer any unexpended money to the General Revenue Fund.

SECTION 3. 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 limiting the authority of the legislature to provide cost-of-living adjustments or other benefit enhancements to certain annuitants of the Teacher Retirement System of Texas and providing a one-time transfer of funds to the retirement system to provide a cost-of-living adjustment."

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHJR 2** (senate committee printing) by striking all below the resolving clause and substituting the following:

SECTION 1. Article XVI, Texas Constitution, is amended by adding Section 67-a to read as follows:

Sec. 67-a. (a) As the Teacher Retirement System of Texas is actuarially sound according to an actuarial valuation update performed in February 2023, the 88th Legislature, Regular Session, 2023:

(1) by general law may provide a cost-of-living adjustment to annuitants of the Teacher Retirement System of Texas who are eligible for the adjustment as determined by that general law; and

(2) may appropriate an amount of money from the general revenue fund to the comptroller of public accounts for deposit to the trust fund of the Teacher Retirement System of Texas to pay the adjustment authorized by Subdivision (1) of this subsection.

(b) For purposes of Section 22, Article VIII, of this constitution, an appropriation of state tax revenues made by the 88th Legislature, Regular Session, 2023, for the purpose described by Subsection (a)(1) of this section is treated as if it were an appropriation of revenues dedicated by this constitution.

(c) This section expires September 1, 2025.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 7, 2023. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the 88th Legislature to provide a cost-of-living adjustment to certain annuitants of the Teacher Retirement System of Texas."

HB 3297 - WITH SENATE AMENDMENTS

Representative C.J. Harris called up with senate amendments for consideration at this time,

HB 3297, A bill to be entitled An Act relating to the elimination of regular mandatory vehicle safety inspections for noncommercial vehicles and the imposition of replacement fees.

HB 3297 - POINT OF ORDER

Representative Moody raised a point of order against further consideration of **HB 3297** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane.

(Patterson in the chair)

The point of order was withdrawn.

HB 3297 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS

CONFERENCE COMMITTEE APPOINTED

Representative C.J. Harris moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3297**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3297**: C.J. Harris, chair; Bucy, Goldman, Moody, and Vasut.

HB 5135 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kacal called up with senate amendments for consideration at this time,

HB 5135, A bill to be entitled An Act relating to the issuance of K9s4KIDs specialty license plates.

Representative Kacal moved to concur in the senate amendments to **HB 5135**.

The motion to concur in the senate amendments to **HB 5135** prevailed by (Record 2112): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliveron; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 5135** (senate committee report) in SECTION 1 of the bill, in added Section 504.6661(b), Transportation Code (page 1, line 30), by striking "office of the governor" and substituting "Texas Education Agency".

HB 1087 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Hull called up with senate amendments for consideration at this time,

HB 1087, A bill to be entitled An Act relating to the contents of a petition in certain suits affecting the parent-child relationship.

Representative Hull moved to concur in the senate amendments to **HB 1087**.

The motion to concur in the senate amendments to **HB 1087** prevailed by (Record 2113): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless;

Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Collier; Rosenthal.

STATEMENT OF VOTE

When Record No. 2113 was taken, I was in the house but away from my desk. I would have voted yes.

Collier

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1087** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 262.101(b), Family Code (page 1, line 43), immediately following "describe", insert "with specificity in a separate section".

(2) In SECTION 2 of the bill, in added Section 262.102(e), Family Code (page 1, line 51), between "describe" and "the", insert "with specificity in a separate section".

(3) In SECTION 3 of the bill, in added Section 262.105(c), Family Code (page 1, line 57), immediately following "describe", insert "with specificity in a separate section".

(4) In SECTION 4 of the bill, in added Section 262.107(c), Family Code (page 2, line 4), between "writing" and "the", insert "and in a separate section".

(5) In SECTION 5 of the bill, in added Section 262.201(g-2), Family Code (page 2, line 11), between "writing" and the underlined colon, insert "and in a separate section".

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

SECTION _____. Section 161.001, Family Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) In a suit for termination of the parent-child relationship filed by the Department of Family and Protective Services, the court may not order termination of the parent-child relationship under Subsection (b)(1) unless the court finds by clear and convincing evidence and describes in writing with specificity in a separate section of the order that:

(1) the department made reasonable efforts to return the child to the parent before commencement of a trial on the merits and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent; or

(2) reasonable efforts to return the child to the parent, including the requirement for the department to provide a family service plan to the parent, have been waived under Section 262.2015.

(g) In a suit for termination of the parent-child relationship filed by the Department of Family and Protective Services in which the department made reasonable efforts to return the child to the child's home but a continuing danger in the home prevented the child's return, the court shall include in a separate section of its order written findings describing with specificity the reasonable efforts the department made to return the child to the child's home.

HB 1707 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Klick called up with senate amendments for consideration at this time,

HB 1707, A bill to be entitled An Act relating to the applicability of certain laws to open-enrollment charter schools.

Representative Klick moved to concur in the senate amendments to **HB 1707**.

The motion to concur in the senate amendments to **HB 1707** prevailed by (Record 2114): 130 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, R.; Lozano; Lujan; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson(C); Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu.

Nays — Bowers; González, J.; Goodwin; Jones, J.; Jones, V.; Manuel; Plesa; Zwiener.

Present, not voting — Mr. Speaker.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Allison; Collier; Lopez, J.; Rosenthal; Sherman.

STATEMENTS OF VOTE

When Record No. 2114 was taken, I was in the house but away from my desk. I would have voted yes.

Allison

When Record No. 2114 was taken, I was in the house but away from my desk. I would have voted no.

Collier

When Record No. 2114 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 2114 was taken, my vote failed to register. I would have voted yes.

J. Lopez

When Record No. 2114 was taken, I was shown voting no. I intended to vote yes.

Manuel

Senate Committee Substitute

CSHB 1707, A bill to be entitled An Act relating to the applicability of certain laws to open-enrollment charter schools.

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

SECTION 1. Section 12.1058, Education Code, is amended by amending Subsection (c) and adding Subsections (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m) to read as follows:

(c) Notwithstanding Subsection (a) or (b), an open-enrollment charter school operated by a tax exempt entity as described by Section 12.101(a)(3) is not considered to be a political subdivision, local government, or local governmental entity unless:

(1) a ~~[the applicable]~~ statute specifically states that the statute applies to an open-enrollment charter school; or

(2) a provision in this chapter states that a specific statute applies to an open-enrollment charter school.

(d) A political subdivision shall consider an open-enrollment charter school a school district for purposes of zoning, project permitting, platting and replatting processes, business licensing, franchises, utility services, signage, subdivision

regulation, property development projects, the requirements for posting bonds or securities, contract requirements, land development standards as provided by Section 212.902, Local Government Code, tree and vegetation regulations, regulations of architectural features of a structure, construction of fences, landscaping, garbage disposal, noise levels, fees or other assessments, and construction or site development work if the charter school provides to the political subdivision the certification described by Subsection (e).

(e) To be considered a school district by a political subdivision in accordance with Subsection (d), the governing body of an open-enrollment charter school must certify in writing to the political subdivision that no administrator, officer, or employee of the charter school and no member of the governing body of the charter school or its charter holder derives any personal financial benefit from a real estate transaction with the charter school.

(f) An open-enrollment charter school considered a school district under this section shall comply with the same requirements imposed by the political subdivision on a campus of a school district.

(g) An open-enrollment charter school does not have the power of eminent domain.

(h) A political subdivision may not consider an open-enrollment charter school a school district under Section 395.022, Local Government Code, for the purposes of the collection of impact fees imposed under Chapter 395, Local Government Code, by the political subdivision for providing capital funding for public water and wastewater facilities.

(i) A political subdivision may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office within the political subdivision's jurisdiction or on any specific property located within the jurisdiction of the political subdivision that it could not take against a school district. A political subdivision shall grant approval in the same manner and follow the same timelines as if the charter school were a school district located in that political subdivision's jurisdiction, provided that, for a new campus, the charter school provide notice, in the manner provided by and to the persons listed in Section 12.1101, of the location of the new campus within 20 business days of closing on the purchase or lease of real property for that campus.

(j) This section applies to both owned and leased property of the open-enrollment charter school under Section 12.128.

(k) Except as otherwise provided by this section, this section does not affect the authority granted by state law to a political subdivision to regulate an open-enrollment charter school through applicable health and safety ordinances imposed by the political subdivision.

(l) In this section, "political subdivision" does not include a school district.

(m) This subsection applies only to information of a financial nature related to property transactions of an open-enrollment charter school subject to this section. A nonprofit entity operating an open-enrollment charter school under Chapter 12 or a management company providing management services to the nonprofit entity is considered a governmental body for purposes of Chapter 552,

Government Code, and financial information related to property transactions that is managed or possessed by the entity or company is subject to disclosure under Chapter 552, Government Code.

SECTION 2. Section 212.902, Local Government Code, is amended to read as follows:

Sec. 212.902. SCHOOL DISTRICT AND OPEN-ENROLLMENT CHARTER SCHOOL LAND DEVELOPMENT STANDARDS. (a) This section applies to an agreement [~~agreements~~] between a school district or open-enrollment charter school [~~districts~~] and a [~~any~~] municipality which has annexed territory for limited purposes.

(b) On request by a school district or open-enrollment charter school, a municipality shall enter an agreement with the board of trustees of the school district or the governing body of the open-enrollment charter school to establish review fees, review periods, and land development standards ordinances and to provide alternative water pollution control methodologies for school buildings constructed by the school district or open-enrollment charter school. The agreement shall include a provision exempting the district or charter school from all land development ordinances in cases where the district or charter school is adding temporary classroom buildings on an existing school campus.

(c) If the municipality and the school district or open-enrollment charter school do not reach an agreement on or before the 120th day after the date on which the municipality receives the district's or charter school's request for an agreement, proposed agreements by the [~~school~~] district or charter school and the municipality shall be submitted to an independent arbitrator appointed by the presiding district judge whose jurisdiction includes the [~~school~~] district or charter school. The arbitrator shall, after a hearing at which both the [~~school~~] district or charter school and the municipality make presentations on their proposed agreements, prepare an agreement resolving any differences between the proposals. The agreement prepared by the arbitrator will be final and binding upon both the [~~school~~] district or charter school and the municipality. The cost of the arbitration proceeding shall be borne equally by the [~~school~~] district or charter school and the municipality.

(d) A school district or open-enrollment charter school that requests an agreement under this section, at the time the district or charter school [~~it~~] makes the request, shall send a copy of the request to the commissioner of education. At the end of the 120-day period, the requesting district or charter school shall report to the commissioner the status or result of negotiations with the municipality. A municipality may send a separate status report to the commissioner. The district or charter school shall send to the commissioner a copy of each agreement between the district or charter school and a municipality under this section.

(e) An agreement between a municipality and an open-enrollment charter school under Subsection (b) may require that:

(1) any revised land development standards may apply only while the property is used for purposes of the charter school; and

(2) any property in use subject to land development standards established only for an open-enrollment charter school must be brought into compliance with all development regulations applicable to non-school related commercial developments by the property owner after closure or relocation of the charter school.

(f) [(e)] In this section:

(1) [7] "Land [~~land~~] development standards" includes impervious cover limitations, building setbacks, floor to area ratios, building heights and coverage, water quality controls, landscaping, development setbacks, compatibility standards, traffic analyses, including traffic impact analyses, parking requirements, signage requirements, and driveway cuts, if applicable.

(2) "Open-enrollment charter school" means a school granted a charter under Subchapter C, D, or E, Chapter 12, Education Code.

(g) [(f)] Nothing in this section shall be construed to limit the applicability of or waive fees for fire, safety, health, or building code ordinances of the municipality prior to or during construction of school buildings, nor shall any agreement waive any fee or modify any ordinance of a municipality for an administration, service, or athletic facility proposed for construction by a school district or open-enrollment charter school.

SECTION 3. Section 552.053(b), Local Government Code, is amended to read as follows:

(b) The following may be exempt:

- (1) this state;
- (2) a county;
- (3) a municipality; or
- (4) [a] school districts and open-enrollment charter schools ~~[district]~~.

SECTION 4. Section 12.103(c), Education Code, is repealed.

SECTION 5. An exemption granted to a school district under Section 552.053(b)(4), Local Government Code, as that subdivision existed before the effective date of this Act, automatically extends to all open-enrollment charter schools located in the municipality after the effective date of this Act unless the municipality repeals the exemption before the effective date of this Act.

SECTION 6. 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.

HB 1590 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Burns called up with senate amendments for consideration at this time,

HB 1590, A bill to be entitled An Act relating to the establishment of the Texas Leadership Scholars Program.

Representative Burns moved to concur in the senate amendments to **HB 1590**.

The motion to concur in the senate amendments to **HB 1590** prevailed by (Record 2115): 120 Yeas, 19 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schatzline; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Stucky; Talarico; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Bumgarner; Cain; Canales; Craddick; Gates; Harrison; Hayes; Hefner; Hull; Isaac; Leo-Wilson; Schaefer; Slawson; Spiller; Swanson; Tepper; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Guerra; Morales Shaw; Rosenthal.

STATEMENT OF VOTE

When Record No. 2115 was taken, I was shown voting yes. I intended to vote no.

Wilson

Senate Committee Substitute

CSHB 1590, A bill to be entitled An Act relating to the establishment of the Texas Leadership Scholars Program.

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

SECTION 1. Chapter 61, Education Code, is amended by adding Subchapter T-3 to read as follows:

SUBCHAPTER T-3. TEXAS LEADERSHIP SCHOLARS PROGRAM

Sec. 61.891. DEFINITIONS. In this subchapter:

(1) "Leadership scholarship" means a scholarship awarded to an undergraduate student under the program.

(2) "Program" means the Texas Leadership Scholars Program established under this subchapter.

(3) "Research scholarship" means a scholarship awarded to a graduate student under the program.

Sec. 61.892. ESTABLISHMENT; ADMINISTRATION. (a) The Texas Leadership Scholars Program is established to serve as a merit-based scholarship and leadership opportunity program for high-achieving, emerging leaders with financial need.

(b) Using money appropriated or otherwise available for the purpose, the board shall award scholarships and provide academic achievement support and leadership development to eligible students under the program.

(c) The board shall administer the program. The board may contract with one or more institutions of higher education to assist in administering the program, including receiving and reviewing applications, recommending the distribution of funds to institutions of higher education, and developing criteria for the selection of students for the program.

(d) The board may establish one or more advisory committees for the purpose of recommending rules for the administration of the program.

Sec. 61.893. INITIAL ELIGIBILITY. (a) To be initially eligible for the award of a leadership scholarship, an undergraduate student must:

(1) have graduated from a public high school in this state;

(2) either:

(A) have qualified for automatic admission to a general academic teaching institution under Section 51.803; or

(B) be nominated by the student's high school for participation in the program and hold another academic distinction recognized by the board;

(3) be enrolled in a baccalaureate degree program at a general academic teaching institution;

(4) be economically disadvantaged, as determined by board rule; and

(5) comply with any additional requirement adopted by the board.

(b) To be initially eligible for the award of a research scholarship, a graduate student must:

(1) be enrolled in a research doctoral degree program at a general academic teaching institution;

(2) either:

(A) have graduated from a public high school in this state during the 10 years preceding the date of the student's application to the program; or

(B) have graduated from an institution of higher education or a private or independent institution of higher education;

(3) be economically disadvantaged, as determined by board rule;

(4) be nominated by the institution at which the student is enrolled on the basis of the student's academic merit and leadership potential; and

(5) comply with any additional requirements adopted by the board.

Sec. 61.894. CONTINUING ELIGIBILITY. After establishing initial eligibility to participate in the program under Section 61.893, a student may continue participating in the program only if the student:

(1) remains:

(A) for a leadership scholarship, enrolled in a baccalaureate degree program at a general academic teaching institution; or

(B) for a research scholarship, enrolled in a research doctoral degree program at a general academic teaching institution;

(2) maintains a minimum overall grade point average determined by board rule; and

(3) complies with any additional requirement adopted by the board.

Sec. 61.895. ACADEMIC ACHIEVEMENT SUPPORT AND LEADERSHIP DEVELOPMENT. The board may enter into agreements with general academic teaching institutions or other institutions of higher education to provide students participating in the program with:

(1) research-based support to make satisfactory academic progress and graduate on time; and

(2) leadership development opportunities, including:

(A) program cohort learning communities;

(B) mentoring, research, and internship opportunities;

(C) networking with state government, business, and civic leaders;

and

(D) statewide cohort learning institutes or seminars.

Sec. 61.896. GRANTS, GIFTS, AND DONATIONS. The board may solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of the program.

Sec. 61.897. RULES. (a) The board, in consultation with general academic teaching institutions, shall adopt rules for the administration of the program, including rules providing for the amount and permissible uses of a scholarship awarded under the program. The rules must provide that:

(1) the amount of a research scholarship is at least 150 percent of the amount of a leadership scholarship; and

(2) a student may not receive a scholarship under the program for more than four years.

(b) Notwithstanding Section 61.033, the board is not required to use negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of rules under this subchapter.

SECTION 2. The Texas Higher Education Coordinating Board shall adopt rules to administer Subchapter T-3, Chapter 61, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

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

HB 4256 - HOUSE CONCURS IN SENATE AMENDMENTS

TEXT OF SENATE AMENDMENTS

Representative Burns called up with senate amendments for consideration at this time,

HB 4256, A bill to be entitled An Act relating to the establishment of a grant program to plug leaking water wells in certain counties; making an appropriation.

Representative Burns moved to concur in the senate amendments to **HB 4256**.

The motion to concur in the senate amendments to **HB 4256** prevailed by (Record 2116): 123 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schatzline; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Canales; Dean; Gates; Goodwin; Harrison; Hayes; Hefner; Isaac; Leo-Wilson; Schaefer; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Jones, V.; Rosenthal.

STATEMENTS OF VOTE

When Record No. 2116 was taken, I was in the house but away from my desk. I would have voted yes.

V. Jones

When Record No. 2116 was taken, I was shown voting no. I intended to vote yes.

Leo-Wilson

Senate Committee Substitute

CSHB 4256, A bill to be entitled An Act relating to the establishment of a grant program to plug leaking water wells in certain counties.

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

SECTION 1. Chapter 28, Water Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. LEAKING WATER WELLS GRANT PROGRAMSec. 28.101. DEFINITIONS. In this subchapter:

(1) "District" means a district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of water wells, the production of water wells, or both.

(2) "Fund" means the leaking water wells fund created under Section 28.103.

(3) "Program" means the leaking water wells program established under Section 28.104.

Sec. 28.102. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a district in a county that:

(1) has a population of 16,000 or less; and

(2) is adjacent to at least seven counties with populations of less than 15,000.

Sec. 28.103. LEAKING WATER WELLS FUND. (a) The leaking water wells fund is created as a fund in the state treasury outside the general revenue fund.

(b) The fund consists of:

(1) money appropriated, credited, or transferred to the fund by the legislature;

(2) gifts or grants contributed to the fund; and

(3) interest earned on deposits and investments of the fund.

(c) Interest earned on money deposited to the credit of the fund is exempt from Section 404.071, Government Code. Interest earned on money in the fund shall be retained in the fund.

(d) The fund may be used only to implement the program established under Section 28.104, including the costs of program administration and operation.

Sec. 28.104. LEAKING WATER WELLS PROGRAM. The commission shall establish and administer the leaking water wells program to plug leaking water wells. Under the program, the commission shall provide grants to districts for eligible projects to offset the cost of plugging leaking water wells.

Sec. 28.105. APPLICATION FOR GRANT. (a) A district may apply for and receive a grant for an eligible project under the program.

(b) An application for a grant under this subchapter must be made on a form provided by the commission and must contain the information required by the commission.

Sec. 28.106. ELIGIBILITY OF PROJECTS FOR GRANTS; PRIORITIZATION. (a) To be eligible for a grant for a project, a district must:

(1) demonstrate that the project includes a leaking water well:

(A) that:

(i) is located within 2,000 feet of a drinking water well, a water well for livestock or irrigation, or a sensitive wildlife area; or

(ii) has seasonal or annual flow to the surface, or a hydrological connection to surface water, including a waterway, intermittent stream, or springs system; and

(B) of which:

(i) the plug, casing, completion interval, or general integrity is known by the district to be deficient; or

(ii) the completion interval is sufficiently proximate to other known intervals or pressurized zones with high concentrations of salinity, chlorides, sulfides, or other hazardous or toxic components;

(2) obtain any necessary approval from a surface owner for access to the property where the leaking water well is located; and

(3) as necessary and subject to Subsection (b), engage in a bid process to select and hire a contractor or subcontractor to perform the work.

(b) Notwithstanding any other law, a contract for work on a project for which a grant is provided under the program:

(1) must be awarded to a contractor or subcontractor selected from a list of approved well pluggers maintained by the Railroad Commission of Texas; and

(2) may be awarded to the contractor or subcontractor whose bid or proposal the recipient of the grant determines provides the best value for the recipient based on the selection criteria published by the recipient.

(c) The commission by rule shall establish criteria for prioritizing projects eligible to receive a grant under the program.

Sec. 28.107. RESTRICTION ON USE OF GRANT. (a) A recipient of a grant provided under the program may use the grant only to pay the cost of the project for which the grant is provided. A recipient may not use the grant to pay administrative costs associated with the project.

(b) A leaking water well plugged under the program must be permanently plugged. The commission, in consultation with the Railroad Commission of Texas, shall establish criteria for ensuring that a well is permanently plugged.

(c) The amount of a grant provided under the program that is not spent for the completion of a project must be returned to the commission for deposit to the credit of the fund.

SECTION 2. 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.

**HB 4843 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Holland called up with senate amendments for consideration at this time,

HB 4843, A bill to be entitled An Act relating to increasing the criminal penalty for the offense of unlawful possession of a firearm by a person convicted of a felony.

Representative Holland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4843**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4843**: Holland, chair; Moody, Murr, Smith, and Vasut.

HB 3908 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Wilson called up with senate amendments for consideration at this time,

HB 3908, A bill to be entitled An Act relating to fentanyl abuse prevention and drug poisoning awareness education in public schools.

Representative Wilson moved to concur in the senate amendments to **HB 3908**.

The motion to concur in the senate amendments to **HB 3908** prevailed by (Record 2117): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Garcia; Rosenthal.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

(B) physical education and physical activity;

(C) nutrition services;

(D) parental involvement;

(E) instruction on substance abuse prevention;

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

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

(H) a safe and healthy school environment; and

(I) school employee wellness;

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

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

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

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

(C) a safe and healthy school environment; and

(D) school employee wellness;

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

(6) strategies to increase parental awareness regarding:

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

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

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

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

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

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

HB 3452 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Jetton called up with senate amendments for consideration at this time,

HB 3452, A bill to be entitled An Act relating to complaints submitted to and sanctions issued by the State Commission on Judicial Conduct.

Representative Jetton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3452**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3452**: Jetton, chair; Leach, Moody, Slawson, and Vasut.

HB 5373 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Canales called up with senate amendments for consideration at this time,

HB 5373, A bill to be entitled An Act relating to the powers and duties of the Hidalgo County Drainage District No. 1.

Representative Canales moved to concur in the senate amendments to **HB 5373**.

The motion to concur in the senate amendments to **HB 5373** prevailed by (Record 2118): 114 Yeas, 25 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Ordaz; Orr; Ortega; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Schatzline; Sherman; Shine; Smith; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Cain; Dean; Gerdes; Harris, C.J.; Harrison; Hefner; Hull; Isaac; Leo-Wilson; Oliverson; Paul; Rogers; Schaefer; Schofield; Shaheen; Slawson; Smithee; Spiller; Stucky; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Campos; Garcia; Rosenthal.

STATEMENTS OF VOTE

When Record No. 2118 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2118 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 2118 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 2118 was taken, I was in the house but away from my desk. I would have voted yes.

Rosenthal

Senate Committee Substitute

CSHB 5373, A bill to be entitled An Act relating to the powers and duties of the Hidalgo County Drainage District No. 1.

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

SECTION 1. Subtitle A, Title 6, Special District Local Laws Code, is amended by adding Chapter 6609 to read as follows:

CHAPTER 6609. HIDALGO COUNTY DRAINAGE DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6609.0101. DEFINITION. In this chapter, "district" means the Hidalgo County Drainage District No. 1.

Sec. 6609.0102. NATURE OF DISTRICT. The district is a conservation and reclamation district in Hidalgo County operating under Section 59, Article XVI, Texas Constitution, as a drainage district and a water improvement district.

Sec. 6609.0103. FINDINGS OF BENEFIT AND PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution.

(c) The district is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 6609.0201. GENERAL POWERS AND DUTIES. (a) The district has all rights, powers, privileges, functions, and duties provided by the general law of this state applicable to a drainage district and a water improvement district created under Section 59, Article XVI, Texas Constitution, including Chapters 49, 55, and 56, Water Code.

(b) To the extent of a conflict between this chapter and Chapter 49, 55, or 56, Water Code, this chapter prevails. To the extent of a conflict between Chapters 55 and 56, Water Code, Chapter 55 prevails.

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.

**HB 4635 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Guillen called up with senate amendments for consideration at this time,

HB 4635, A bill to be entitled An Act relating to organized crime, racketeering activities, and collection of unlawful debts; providing a civil penalty; creating criminal offenses.

Representative Guillen moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4635**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4635**: Guillen, chair; Leach, Lozano, Martinez, and Moody.

**HB 5372 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Schofield called up with senate amendments for consideration at this time,

HB 5372, A bill to be entitled An Act relating to the creation of The Grand Prairie Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Representative Schofield moved to concur in the senate amendments to **HB 5372**.

The motion to concur in the senate amendments to **HB 5372** prevailed by (Record 2119): 116 Yeas, 22 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Bailes; Bell, C.; Bhojani; Bonnen; Bowers; Bryant; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bell, K.; Buckley; Cain; Dean; Gerdes; Harris, C.J.; Harrison; Hefner; Hull; Isaac; Leo-Wilson; Metcalf; Schaefer; Schatzline; Slawson; Spiller; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Johnson, A.; Murr.

Absent — Allen; Geren; Leach; Shaheen.

STATEMENTS OF VOTE

When Record No. 2119 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

When Record No. 2119 was taken, I was shown voting yes. I intended to vote no.

Holland

Senate Committee Substitute

CSHB 5372, A bill to be entitled An Act relating to the creation of The Grand Prairie Management District; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 4005 to read as follows:

CHAPTER 4005. THE GRAND PRAIRIE MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4005.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "County" means Harris County.

(3) "Director" means a board member.

(4) "District" means The Grand Prairie Management District.

Sec. 4005.0102. NATURE OF DISTRICT. The Grand Prairie Management District is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 4005.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the county and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Sections 52 and 52-a, Article III, Texas Constitution.

(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(d) This chapter and the creation of the district may not be interpreted to relieve the county or a municipality from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant county or municipal services provided in the district.

Sec. 4005.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(c) The creation of the district is in the public interest and is essential to further the public purposes of:

- (1) developing and diversifying the economy of the state;
- (2) eliminating unemployment and underemployment; and
- (3) developing or expanding transportation and commerce.

(d) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center;

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 4005.0105. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

Sec. 4005.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

All or any part of the area of the district is eligible to be included in:

- (1) a tax increment reinvestment zone created under Chapter 311, Tax Code; or
- (2) a tax abatement reinvestment zone created under Chapter 312, Tax Code.

Sec. 4005.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 4005.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 4005.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors elected or appointed as provided by this chapter and Subchapter D, Chapter 49, Water Code.

(b) Except as provided by Section 4005.0203, directors serve staggered four-year terms.

Sec. 4005.0202. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 4005.0203. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) The temporary or successor temporary directors shall hold an election to elect five permanent directors as provided by Section 49.102, Water Code.

(c) Temporary directors serve until the earlier of:

- (1) the date permanent directors are elected under Subsection (b); or
- (2) the fourth anniversary of the effective date of the Act creating this chapter.

(d) If permanent directors have not been elected under Subsection (b) and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (c) to serve terms that expire on the earlier of:

- (1) the date permanent directors are elected under Subsection (b); or

(2) the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (d) applies, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal roll for the county may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 4005.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 4005.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 4005.0303. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county, to provide law enforcement services in the district for a fee.

Sec. 4005.0304. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 4005.0305. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 4005.0306. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 4005.0307. ADDING OR EXCLUDING LAND. The district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 4005.0308. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 4005.0309. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

SUBCHAPTER D. ASSESSMENTS

Sec. 4005.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 4005.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

SUBCHAPTER E. TAXES AND BONDS

Sec. 4005.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 4005.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 4005.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 4005.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, or other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 4005.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues;
or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 4005.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 4005.0501, the district may issue bonds payable from ad valorem taxes.

(b) Section 375.243, Local Government Code, does not apply to the district.

(c) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

Sec. 4005.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The board may not issue bonds until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district, as required by applicable law.

(b) This section applies only to the district's first issuance of bonds payable from ad valorem taxes.

SUBCHAPTER I. DISSOLUTION

Sec. 4005.0901. DISSOLUTION. (a) The board shall dissolve the district on written petition filed with the board by the owners of at least two-thirds of the assessed value of the property subject to assessment or taxation by the district based on the most recent certified county property tax rolls.

(b) The board by majority vote may dissolve the district at any time.

(c) The district may not be dissolved by its board under Subsection (a) or (b) if the district:

(1) has any outstanding bonded indebtedness until that bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds;

(2) has a contractual obligation to pay money until that obligation has been fully paid in accordance with the contract; or

(3) owns, operates, or maintains public works, facilities, or improvements unless the district contracts with another person for the ownership, operation, or maintenance of the public works, facilities, or improvements.

(d) Sections 375.261, 375.262, and 375.264, Local Government Code, do not apply to the district.

SECTION 2. The Grand Prairie Management District initially includes all territory contained in the following area:

TRACT 1: 39.38 acres.

Being a 39.38 acre tract of land located in the Edward R. Green Survey, Abstract No. 307, Harris County, Texas; said 39.38 acre tract being all of a called 39.365 acre tract recorded in the name of Betty Sue Dennison Stahman, Cathy Annette Dennison Felts, and the heirs/devisees of Bobby Gene Dennison under Clerk's File (C.F.) No. RP-2020-285720 of the Official Public Records of Real Property of Harris County (O.P.R.R.P.H.C.) (reference C.F. No. J223460 O.P.R.R.P.H.C.); said 39.38 acre tract being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, North American Datum of 1983 (NAD83), South Central Zone):

Beginning at a 1-inch iron pipe found on the west right-of-way (R.O.W.) line of Warren Ranch Road (monumented and occupied as sixty-feet wide) on the north line of the James O'Brien Survey, Abstract No. 615, and the south line of said Edward R. Green Survey, at the northeast corner of a called 617.0 acre tract recorded in the name of Emptor Hockley LLC under C.F. No. RP-2020-106668 of the O.P.R.R.P.H.C., for the southeast corner of said 39.365 acre tract and the herein described tract;

1. THENCE, with the common line of said James O'Brien Survey and Edward R. Green Survey, being the north line of said 617.0 acre tract and the south line of said 39.365 acre tract, South 88 degrees 01 minutes 10 seconds West, a distance of 2,049.96 feet (called S89°55'13"W 2,050.10') to a 5/8-inch capped iron rod (COSTELLO) found at the southeast corner of a called 198.4 acre tract recorded in the name of Emptor Betka, LLC under C.F. No. RP-2020-616041 of the O.P.R.R.P.H.C., for the southwest corner of the herein described tract;

2. THENCE, with the east line of said 198.4 acre tract, being the west line of said 39.365 acre tract, North 01 degrees 48 minutes 44 seconds West, a distance of 1,046.67 feet (called N00°04'57"E 1,046.77') to a set 5/8-inch capped iron rod (COSTELLO), at the southwest corner of a called 30 acre tract recorded in the name of F.E. Dennison under C.F. No. B746174 of the O.P.R.R.P.H.C., for the northwest corner of the herein described tract;

3. THENCE, with the south line of said 30 acre tract being the north line of said 39.365 acre tract, North 87 degrees 51 minutes 54 seconds East, a distance of 808.07 feet (called N89°47'26"E 807.49') to a set 5/8-inch capped iron rod (COSTELLO) at the northwest corner of a called 10.000 acre tract recorded in the name of Victor Pascual under C.F. No. RP-2018-114889 of the O.P.R.R.P.H.C., for the northerly northeast corner of the herein described tract;

4. THENCE, with the west line of said 10.000 acre tract, being the easterly line of said 39.365 acre tract, South 01 degrees 53 minutes 23 seconds East, a distance of 351.00 feet (called S00°00'40"W 351.00') to a set 5/8-inch capped iron rod (COSTELLO) at the southwest corner of said 10.000 acre tract, for an interior corner for the herein described tract;

5. THENCE, with the south line of said 10.000 acre tract, being the north line of said 39.365 acre tract, North 87 degrees 51 minutes 54 seconds East, a distance of 1,241.03 feet (called N89°45'13"E 1,241.03') to a set 5/8-inch capped iron rod (COSTELLO) on the west R.O.W. like of said Warren Ranch Road, at the southeast corner of said 10.000 acre tract, for the easterly northeast corner of the herein described tract, from which a 1/2-inch capped iron rod (PRECISION) found at the northeast corner of said 10.000 acre tract, being the southeast corner of said 30 acre tract bears North 01 degrees 53 minutes 20 seconds West, a distance of 351.00 feet;

6. THENCE, with the west R.O.W. line of said Warren Ranch Road, being the east line of said 39.365 acre tract, South 01 degrees 50 minutes 47 seconds East, a distance of 701.20 feet (called S00°00'40"W 701.21') to the Point of Beginning and containing 39.38 acres of land.

TRACT 2: 25.003 acres.

COMMENCING FOR REFERENCE: At a 1/2 inch iron rod set in the West line of Warren Ranch Road for the Northeast corner of the above 30 acre tract and the Southeast corner of a 20 acre tract (Volume 3317, Page 398 Deed Records), said point also being the Northeast corner of a 2.000 acre tract (Tract 1 being surveyed at the same time as this tract and not yet recorded);

THENCE: South 02° 29' 44" East a distance of 174.51 feet to a 1/2 inch iron pipe found in the West line of Warren Ranch Road and being the Northeast corner of a 1.0 acre tract (Clerk's File No. U766462) and being the Southeast corner of the 2.000 acre tract (Tract 1);

THENCE: South 02° 08' 51" East a distance of 183.33 feet to a 3/4 inch iron pipe found in the West line of Warren Ranch Road for the Southeast corner of the 1.0 acre tract and being the Easternmost Northeast corner and PLACE OF BEGINNING of the herein described tract;

THENCE: South 01° 48' 54" East a distance of 280.37 feet to a 1/2 inch iron rod found in the West line of Warren Ranch Road for the Southeast corner of both the herein described tract and the above 30 acre tract, said point being the Northeast corner of a 10.000 acre tract (Clerk's File No. RP-2018-114889);

THENCE: South 87° 54' 12" West at a distance of 1241.03 feet passing a 1/2 inch iron rod found 1.4 feet to the right for the Northwest corner of the 10.000 acre tract and a Northeast corner of a 39.365 acre tract (Clerk's File No. RP-2020-285720) and continuing on for a total distance of 2047.40 feet to a 1/2 inch iron rod set for the Southwest corner of both the herein described tract and the 30 acre tract, said point being the Northwest corner of the 39.365 acre tract located in the East line of a tract of land being part of a called 836.784 acre tract (Clerk's File No. Y173252);

THENCE: North 02° 04' 03" West a distance of 638.10 feet to a 1/2 inch iron rod found for the Northwest corner of both the herein described tract and the 30 acre tract and being the Southwest corner of a 65.239 acre tract (Clerk's File No. RP-2020-175741) located in the East line of the 836.784 acre tract;

THENCE: North 87° 54' 02" East at a distance of 1133.69 feet passing a 4 inch iron pipe found for the Southeast corner of the 65.239 acre tract and the Southwest corner of the before mentioned 20 acre tract and continuing on for a total distance of 1438.49 feet to a 1/2 inch iron rod set for the Northernmost Northeast corner of the herein described tract located in the South line of the 20 acre tract, said point being the Northwest corner of the before mentioned 2.000 acre tract (Tract 1), from said point the commencing point described above bears North 87° 54' 02" East a distance of 608.59 feet;

THENCE: South 02° 08' 52" East at a distance of 122.82 feet passing a 1/2 inch iron rod set for the Westernmost Southwest corner of the 2.000 acre tract (Tract 1) and the Northwest corner of a 2.000 acre tract (Tract 2 being surveyed at the same time as this tract and not yet recorded), continuing on for a total distance of 357.20 feet to a 1/2 inch iron rod set for an interior corner of this tract and the Southwest corner of the 2.000 acre tract (Tract 2);

THENCE: North 87° 57' 38" East at a distance of 371.71 feet passing a 1/2 inch iron rod set for the Southeast corner of Tract 2 and the Southwest corner of the before mentioned 1.0 acre tract and continuing on for a total distance of 609.65 feet to the PLACE OF BEGINNING and containing 25.003 acres of land.

All bearings recited hereon are based on the West line of Warren Ranch Road running South 01° 48' 54" East.

SECTION 3. (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, lieutenant governor, and 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 have been fulfilled and accomplished.

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.

(A. Johnson now present)

HB 4758 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Thierry called up with senate amendments for consideration at this time,

HB 4758, A bill to be entitled An Act relating to a prohibition on certain e-cigarette products; creating a criminal offense.

Representative Thierry moved to concur in the senate amendments to **HB 4758**.

The motion to concur in the senate amendments to **HB 4758** prevailed by (Record 2120): 123 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Hinojosa; Holland; Howard; Hull; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman;

Shine; Slawson; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Canales; Dean; Gerdes; Harrison; Hayes; Hefner; Hunter; Metcalf; Paul; Plesa; Schaefer; Schatzline; Shaheen; Swanson; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bryant; Johnson, J.D.

STATEMENTS OF VOTE

When Record No. 2120 was taken, I was in the house but away from my desk. I would have voted yes.

Bryant

When Record No. 2120 was taken, I was shown voting yes. I intended to vote no.

C.E. Harris

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

(b)

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

HB 4550 - HOUSE CONCURS IN SENATE AMENDMENTS **TEXT OF SENATE AMENDMENTS**

Representative Cunningham called up with senate amendments for consideration at this time,

HB 4550, A bill to be entitled An Act relating to the qualified allocation plan and manual adopted for the allocation of low income housing tax credits.

Representative Cunningham moved to concur in the senate amendments to **HB 4550**.

The motion to concur in the senate amendments to **HB 4550** prevailed by (Record 2121): 126 Yeas, 17 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores;

Frank; Frazier; Gámez; Garcia; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Gerdes; Harris, C.J.; Harrison; Hefner; Hull; Isaac; Metcalf; Schaefer; Schatzline; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 4550** (senate committee report) as follows:

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

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

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

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

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

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

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

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

Senate Amendment No. 2 (Senate Floor Amendment No. 1 - Third Reading)

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

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

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

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

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

HB 2488 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 2488, A bill to be entitled An Act relating to the burden of proof in certain ad valorem tax appeals.

HB 2488 - REMARKS

REPRESENTATIVE CAIN: Mr. Geren, you were talking about a trial on the merits. That would include a jury verdict, is that correct?

REPRESENTATIVE GEREN: That's my understanding. Yes, sir.

CAIN: And a trial on the merits would include a directed verdict?

GEREN: Yes, sir, that's what I understand.

CAIN: It would also include a summary judgment, is that correct?

GEREN: That is correct.

CAIN: So a reduced value reached in a mediated settlement agreement in the prior tax year, as approved by a district court, is subject to the provisions of this subsection. Is that correct?

GEREN: Yes, sir. That is correct.

REMARKS ORDERED PRINTED

Representative Cain moved to print remarks between Representative Geren and Representative Cain on **HB 2488**.

The motion prevailed.

Representative Geren moved to concur in the senate amendments to **HB 2488**.

The motion to concur in the senate amendments to **HB 2488** prevailed by (Record 2122): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; DeAyala; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Muñoz.

Senate Committee Substitute

CSHB 2488, A bill to be entitled An Act relating to the burden of proof in certain ad valorem tax appeals.

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

SECTION 1. Section 42.23, Tax Code, is amended by adding Subsection (i) to read as follows:

(i) This subsection applies only to an appeal under this chapter of an order of an appraisal review board determining a protest under Subchapter C, Chapter 41, or a motion under Section 25.25, involving an increase in the appraised value of property under the circumstances described by Section 23.01(e) or 41.43(a-3). The appraisal district has the burden of establishing the appraised value of the

property subject to the appeal by clear and convincing evidence if the appraised value of the property for the preceding tax year was determined under this chapter at a trial held on the merits.

SECTION 2. The change in law made by this Act applies only to an appeal filed under Chapter 42, Tax Code, on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2023.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

HB 2620 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 2620, A bill to be entitled An Act relating to the confinement in a county jail of a person pending a transfer to the Texas Department of Criminal Justice and to compensation to a county for certain costs of confinement.

Representative Geren moved to concur in the senate amendments to **HB 2620**.

The motion to concur in the senate amendments to **HB 2620** prevailed by (Record 2123): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Senate Committee Substitute

CSHB 2620, A bill to be entitled An Act relating to the confinement in a county jail of a person pending a transfer to the Texas Department of Criminal Justice and to compensation to a county for certain costs of confinement.

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

SECTION 1. Section 499.071, Government Code, is amended to read as follows:

Sec. 499.071. SCHEDULED ADMISSIONS POLICY. The board shall adopt and enforce a scheduled admissions policy that requires ~~[permits]~~ the department ~~[institutional division]~~ to:

(1) review documents received under Section 8(a) or (c), Article 42.09, Code of Criminal Procedure, and certify the documents or notify the county that the documents require corrective action within the time period required by Section 8(b) of that article; and

(2) accept persons ~~[inmates]~~ within the time period ~~[45 days of processing as]~~ required by Section 499.1215(b) ~~[499.121(c)]~~.

SECTION 2. Subchapter F, Chapter 499, Government Code, is amended by adding Section 499.1215 to read as follows:

Sec. 499.1215. TRANSFER TO DEPARTMENT; COMPENSATION TO COUNTIES. (a) In this section, "cost of confinement" means the amount that would have been incurred by the department to confine a person. The term does not include costs for medical, behavioral, or pharmaceutical care.

(b) The department shall take custody of a person awaiting transfer to the department following conviction of a felony and sentencing to death or to a term of imprisonment in the department or confinement in a state jail not later than the 45th day following the date on which all documents required by Sections 8(a) and (c), Article 42.09, Code of Criminal Procedure, have been certified as required by Section 8(b) of that article.

(c) If the department does not take custody of a person within the period prescribed by Subsection (b), the department shall compensate the county for the cost of confinement for each day the person remains confined in the county jail following the expiration of that period.

(d) If a person remains confined in the county jail following the expiration of the period prescribed by Subsection (b) due to a delay caused by the county:

(1) the county is not entitled to compensation under Subsection (c) for any day that the person remains confined due to the delay caused by the county; and

(2) the county and the department shall arrange to transfer the person to the department as soon as practicable after the delay.

SECTION 3. Section 8, Article 42.09, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The Texas Department of Criminal Justice shall not take a defendant into custody under this article until the designated officer receives the documents required by Subsections (a) and (c) of this section and determines that the documents do not contain any errors or deficiencies requiring corrective action by

the county. Not later than the fifth business day after the date of receipt of ~~[The designated officer shall certify under the seal of the department]~~ the documents, the designated officer shall:

(1) certify the documents under the seal of the department if the designated officer determines the documents do not require any corrective action;
or

(2) notify the county that the designated officer has determined that the documents require corrective action ~~[received under Subsections (a) and (c) of this section].~~

(b-1) A document certified under Subsection (b) ~~[this subsection]~~ is self-authenticated for the purposes of Rules 901 and 902, Texas Rules of Evidence.

SECTION 4. Section 499.121(c), Government Code, is repealed.

SECTION 5. Not later than September 30, 2023, the Texas Board of Criminal Justice shall adopt the scheduled admissions policy required by Section 499.071, Government Code, as amended by this Act.

SECTION 6. Section 499.1215, Government Code, as added by this Act, applies only to compensation to a county for the costs described by that section related to the confinement of a person that occurs on or after October 1, 2023, regardless of whether the requirements under that section for transfer of the person to the Texas Department of Criminal Justice are completed before, on, or after that date.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

HB 5066 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Geren called up with senate amendments for consideration at this time,

HB 5066, A bill to be entitled An Act relating to electricity service in areas of this state with a need for transmission projects.

Representative Geren moved to concur in the senate amendments to **HB 5066**.

The motion to concur in the senate amendments to **HB 5066** prevailed by (Record 2124): 139 Yeas, 3 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.;

Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu.

Nays — Goodwin; Ramos; Zwiener.

Present, not voting — Mr. Speaker; Darby; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Senate Committee Substitute

CSHB 5066, A bill to be entitled An Act relating to electricity service in areas of this state with a need for transmission projects.

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

SECTION 1. Sections 37.056(c) and (c-1), Utilities Code, are amended to read as follows:

(c) The commission shall grant each certificate on a nondiscriminatory basis after considering:

- (1) the adequacy of existing service;
- (2) the need for additional service;
- (3) the effect of granting the certificate on the recipient of the certificate and any electric utility serving the proximate area; and
- (4) other factors, such as:
 - (A) community values;
 - (B) recreational and park areas;
 - (C) historical and aesthetic values;
 - (D) environmental integrity;
 - (E) the probable improvement of service or lowering of cost to consumers in the area if the certificate is granted, including any potential economic or reliability benefits associated with dual fuel and fuel storage capabilities in areas outside the ERCOT power region; and

(F) the need for extending transmission service where existing or projected electrical loads will be underserved, including where:

- (i) the existing transmission service is unreasonably remote;
- (ii) the available capacity is unreasonably limited at transmission or distribution voltage level; or
- (iii) the electrical load cannot be interconnected in a timely manner ~~[to the extent applicable, the effect of granting the certificate on the ability of this state to meet the goal established by Section 39.904(a) of this title].~~

(c-1) In considering the need for additional service under Subsection (c)(2) for a reliability transmission project that serves the ERCOT power region or under Subsection (c)(4)(F), the commission must consider the historical load, forecasted load growth, and additional load currently seeking interconnection, including load for which the electric utility has yet to sign an interconnection agreement, as determined by the electric utility with the responsibility for serving the load.

SECTION 2. Section 37.057, Utilities Code, is amended to read as follows:

Sec. 37.057. DEADLINE FOR APPLICATION FOR NEW TRANSMISSION FACILITY. The commission must approve or deny an application for a certificate for a new transmission facility not later than the 180th day after ~~the first anniversary of~~ the date the application is filed. If the commission does not approve or deny the application on or before that date, a party may seek a writ of mandamus in a district court of Travis County to compel the commission to decide on the application.

SECTION 3. Subchapter D, Chapter 39, Utilities Code, is amended by adding Sections 39.166 and 39.167 to read as follows:

Sec. 39.166. RELIABILITY PLAN FOR REGIONS WITH RAPID ELECTRICAL LOAD GROWTH. (a) The commission shall direct the independent organization certified under Section 39.151 for the ERCOT power region to:

(1) identify each region in which transmission capacity is insufficient to meet the region's existing and forecasted electrical load, as reasonably determined by the certificated transmission service provider; and

(2) develop a reliability plan to serve existing and forecasted electrical load in the identified region.

(b) The commission shall develop a plan to implement each reliability plan adopted under Subsection (a) to ensure timely development and approval of necessary transmission service improvements.

Sec. 39.167. RELIABILITY PLAN FOR PERMIAN BASIN. (a) Not later than January 30, 2024, the commission shall direct the independent organization certified under Section 39.151 for the ERCOT power region to develop a reliability plan under Section 39.166 for the Permian Basin region.

(b) The plan must:

(1) address extending transmission service to areas where mineral resources have been found;

(2) address increasing available capacity to meet forecasted load; and

(3) provide available infrastructure to reduce interconnection times in areas without access to transmission service.

(c) This section expires September 1, 2025.

SECTION 4. The changes in law made by this Act apply only to a proceeding affecting a certificate of public convenience and necessity that commences on or after the effective date of this Act. A proceeding affecting a certificate of public convenience and necessity that commenced before the effective date of this Act is governed by the law in effect on the date the proceeding is commenced, and that law is continued in effect for that purpose.

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

HB 2729 - WITH SENATE AMENDMENTS

Representative C.J. Harris called up with senate amendments for consideration at this time,

HB 2729, A bill to be entitled An Act relating to teacher requirements for high quality prekindergarten programs.

HB 2729 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 2729** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane. The point of order was withdrawn.

HB 3727 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Anderson called up with senate amendments for consideration at this time,

HB 3727, A bill to be entitled An Act relating to municipal and county hotel occupancy taxes.

Representative Anderson moved to concur in the senate amendments to **HB 3727**.

The motion to concur in the senate amendments to **HB 3727** prevailed by (Record 2125): 116 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Flores; Frazier; Gámez; Garcia; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lozano; Lujan; Manuel; Martinez; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bonnen; Cain; Frank; Gates; Harrison; Hefner; Isaac; Metcalf; Ramos; Schaefer; Schatzline; Shaheen; Spiller; Stucky; Swanson; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bowers; Dutton; Harris, C.J.; Hull; Leo-Wilson; Lopez, R.; Martinez Fischer; Slawson; Smith.

STATEMENTS OF VOTE

When Record No. 2125 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 2125 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 2125 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 2125 was taken, I was shown voting yes. I intended to vote no.

Holland

Senate Committee Substitute

CSHB 3727, A bill to be entitled An Act relating to municipal and county hotel occupancy taxes.

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

SECTION 1. Sections 351.001(2), (6), (8), and (10), Tax Code, are amended to read as follows:

(2) "Convention center facilities" or "convention center complex" means facilities that are primarily used to host conventions and meetings. The term means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in whole or part by the municipality. In a municipality with a population of 1.5 million or more, "convention center facilities" or "convention center complex" means civic centers, civic center buildings, auditoriums, exhibition halls, and coliseums that are owned by the municipality or other governmental entity or that are managed in part by the municipality, hotels owned by the municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, within 1,000 feet of a convention center owned by the municipality, or a historic hotel owned by the municipality or a nonprofit municipally sponsored local government corporation created under Chapter 431, Transportation Code, within one mile of a convention center owned by the municipality. The term includes parking areas or facilities that are for the parking or storage of conveyances and that are located at or within 1,500 feet of the ~~[in the vicinity of other]~~ convention center facilities. The term

also includes a hotel owned by or located on land that is owned by an eligible central municipality or by a nonprofit corporation acting on behalf of an eligible central municipality and that is located within 1,000 feet of a convention center facility owned by the municipality. The term also includes a hotel that is owned in part by an eligible central municipality described by Subdivision (7)(D) and that is located within 1,000 feet of a convention center facility. For purposes of this subdivision, "meetings" means gatherings ~~[of people]~~ that:

(A) are attended by:

(i) tourists; or

(ii) individuals who spend the night at a hotel or attend a

meeting at a hotel; and

(B) enhance and promote tourism and the convention and hotel industry.

(6) "Tourist" means an individual who travels from the individual's residence to a different municipality, county, state, or country for business, pleasure, recreation, education, or culture.

(8) "Visitor information center" or "tourism information center" means a building or a portion of a building that is primarily used to distribute or disseminate information to tourists.

(10) "Multiuse facility" means a facility at which the majority of events attract tourists who substantially increase economic activity at hotels in the municipality in which the facility is located. ["Revenue" includes any interest derived from the revenue.]

SECTION 2. Section 351.009, Tax Code, is amended to read as follows:

Sec. 351.009. ANNUAL REPORT TO COMPTROLLER. (a) Not later than March 1 ~~[February 20]~~ of each year, a municipality that imposes the tax authorized by this chapter shall report to the comptroller:

(1) the rate of:

(A) the tax imposed by the municipality under this chapter; and

(B) if applicable, the tax imposed by the municipality under Subchapter H, Chapter 334, Local Government Code;

(2) the amount of revenue collected during the municipality's preceding fiscal year from:

(A) the tax imposed by the municipality under this chapter; and

(B) if applicable, the tax imposed by the municipality under Subchapter H, Chapter 334, Local Government Code; ~~[and]~~

(3) the amount and percentage of the revenue described by Subdivision (2)(A) allocated by the municipality to each use authorized by this chapter for which the municipality used the revenue [described by Sections 351.101(a)(1), (2), (3), (4), (5), and (9)] during the municipality's preceding fiscal year, stated separately as an amount and percentage for each applicable use; and

(4) the total amount of any revenue described by Subdivision (2)(A) collected in any preceding fiscal year of the municipality that has not yet been spent by the municipality and the amount of that unexpended revenue, if any, that remains in the municipality's possession in the fiscal year in which the report is due [of these subdivisions].

(b) The municipality must make the report required by this section by[~~+~~
~~(1)~~] submitting the report to the comptroller on a form prescribed by the comptroller[~~+~~
~~or~~

~~[(2) providing the comptroller a direct link to, or a clear statement describing the location of, the information required to be reported that is posted on the Internet website of the municipality].~~

(c) ~~The [Subject to Subsection (b)(2), the]~~ comptroller shall prescribe the form a municipality must use for the report required to be submitted under this section.

(d) A municipality that is required to make a report to the comptroller under this section may use a portion of the revenue described by Subsection (a)(2)(A) for the costs incurred by the municipality in making and submitting the report. The amount of revenue a municipality may use each year for the purpose authorized by this subsection may not exceed:

(1) \$1,000 if the municipality has a population of less than 10,000; or

(2) \$2,500 if the municipality has a population of 10,000 or more.

(e) The comptroller may adopt rules necessary to administer this section.

SECTION 3. Section 351.101, Tax Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) A municipality may not use municipal hotel occupancy tax revenue for a visitor information center under Subsection (a)(1) to acquire a site for, construct, improve, enlarge, equip, repair, staff, operate, or maintain any part of a building or facility that is not primarily used to distribute or disseminate tourism-related information to tourists.

SECTION 4. Section 351.1021(a)(3), Tax Code, is amended to read as follows:

(3) "Multipurpose convention center facility project" means a project that consists of a hotel owned by an eligible municipality or another person and a multipurpose convention center facility, the nearest exterior wall of which is located not more than 2,500 feet from the nearest exterior wall of the hotel. A multipurpose convention center facility project may include:

(A) each new or existing business located in the municipality, regardless of who owns the business or the property on which the business is located, the nearest exterior wall of which is located not more than 2,500 feet from the nearest exterior wall of the multipurpose convention center facility or the hotel that is part of the project;

(B) a parking shuttle or transportation system used primarily by tourists; and

(C) any parking area or structure located in the municipality, regardless of who owns the area or structure or the property on which the area or structure is located, the nearest property line of which is located not more than two miles from the nearest exterior wall of the multipurpose convention center facility.

SECTION 5. Sections 351.103(a), (b), and (c), Tax Code, are amended to read as follows:

(a) A municipality ~~[At least 50 percent of the hotel occupancy tax revenue collected by a municipality with a population of 200,000 or greater must be allocated for the purposes provided by Section 351.101(a)(3). For municipalities]~~ with a population of less than 200,000 shall allocate ~~[allocations]~~ for the purposes provided by Section 351.101(a)(3) an amount of hotel occupancy tax revenue collected by the municipality that is ~~[are as follows:~~

~~[(1) if the tax rate in a municipality is not more than three percent of the cost paid for a room, not less than the amount of revenue received by the municipality from the tax at a rate of one half of one percent of the cost of the room; or~~

~~[(2) if the tax in a municipality exceeds three percent of the cost of a room,] not less than the amount of revenue received by the municipality from the tax at a rate of one percent of the cost of a room. [This subsection does not apply to a municipality, regardless of population, that before October 1, 1989, adopted an ordinance providing for the allocation of an amount in excess of 50 percent of the hotel occupancy tax revenue collected by the municipality for one or more specific purposes provided by Section 351.101(a)(1) until the ordinance is repealed or expires or until the revenue is no longer used for those specific purposes in an amount in excess of 50 percent of the tax revenue.]~~

(b) A ~~[Subsection (a) does not apply to a municipality in a fiscal year of the municipality if the total amount of hotel occupancy tax collected by the municipality in the most recent calendar year that ends at least 90 days before the date the fiscal year begins exceeds \$2 million. A municipality excepted from the application of Subsection (a) by this subsection shall allocate hotel occupancy tax revenue by ordinance, consistent with the other limitations of this section. The portion of the tax revenue allocated by a]~~ municipality with a population of more than 1.6 million shall allocate at least 23 percent of the hotel occupancy tax revenue collected by the municipality for the purposes provided by Section 351.101(a)(3) ~~[may not be less than 23 percent]~~, except that the allocation is subject to and may not impair the authority of the municipality to:

(1) pledge all or any portion of that tax revenue to the payment of bonds as provided by Section 351.102(a) or bonds issued to refund bonds secured by that pledge; or

(2) spend all or any portion of that tax revenue for the payment of operation and maintenance expenses of convention center facilities.

(c) Not more than 15 percent of the hotel occupancy tax revenue collected by a municipality, other than a municipality having a population of more than 1.6 million, or the amount of tax received by the municipality at the rate of one percent of the cost of a room, whichever is greater, may be used for the purposes provided by Section 351.101(a)(4). Not more than 19.30 percent of the hotel occupancy tax revenue collected by a municipality having a population of more than 1.6 million, or the amount of tax received by the municipality at the rate of one percent of the cost of a room, whichever is greater, may be used for the purposes provided by Section 351.101(a)(4). Not more than 15 percent of the hotel occupancy tax revenue collected by a municipality ~~[having a population of more than 125,000]~~ may be used for the purposes provided by Section

351.101(a)(5). A municipality that before January 1, 2023, adopted in accordance with state law an ordinance providing for the allocation of an amount in excess of 15 percent of the hotel occupancy tax revenue collected by the municipality for one or more of the specific purposes provided by Section 351.101(a)(5) may allocate tax revenue as provided by that ordinance until the ordinance is repealed or expires or until the revenue is no longer used for those specific purposes.

SECTION 6. Section 351.110(c), Tax Code, is amended to read as follows:

(c) This section does not authorize the use of revenue derived from the tax imposed under this chapter for a transportation system that serves the general public other than for a system [that transports tourists as] described by Subsection (a) that is primarily used by tourists.

SECTION 7. Subchapter C, Chapter 351, Tax Code, is amended by adding Sections 351.161, 351.162, and 351.163 to read as follows:

Sec. 351.161. APPLICATION OF OTHER LAW. This subchapter may not be construed as authorizing the taking of private property for economic development purposes in a manner inconsistent with the requirements of Section 17, Article I, Texas Constitution, or Section 2206.001, Government Code.

Sec. 351.162. RECAPTURE OF LOST STATE TAX REVENUE FROM CERTAIN MUNICIPALITIES. (a) This section:

(1) applies only to a qualified project that is first commenced on or after:

(A) January 1, 2024, unless Paragraph (B) applies to the qualified project; or

(B) January 1, 2027, if the qualified project was authorized before January 1, 2023, by a municipality with a population of 175,000 or more; and

(2) notwithstanding Subdivision (1), does not apply to a qualified project that is the subject of an economic development agreement authorized by Chapter 380, Local Government Code, entered into on or before January 1, 2022.

(b) On the 20th anniversary of the date a hotel designated as a qualified hotel by a municipality as part of a qualified project to which this section applies is open for initial occupancy, the comptroller shall determine:

(1) the total amount of state tax revenue received under Section 351.156 and, if applicable, under Section 351.157 by the municipality from the qualified project during the period for which the municipality was entitled to receive that revenue; and

(2) the total amount of state tax revenue described by Subdivision (1) received by the state during the period beginning on the 10th anniversary of the date the qualified hotel opened for initial occupancy and ending on the 20th anniversary of that date from the same sources from which the municipality received the revenue described by Subdivision (1).

(c) If the amount determined under Subsection (b)(1) exceeds the amount determined under Subsection (b)(2), the comptroller shall promptly provide written notice to the municipality stating that the municipality must remit to the comptroller the difference between those two amounts in the manner provided by this subsection. The municipality shall, using money lawfully available to the municipality for the purpose, remit monthly payments to the comptroller in an

amount equal to the total amount of municipal hotel occupancy tax revenue received by the municipality from the qualified hotel in the preceding month until the amount remitted to the comptroller equals the total amount due as stated in the notice. The first payment required under this subsection must be made not later than the 30th day after the date the municipality receives the notice from the comptroller. Subsequent payments are due on the 20th day of each month until the total amount stated in the notice is paid. The comptroller shall prescribe the procedure a municipality must use to remit a payment required by this subsection to the comptroller.

(d) The comptroller shall deposit revenue received under this section in the manner prescribed by Section 156.251.

Sec. 351.163. REPORT ON QUALIFIED PROJECTS. (a) Not later than December 1 of each even-numbered year, the comptroller shall prepare a report on the status of each qualified project.

(b) The report must include, for each qualified project:

(1) the location and a description of the project, including the current status of the project;

(2) the number of qualified hotels and qualified convention center facilities associated with the project;

(3) the total amount of tax revenue received by a municipality under Section 351.156 and, if applicable, Section 351.157 as a result of the project;

(4) the amount of state tax revenue generated by the project that has been received by the state after the period of entitlement for the project as prescribed by Section 351.158 has ended; and

(5) whether the municipality is required to remit payments to the comptroller under Section 351.162 as a result of the project.

(c) The comptroller may include in the report any additional information the comptroller determines is necessary to evaluate the effect of each qualified project on the economy of this state.

(d) The comptroller shall:

(1) post a copy of the report on the comptroller's Internet website; and

(2) provide a copy of the report to the lieutenant governor, the speaker of the house of representatives, and each other member of the legislature.

SECTION 8. Section 352.009, Tax Code, is amended to read as follows:

Sec. 352.009. ANNUAL REPORT TO COMPTROLLER. (a) Not later than March 1 [~~February 20~~] of each year, a county that imposes the tax authorized by this chapter shall report to the comptroller:

(1) the rate of:

(A) the tax imposed by the county under this chapter; and

(B) if applicable, the tax imposed by the county under Subchapter H, Chapter 334, Local Government Code; [~~and~~]

(2) the amount of revenue collected during the county's preceding fiscal year from:

(A) the tax imposed by the county under this chapter; and

(B) if applicable, the tax imposed by the county under Subchapter H, Chapter 334, Local Government Code;

(3) the amount and percentage of the revenue described by Subdivision (2)(A) allocated by the county to each use authorized by this chapter for which the county used the revenue during the county's preceding fiscal year, stated separately as an amount and percentage for each applicable use; and

(4) the total amount of any revenue described by Subdivision (2)(A) collected in any preceding fiscal year of the county that has not yet been spent by the county and the amount of that unexpended revenue, if any, that remains in the county's possession in the fiscal year in which the report is due.

(b) The county must make the report required by this section by:

~~[(1)] submitting the report to the comptroller on a form prescribed by the comptroller[; or~~

~~[(2) providing the comptroller a direct link to, or a clear statement describing the location of, the information required to be reported that is posted on the Internet website of the county].~~

(c) The [Subject to Subsection (b)(2), the] comptroller shall prescribe the form a county must use for the report required to be submitted under this section.

(d) A county that is required to make a report to the comptroller under this section may use a portion of the revenue described by Subsection (a)(2)(A) for the costs incurred by the county in making and submitting the report. The amount of revenue a county may use each year for the purpose authorized by this subsection may not exceed:

(1) \$1,000 if the county has a population of less than 10,000; or

(2) \$2,500 if the county has a population of 10,000 or more.

(e) The comptroller may adopt rules necessary to administer this section.

SECTION 9. The following provisions of the Tax Code are repealed:

(1) Sections 351.103(d) and (e); and

(2) Section 351.110(b).

SECTION 10. The comptroller of public accounts shall prescribe the form of the report required under Sections 351.009 and 352.009, Tax Code, as amended by this Act, not later than January 1, 2024. A municipality or county required to make a report under those sections must submit the 2024 report using the form prescribed by the comptroller under this section.

SECTION 11. 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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

(1) a municipality described by Section 351.001(7)(B);

(2) a municipality described by Section 351.001(7)(D);

(3) a municipality described by Section 351.001(7)(E);

- (4) a municipality described by Section 351.102(e)(3);
- (5) a municipality that contains more than 75 percent of the population of a county with a population of 1.5 million or more;
- (6) a municipality with a population of 150,000 or more but less than 200,000 that is partially located in at least one county with a population of 125,000 or more;
- (7) a municipality with a population of 150,000 or more but less than one million that is located in one county with a population of 2.3 million or more;
- (8) a municipality with a population of 180,000 or more that:
 - (A) is located in two counties, each with a population of 100,000 or more; and
 - (B) contains an American Quarter Horse Hall of Fame and Museum;
- (9) a municipality with a population of 96,000 or more that is located in a county that borders Lake Palestine;
- (10) a municipality with a population of 96,000 or more that is located in a county that contains the headwaters of the San Gabriel River;
- (11) a municipality with a population of 99,900 or more but less than 111,000 that is located in a county with a population of 135,000 or more;
- (12) a municipality with a population of 110,000 or more but less than 135,000 at least part of which is located in a county with a population of less than 135,000;
- (13) a municipality with a population of 9,000 or more but less than 10,000 that is located in two counties, each of which has a population of 662,000 or more and a southern border with a county with a population of 2.3 million or more;
- (14) a municipality with a population of 200,000 or more but less than 300,000 that contains a component institution of the Texas Tech University System;
- (15) a municipality with a population of 95,000 or more that:
 - (A) is located in more than one county; and
 - (B) borders Lake Lewisville;
- (16) a municipality with a population of 45,000 or more that:
 - (A) contains a portion of Cedar Hill State Park;
 - (B) is located in two counties, one of which has a population of two million or more and one of which has a population of 149,000 or more; and
 - (C) has adopted a capital improvement plan for the construction or expansion of a convention center facility;
- (17) a municipality with a population of less than 6,000 that:
 - (A) is almost wholly located in a county with a population of 600,000 or more that is adjacent to a county with a population of two million or more;
 - (B) is partially located in a county with a population of 1.8 million or more that is adjacent to a county with a population of two million or more;
 - (C) has a visitor center and museum located in a 19th-century rock building in the municipality's downtown; and

- (D) has a waterpark open to the public;
- (18) a municipality with a population of 56,000 or more that:
 - (A) borders Lake Ray Hubbard; and
 - (B) is located in two counties, one of which has a population of less than 80,000;
- (19) a municipality with a population of 83,000 or more that:
 - (A) borders Clear Lake; and
 - (B) is primarily located in a county with a population of less than 300,000;
- (20) a municipality with a population of less than 2,000 that:
 - (A) is located adjacent to a bay connected to the Gulf of Mexico;
 - (B) is located in a county with a population of 290,000 or more that is adjacent to a county with a population of four million or more; and
 - (C) has a boardwalk on the bay;
- (21) a municipality with a population of 75,000 or more that:
 - (A) is located wholly in one county with a population of 575,000 or more that is adjacent to a county with a population of four million or more; and
 - (B) has adopted a capital improvement plan for the construction or expansion of a convention center facility;
- (22) a municipality with a population of less than 75,000 that is located in three counties, at least one of which has a population of four million or more;
- (23) an eligible coastal municipality with a population of 3,000 or more but less than 5,000;
- (24) a municipality with a population of 90,000 or more but less than 150,000 that:
 - (A) is located in three counties; and
 - (B) contains a branch campus of a component institution of the University of Houston System;
- (25) a municipality that is:
 - (A) primarily located in a county with a population of four million or more; and
 - (B) connected by a bridge to a municipality described by Subdivision (20);
- (26) a municipality with a population of 20,000 or more but less than 25,000 that:
 - (A) contains a portion of Mustang Bayou; and
 - (B) is wholly located in a county with a population of less than 500,000;
- (27) a municipality with a population of 70,000 or more but less than 90,000 that is located in two counties, one of which has a population of four million or more and the other of which has a population of less than 50,000;
- (28) a municipality with a population of 10,000 or more that:
 - (A) is wholly located in a county with a population of four million or more; and

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

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

(A) through which the Pedernales River flows; and

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

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

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

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

(33) a municipality with a population of 50,000 or more that is the county seat of a county that contains a portion of the Sam Houston National Forest;

(34) a municipality with a population of less than 25,000 that:

(A) contains a cultural heritage museum; and

(B) is located in a county that borders the United Mexican States and the Gulf of Mexico;

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

(A) has a population of 115,000 or more;

(B) is adjacent to a county with a population of 1.8 million or more; and

(C) hosts an annual peach festival;

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

(A) has a population of 585,000 or more; and

(B) is adjacent to a county with a population of four million or more;

(37) a municipality with a population of less than 10,000 that:

(A) contains a component university of The Texas A&M University System; and

(B) is located in a county adjacent to a county that borders Oklahoma;

(38) a municipality with a population of less than 6,100 that:

(A) is located in two counties, each of which has a population of 600,000 or more but less than two million; and

(B) hosts an annual Cajun Festival;

(39) a municipality with a population of 13,000 or more that:

(A) is located on an international border; and

(B) is located in a county:

(i) with a population of less than 400,000; and

(ii) in which at least one World Birding Center site is located;

(40) a municipality with a population of 4,000 or more that:

(A) is located on an international border; and

(B) is located not more than five miles from a state historic site that serves as a visitor center for a state park that contains 300,000 or more acres of land;

(41) a municipality with a population of 36,000 or more that is adjacent to at least two municipalities described by Subdivision (15);

(42) a municipality with a population of 28,000 or more in which is located a historic railroad depot and heritage center;

(43) a municipality located in a county that has a population of not more than 300,000 and in which a component university of the University of Houston System is located;

(44) a municipality with a population of less than 500,000 that is:

(A) located in two counties; and

(B) adjacent to a municipality described by Subdivision (31); ~~and~~

(45) a municipality that:

(A) has a population of more than 67,000; and

(B) is located in two counties with 90 percent of the municipality's territory located in a county with a population of at least 580,000, and the remaining territory located in a county with a population of at least four million; and

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

(A) through which the Brazos River flows; and

(B) in which a national monument is located.

HB 3359 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bonnen called up with senate amendments for consideration at this time,

HB 3359, A bill to be entitled An Act relating to network adequacy standards and other requirements for preferred provider benefit plans.

Representative Bonnen moved to concur in the senate amendments to **HB 3359**.

The motion to concur in the senate amendments to **HB 3359** prevailed by (Record 2126): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Manuel; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul;

Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bowers; Frazier; Harris, C.J.; Lopez, R.; Martinez Fischer.

STATEMENTS OF VOTE

When Record No. 2126 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 2126 was taken, I was in the house but away from my desk. I would have voted yes.

Frazier

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

(1) with an unspecified and indefinite duration;

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

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

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

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

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

HB 3265 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Manuel called up with senate amendments for consideration at this time,

HB 3265, A bill to be entitled An Act relating to the submission of certain reports by the Health and Human Services Commission.

Representative Manuel moved to concur in the senate amendments to **HB 3265**.

The motion to concur in the senate amendments to **HB 3265** prevailed by (Record 2127): 114 Yeas, 25 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Cole; Collier; Cook; Cortez; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lozano; Lujan; Manuel; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Smithee; Spiller; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Cain; Clardy; Craddick; Goldman; Harris, C.J.; Harrison; Hayes; Hefner; Hull; Isaac; Leo-Wilson; Price; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Stucky; Swanson; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker; Dorazio; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bowers; Lopez, R.; Martinez Fischer.

STATEMENT OF VOTE

When Record No. 2127 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

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

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

**HB 4169 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Price called up with senate amendments for consideration at this time,

HB 4169, A bill to be entitled An Act relating to providing prevocational or similar services under certain Medicaid waiver programs.

Representative Price moved to concur in the senate amendments to **HB 4169**.

The motion to concur in the senate amendments to **HB 4169** prevailed by (Record 2128): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bowers.

STATEMENT OF VOTE

When Record No. 2128 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

HB 1833 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Shaheen called up with senate amendments for consideration at this time,

HB 1833, A bill to be entitled An Act relating to increasing the criminal penalty for the offense of criminal mischief involving a public power supply.

Representative Shaheen moved to concur in the senate amendments to **HB 1833**.

The motion to concur in the senate amendments to **HB 1833** prevailed by (Record 2129): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Senate Committee Substitute

CSHB 1833, A bill to be entitled An Act relating to increasing the criminal penalty for the offense of criminal mischief involving a critical infrastructure facility or public power supply.

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

SECTION 1. Section 28.03, Penal Code, is amended by amending Subsection (b) and adding Subsection (l) to read as follows:

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

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$100; or

(B) except as provided in Subdivision (3)(A) or (3)(B), it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$100 or more but less than \$750;

(3) a Class A misdemeanor if:

(A) the amount of pecuniary loss is \$750 or more but less than \$2,500; or

(B) the actor causes in whole or in part impairment or interruption of any public water supply, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public water supply, regardless of the amount of the pecuniary loss;

(4) a state jail felony if the amount of pecuniary loss is:

(A) \$2,500 or more but less than \$30,000;

(B) less than \$2,500, if the property damaged or destroyed is a habitation and if the damage or destruction is caused by a firearm or explosive weapon;

(C) less than \$2,500, if the property was a fence used for the production or containment of:

(i) cattle, bison, horses, sheep, swine, goats, exotic livestock, or exotic poultry; or

(ii) game animals as that term is defined by Section 63.001, Parks and Wildlife Code; or

(D) less than \$30,000 and the actor:

(i) causes wholly or partly impairment or interruption of property used for flood control purposes or a dam or of public communications, public transportation, public gas ~~[or power]~~ supply, or other public service; or

(ii) causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public communications or public gas ~~[or power]~~ supply;

(5) a felony of the third degree if:

(A) the amount of the pecuniary loss is \$30,000 or more but less than \$150,000;

(B) the actor, by discharging a firearm or other weapon or by any other means, causes the death of one or more head of cattle or bison or one or more horses; ~~[or]~~

(C) the actor causes wholly or partly impairment or interruption of access to an automated teller machine, regardless of the amount of the pecuniary loss; or

(D) the amount of pecuniary loss is less than \$150,000 and the actor:

(i) causes wholly or partly impairment of a critical infrastructure facility or interruption of the operations of a critical infrastructure facility; or

(ii) causes to be diverted wholly, partly, or in any manner, including installation or removal of any device for any such purpose, any public power supply;

(6) a felony of the second degree if the amount of pecuniary loss is \$150,000 or more but less than \$300,000; or

(7) a felony of the first degree if the amount of pecuniary loss is \$300,000 or more.

(l) An offense under this section is:

(1) a felony of the second degree if:

(A) the tangible property damaged, destroyed, or tampered with is a critical infrastructure facility; and

(B) the actor causes an extended power outage; or

(2) a felony of the first degree if:

(A) the tangible property damaged, destroyed, or tampered with is a critical infrastructure facility;

(B) the actor causes an extended power outage; and

(C) either:

(i) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or

(ii) the actor uses a firearm, drone, cyber attack, or explosive weapon in the commission of the offense.

SECTION 2. Section 28.03(g), Penal Code, is amended by adding Subdivisions (10), (11), (12), and (13) to read as follows:

(10) "Critical infrastructure facility" means an electrical power generating facility, substation, switching station, electrical control center, or electrical transmission or distribution facility.

(11) "Cyber attack" means an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system.

(12) "Drone" has the meaning assigned by Article 2.33, Code of Criminal Procedure, as added by Chapter 1011 (HB 1758), Acts of the 87th Legislature, Regular Session, 2021.

(13) "Extended power outage" means a power outage:

(A) lasting for two hours or more; or

(B) affecting 1,000 or more meters used to measure electric energy consumption by retail customers.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend CSHB 1833 (senate committee report) as follows:

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

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

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

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

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

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

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

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

HB 1182 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Harless called up with senate amendments for consideration at this time,

HB 1182, A bill to be entitled An Act relating to judicial statistics and other pertinent information, including landlord and tenant dispute information, gathered by or reported to the Texas Judicial Council and certain populous counties.

Representative Harless moved to concur in the senate amendments to **HB 1182**.

The motion to concur in the senate amendments to **HB 1182** prevailed by (Record 2130): 127 Yeas, 15 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.J.; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schatzline; Schofield; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Cain; Canales; Harris, C.E.; Harrison; Hayes; Isaac; Morales Shaw; Ramos; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C); Schaefer.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

STATEMENTS OF VOTE

When Record No. 2130 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 2130 was taken, I was shown voting present, not voting. I intended to vote no.

Schaefer

Senate Committee Substitute

CSHB 1182, A bill to be entitled An Act relating to judicial statistics and other pertinent information gathered by the Texas Judicial Council and certain populous counties.

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

SECTION 1. Section 71.035, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The council shall gather judicial statistics and other pertinent information, including for each trial court in this state monthly court activity statistics and case-level information on the amount and character of the business transacted by the court, from the several state judges and other court officials of this state.

(a-1) The ~~[In addition, the]~~ council shall implement a monthly tracking system to ensure accountability for counties and courts which participate in the statewide integrated system for child support, medical support, and dental support enforcement established under Section 231.0011, Family Code. As a duty of office, the district clerks and county clerks serving the affected courts shall report monthly such information as may be required by the council, including, at a minimum, the time required to enforce cases from date of delinquency, from date of filing, and from date of service until date of disposition. Such information as is necessary to complete the report and not directly within the control of the district or county clerk, such as date of delinquency, shall be provided to the clerk by the child support registry or by the enforcement agency providing Title IV-D enforcement services in the court.

(a-2) A ~~[The]~~ monthly report required by Subsection (a) or (a-1) must ~~[shall]~~ be transmitted to the Office of Court Administration of the Texas Judicial System no later than the 20th day of the month following the month reported, in the ~~[such]~~ form and manner ~~[as may be]~~ prescribed by the office ~~[Office of Court Administration]~~, which may include electronic data transfer. The office shall publish the information for each court on the office's public Internet website in a searchable format.

(a-3) In a county with a population greater than one million, a court official for each court in the county shall submit to the appropriate county official for publication on the county's public Internet website a copy of each monthly report required under Subsections (a) and (a-1) within the time required by Subsection (a-2). The county shall publish the information for each court on the county's Internet website in a searchable format ~~[Copies of such reports shall be maintained in the office of the appropriate district or county clerk for a period of at least two years and shall be available to the public for inspection and reproduction].~~

SECTION 2. As soon as practicable after the effective date of this Act, the Texas Judicial Council shall adopt any rules necessary to implement the changes in law made by this Act.

SECTION 3. This Act takes effect September 1, 2023.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

or by the court;

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

and

- (8) the number of cases tried before a visiting or associate judge of the

court.

**HB 2729 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative C.J. Harris called up with senate amendments for consideration at this time,

HB 2729, A bill to be entitled An Act relating to teacher requirements for high quality prekindergarten programs.

Representative C.J. Harris moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2729**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2729**: C.J. Harris, chair; Buckley, Hefner, Martinez Fischer, and Talarico.

**HB 1515 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Clardy called up with senate amendments for consideration at this time,

HB 1515, A bill to be entitled An Act relating to the continuation and functions of the Texas Economic Development and Tourism Office.

Representative Clardy moved to discharge the conferees and concur in the senate amendments to **HB 1515**.

The motion to discharge the conferees and concur in the senate amendments to **HB 1515** prevailed by (Record 2131): 121 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bowers; Bryant; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bonnen; Buckley; Cain; Canales; Gates; Harris, C.J.; Harrison; Hefner; Isaac; Leo-Wilson; Metcalf; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Leach.

Senate Committee Substitute

CSHB 1515, A bill to be entitled An Act relating to the continuation and functions of and certain programs subject to rules adopted by the Texas Economic Development and Tourism Office.

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

SECTION 1. Section 481.003, Government Code, is amended to read as follows:

Sec. 481.003. SUNSET PROVISION. The Texas Economic Development and Tourism Office is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished [~~and this chapter expires~~] September 1, ~~2035~~ [2023].

SECTION 2. Section 481.0066, Government Code, is amended by amending Subsection (d) and adding Subsection (f) to read as follows:

(d) The aerospace and aviation office shall:

(1) analyze space-related and aviation-related research currently conducted in this state and may conduct activities designed to further that research;

(2) analyze the state's economic position in the aerospace and aviation industries;

(3) develop short-term and long-term business strategies as part of an industry-specific strategic plan to promote the retention, development, and expansion of aerospace and aviation industry facilities in the state that is consistent with and complementary of the office strategic plan;

(4) ~~make specific recommendations to the legislature and the governor regarding the promotion of those industries;~~

~~[(5)]~~ as part of and to further the purposes of the industry-specific strategic plan described by Subdivision (3), develop short-term and long-term policy initiatives or recommend reforms the state may undertake or implement to:

(A) increase investment in aerospace and aviation activities;

(B) support the retention, development, and expansion of spaceports in this state;

(C) identify and encourage educational, economic, and defense-related opportunities for aerospace and aviation activities;

(D) determine the appropriate level of funding for the spaceport trust fund created under Section 481.0069 and support ongoing projects that have been assisted by the fund, including recommending to the legislature an appropriate funding level for the fund;

(E) partner with the Texas Higher Education Coordinating Board to foster technological advancement and economic development for spaceport activities by strengthening higher education programs and supporting aerospace activities; and

(F) partner with the Texas Workforce Commission to support initiatives that address the high technology skills and staff resources needed to better promote the state's efforts in becoming the leading space exploration state in the nation;

(5) ~~[(6)]~~ act as a liaison with other state and federal entities with related economic, educational, and defense responsibilities to support the marketing of the state's aerospace and aviation capabilities;

(6) ~~[(7)]~~ provide technical support and expertise to the state and to local spaceport authorities regarding aerospace and aviation business matters; and

(7) ~~[(8)]~~ be responsible for the promotion and development of spaceports in this state.

(f) Chapter 2110 does not apply to the size, composition, or duration of the aerospace and aviation advisory committee.

SECTION 3. Section 481.00681, Government Code, is amended by adding Subsection (i) to read as follows:

(i) Chapter 2110 does not apply to the size, composition, or duration of the task force.

SECTION 4. Subchapter B, Chapter 481, Government Code, is amended by adding Section 481.0211 to read as follows:

Sec. 481.0211. ADVISORY COMMITTEES. (a) The office by rule may establish advisory committees to make recommendations to the office on programs, rules, and policies administered by the office.

(b) In establishing an advisory committee under this section, the office 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 committee 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 provisions of Chapter 551 applicable to the office or the committee.

SECTION 5. Section 481.022, Government Code, is amended to read as follows:

Sec. 481.022. GENERAL DUTIES OF OFFICE. The office shall:

(1) market and promote the state as a premier business location and tourist destination;

(2) facilitate the location, expansion, and retention of domestic and international business investment to the state;

(3) promote and administer business and community economic development programs and services in the state, including business incentive programs;

(4) provide to businesses and communities in the state assistance with exporting products and services to international markets;

(5) serve as a central source of economic research and information;
~~[and]~~

(6) establish a statewide strategy to address economic growth and quality of life issues, a component of which is based on the identification and development of industry clusters; and

(7) develop a plan to engage with stakeholders to gather input and solicit feedback on the development of rules promulgated by the office related to lending programs, including participant selection, requirements for borrowers, terms of loans, requirements for disbursement of funds, and other aspects of program administration.

SECTION 6. Section 481.172, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A memorandum of understanding entered into under Subsection (a)(8) shall provide that the office may:

(1) strategically direct and redirect each agency's tourism priorities and activities to:

(A) most effectively meet consumer demands and emerging travel trends, as established by the latest market research; and

(B) minimize duplication of efforts and realize cost savings through economies of scale;

(2) require each agency to submit to the office for advance approval:

(A) resources, activities, and materials related to the promotion of tourism proposed to be provided by the agency;

(B) a biennial plan of action for the agency's proposed tourism activities [~~not later than June 1 of each year,~~] that includes:

(i) priorities identified by the agency that must include marketing, product development, and program development;

(ii) the agency's proposed budget for tourism activities; and

(iii) measurable goals and objectives of the agency related to the promotion of tourism; and

(C) any proposed marketing message, material, logo, slogan, or other communication to be used by the agency in its tourism-related efforts, to assist the office in coordinating tourism-related efforts conducted in this state by the agency and the office and conducted outside of this state by the office;

(3) direct the development of a biennial [~~an annual~~] strategic tourism plan, including a marketing plan, to increase travel to this state, that:

(A) provides the most effective and efficient expenditure of state funds for in-state marketing activities conducted by the agencies and encouraged by the office and out-of-state marketing activities conducted by the office;

(B) establishes goals, objectives, and performance measures, including the measurement of the return on the investment made by an agency or the office, for the tourism-related efforts of all state agencies; and

(C) is developed not later than December [~~September~~] 1 of each even-numbered year; and

(4) direct the agencies to share costs related to administrative support for the state's tourism activities.

(b-1) The office may, using the input of each agency that is a party to a memorandum of understanding under Subsection (a)(8), establish procedures for the submission of the plan required under Subsection (b)(2)(B).

SECTION 7. Section 481.406, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The office shall by rule develop:

(1) procedures for disbursement of money to borrowers and lending partners for access to capital programs; and

(2) documentation and recovery effort requirements of a participating partner for a claim against a reserve account.

SECTION 8. Section 489.105(b), Government Code, is amended to read as follows:

(b) The fund consists of:

(1) appropriations for the implementation and administration of this chapter;

(2) ~~[investment earnings under the original capital access fund established under Section 481.402;~~

~~[(3)]~~ fees charged under Subchapter BB, Chapter 481;

(3) ~~[(4)]~~ interest earned on the investment of money in the fund;

~~[(4)]~~ ~~[(5)]~~ fees charged under this chapter;

~~[(5)]~~ ~~[(6)]~~ investment earnings from the programs administered by the bank;

(6) ~~[(7)]~~ amounts transferred under Section 2303.504(b) ~~[, as amended by Article 2, Chapter 1134, Acts of the 77th Legislature, Regular Session, 2001];~~

(7) ~~[(8)]~~ investment earnings under the Texas product development fund under Section 489.211;

(8) ~~[(9)]~~ investment earnings under the Texas small business incubator fund under Section 489.212; and

(9) ~~[(10)]~~ any other amounts received by the state under this chapter.

SECTION 9. Section 489.107, Government Code, is amended to read as follows:

Sec. 489.107. ANNUAL REPORT. (a) On or before January 1 of each year, the office shall submit to the legislature an annual status report on the activities of the bank.

(b) The report under Subsection (a) must include for each program administered by the office:

(1) the number of grants, loans, and designations awarded in the previous fiscal year;

(2) the total number of grants, loans, and designations awarded by the bank;

(3) the amount in dollars of all grants, loans, and designations described by Subdivisions (1) and (2);

(4) the number of applications received in the previous fiscal year;

(5) the number of outstanding loans and designations;

(6) a summary of each outstanding loan and designation, including the amount outstanding and the terms of the loan or designation;

(7) the balance of each program's fund and any reserve account; and

(8) any challenges in administering each program, including any proposals for statutory changes that would address the challenges.

(c) For the small business disaster recovery loan program, the report must include a general description of each small business for which an applicant was awarded a loan from the fund during the preceding fiscal year.

(d) In preparing the report under Subsection (a), the office shall remove any identifying information pertaining to program participants.

SECTION 10. Sections 489.211(a) and (b), Government Code, are amended to read as follows:

(a) The Texas product development fund is a ~~[revolving]~~ fund in the state treasury.

(b) The product fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized

purposes of the product fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, ~~[amounts transferred from the original capital access fund under Section 481.415,]~~ and any other amounts received under this subchapter and required by the bank to be deposited in the product fund. The product fund contains a program account, an interest and sinking account, and other accounts that the bank authorizes to be created and maintained. Money in the product fund is available for use by the bank ~~[board]~~ under this subchapter. Investment earnings under the product fund must be transferred to the fund created under Section 489.105. Notwithstanding any other provision of this subchapter, any money in the product fund may be used for debt service, bond redemption, or any costs associated with debt service or bond redemption.

SECTION 11. Sections 489.212(a) and (b), Government Code, are amended to read as follows:

(a) The Texas small business incubator fund is a ~~[revolving]~~ fund in the state treasury.

(b) The small business fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized purposes of the small business fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, ~~[amounts transferred from the original capital access fund under Section 481.415,]~~ and any other amounts received under this subchapter and required by the bank to be deposited in the small business fund. The small business fund contains a project account, an interest and sinking account, and other accounts that the bank authorizes to be created and maintained. Money in the small business fund is available for use by the bank ~~[board]~~ under this subchapter. Investment earnings under the small business fund must be transferred to the fund created under Section 489.105. Notwithstanding any other provision of this subchapter, any money in the small business fund may be used for debt service, bond redemption, or any costs associated with debt service or bond redemption.

SECTION 12. Section 489.215(b), Government Code, is amended to read as follows:

(b) This section applies to information in any form provided by or on behalf of an applicant for financing or a recipient of financing under this subchapter, including information contained in, accompanying, or derived from any application or report, that relates to a product, to the development, application, manufacture, or use of a product, or to the markets, market prospects, or marketing of a product and that is proprietary information of actual or potential commercial value to the applicant or recipient that has not been disclosed to the public. Confidential information includes scientific and technological information, including computer programs and software, and marketing and business operation information, regardless of whether the product to which the information relates is patentable or capable of being registered under copyright or

trademark laws or has a potential for being sold, traded, or licensed for a fee. This section does not make confidential information in an account, voucher, or contract relating to the receipt or expenditure of public funds by the bank, board, or the department or its successor under this subchapter. This section applies to any information collected in winding up the product development and small business incubator program investment portfolio under Subchapter D-1.

SECTION 13. Chapter 489, Government Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. WINDING UP OF PRODUCT DEVELOPMENT AND
SMALL BUSINESS INCUBATOR PROGRAM

Sec. 489.221. MANAGEMENT OF INVESTMENT PORTFOLIO;
WINDING UP AND FINAL LIQUIDATION. (a) In this section, "product
development and small business incubator program investment portfolio" means:

(1) the equity positions in the form of stock or other security the bank
took, on behalf of the state, in companies that received financing under the
product development and small business incubator program; and

(2) any other investments made by the bank, on behalf of the state, and
associated assets in connection with financing made under the product
development and small business incubator program.

(b) The bank shall manage and wind up the product development and small
business incubator program investment portfolio, including revenues and
associated assets from financing and defaults on financing, in a manner that, to
the extent feasible, provides for the maximum return on the state's investment. In
managing those investments and associated assets through procedures and subject
to restrictions that the bank considers appropriate, the bank may acquire,
exchange, sell, supervise, manage, or retain any kind of investment or associated
assets 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 then prevailing pertinent to each investment or
associated asset. The bank may recover its reasonable and necessary costs
incurred in the management of the portfolio, including costs incurred in the
retaining of professional or technical advisors, from the earnings on the
investments in the portfolio.

(c) On completion of the winding up process under Subsection (b), the bank
shall deposit any remaining investment earnings to the credit of the Texas
economic development bank fund, as required under Sections 489.211 and
489.212.

(d) The bank has any power necessary to accomplish the purposes of this
section.

SECTION 14. Section 2303.003(7), Government Code, is amended to read as follows:

(7) "Qualified employee" means a person who:

(A) is a resident of this state;

(B) works for a qualified business;

(C) ~~[(B)]~~ receives wages from the qualified business from which
employment taxes are deducted; and

(D) meets one of the following qualifications:

(i) the person ~~[(C)]~~ performs at least 50 percent of the person's service for the business at the qualified business site;

(ii) ~~[-or]~~ if the person engages in the transportation of goods or services, the person reports to the qualified business site and resides within 50 miles of the qualified business site; or

(iii) if the person engages in services off-site, the person is assigned to the qualified business site and resides within 25 miles of the qualified business site.

SECTION 15. Section 2303.4052, Government Code, is amended to read as follows:

Sec. 2303.4052. REQUIRED INFORMATION FROM NOMINATING BODY. (a) Before nominating the project or activity of a qualified business for designation as an enterprise project, the nominating body must submit to the bank:

(1) a certified copy of the ordinance or order, as appropriate, or reference to an ordinance or order as required by Section 2303.4051;

(2) a certified copy of the minutes of all public hearings conducted with respect to local incentives available to qualified businesses within the jurisdiction of the governmental entity nominating the project or activity, regardless of whether those businesses are located in an enterprise zone;

(3) the name, title, address, telephone number, and electronic mail address of the nominating body's liaison designated under Section 2303.204;

(4) if the business is seeking job retention benefits, documentation showing the number of employment positions at the qualified business site;

(5) any interlocal agreement required under Section 2303.004(c) that states:

(A) which governing body has the administration authority under Section 2303.201; and

(B) that both the county in which the project or activity is located and the municipality in whose jurisdiction the project or activity is located approve the nomination of the project or activity; and

(6) any additional information the bank may require.

(b) The nominating body may electronically submit in a manner prescribed by the bank a digital scan of a certified copy of the documentation required by Subsections (a)(1) and (2).

SECTION 16. The following provisions of the Government Code are repealed:

(1) Sections 481.0066(d-1) and (d-2);

(2) Section 481.401(6-a);

(3) Sections 481.406(b) and (c);

(4) Sections 481.402, 481.404, 481.405, 481.407, 481.408, 481.409, 481.410, 481.412(a), 481.415, 481.458, 481.609, and 489.307; and

(5) Sections 489.201, 489.202, 489.203, 489.204, 489.205, 489.206, 489.207, 489.208, 489.209, 489.210, 489.211(c), 489.212(c), 489.213, 489.214, 489.215(c), 489.216, and 489.217.

SECTION 17. Not later than December 1, 2024, the Texas Economic Development and Tourism Office shall submit the first biennial strategic tourism plan required by Section 481.172(b)(3), Government Code, as amended by this Act.

SECTION 18. A member of an advisory committee repealed by this Act may be reappointed to serve as a member of a new advisory committee established under Section 481.0211, Government Code, as added by this Act.

SECTION 19. (a) Except as provided by Subsection (b) of this section, Section 2303.003, Government Code, as amended by this Act, applies to an application for an enterprise project designation under the enterprise zone program under Chapter 2303, Government Code, as amended by this Act, that is submitted on or after the effective date of this Act. An application for an enterprise project designation under the enterprise zone program that is 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.

(b) Section 2303.003(7)(D), Government Code, as added by this Act, applies to an enterprise project that is under audit or subject to audit by the comptroller of public accounts on or after the effective date of this Act.

SECTION 20. This Act takes effect September 1, 2023.

SB 222 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Metcalf submitted the conference committee report on **SB 222**.

Representative Metcalf moved to adopt the conference committee report on **SB 222**.

The motion to adopt the conference committee report on **SB 222** prevailed by (Record 2132): 136 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wu; Zwiener.

Nays — Cain; Noble; Toth.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Leach; Meza; Raney; Wilson.

STATEMENTS OF VOTE

When Record No. 2132 was taken, I was shown voting yes. I intended to vote no.

Harrison

When Record No. 2132 was taken, I was in the house but away from my desk. I would have voted yes.

Wilson

SB 1500 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the conference committee report on **SB 1500**.

Representative Canales moved to adopt the conference committee report on **SB 1500**.

The motion to adopt the conference committee report on **SB 1500** prevailed by (Record 2133): 142 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Toth.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

STATEMENT OF VOTE

When Record No. 2133 was taken, I was shown voting no. I intended to vote yes.

Toth

SB 409 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the conference committee report on **SB 409**.

Representative Leach moved to adopt the conference committee report on **SB 409**.

The motion to adopt the conference committee report on **SB 409** prevailed by (Record 2134): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C); Perez.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Klick; Thompson, S.

**HB 3474 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Leach called up with senate amendments for consideration at this time,

HB 3474, A bill to be entitled An Act relating to the operation and administration of and practices and procedures regarding proceedings in the judicial branch of state government, including the service of process and delivery of documents related to the proceedings, the administration of oaths, and the

management of the Texas Indigent Defense Commission, and the composition of certain juvenile boards; establishing a civil penalty; increasing certain court costs; authorizing fees.

Representative Leach moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3474**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3474**: Leach, chair; J.E. Johnson, Moody, Murr, and Vasut.

HB 473 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Hull submitted the following conference committee report on **HB 473**:

Austin, Texas, May 22, 2023

The Honorable Dan Patrick
President of the Senate

The 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 473** 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.

Sparks	Hull
Campbell	Leo-Wilson
Creighton	Allison
Flores	Morales Shaw
Springer	A. Johnson
On the part of the senate	On the part of the house

HB 473, A bill to be entitled An Act relating to parental rights regarding a threat assessment of a student conducted by a public school's threat assessment and safe and supportive school team.

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

SECTION 1. Section 37.115, Education Code, is amended by adding Subsections (f-1) and (f-2) to read as follows:

(f-1) Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to:

- (1) participate in the assessment, either in person or remotely; and
- (2) submit to the team information regarding the student.

(f-2) After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

SECTION 2. This Act applies beginning with the 2023-2024 school year.

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.

Representative Hull moved to adopt the conference committee report on **HB 473**.

The motion to adopt the conference committee report on **HB 473** prevailed by (Record 2135): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Burrows; Leach.

HB 2484 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guillen submitted the following conference committee report on **HB 2484**:

Austin, Texas, May 22, 2023

The Honorable Dan Patrick
President of the Senate

The Honorable Dade Phelan
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the senate and the house of representatives on **HB 2484** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

LaMantia

Parker

Campbell

West

Kolkhorst

On the part of the senate

Guillen

J. Lopez

Raymond

Gerdes

E. Thompson

On the part of the house

HB 2484, A bill to be entitled An Act relating to the safety of a referee, judge, or other official at certain public school extracurricular activities and competitions and prohibiting certain conduct by a spectator related to those officials' safety.

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

SECTION 1. Section 33.081, Education Code, is amended by adding Subsections (f-1), (f-2), and (f-3) and amending Subsection (g) to read as follows:

(f-1) A school district shall prohibit a spectator of an extracurricular athletic activity or competition, including a parent or guardian of a student participant, from attending any future extracurricular athletic activity or competition sponsored or sanctioned by the school district or the University Interscholastic League if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular athletic activity or competition in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular athletic activity or competition.

(f-2) A school district may establish an appeals process by which:

(1) a person may appeal to the district a prohibition imposed under Subsection (f-1); and

(2) the district may determine the facts associated with the conduct for which the school district imposed a prohibition under Subsection (f-1).

(f-3) A prohibition imposed under Subsection (f-1) must be for not less than one year after the date on which the prohibition is imposed but may not exceed five years from the date on which the prohibition is imposed.

(g) An appeal to the commissioner is not a contested case under Chapter 2001, Government Code, if the issues presented relate to a person's ~~student's~~ eligibility to participate in or attend an extracurricular activity ~~activities~~, including issues related to a ~~the~~ student's grades, the school district's grading policy as applied to a ~~the~~ student's eligibility, a ~~or the~~ student's eligibility based on conduct described by Subsection (e-1), or a spectator's eligibility to attend an extracurricular athletic activity or competition under Subsection (f-1). The commissioner may delegate the matter for decision to a person the commissioner designates. The decision of the commissioner or the commissioner's designee in a matter governed by this subsection may not be

appealed except on the grounds that the decision is arbitrary or capricious. Evidence may not be introduced on appeal other than the record of the evidence before the commissioner.

SECTION 2. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.099 to read as follows:

Sec. 33.099. SAFETY OF OFFICIAL. A school district or open-enrollment charter school that holds an extracurricular athletic activity or a University Interscholastic League athletic competition on district or school property shall provide a peace officer, a school resource officer, an administrator, or security personnel to ensure the safety of a referee, judge, or other official of the activity or competition until the official departs district or school property if:

(1) a participant or spectator of the activity or competition engages in, attempts to engage in, or threatens violent conduct against the official or otherwise disrupts the duties or free movement of the official; or

(2) the district or school reasonably suspects that an incident described by Subdivision (1) may occur at the activity or competition.

SECTION 3. This Act applies beginning with the 2023-2024 school year.

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.

Representative Guillen moved to adopt the conference committee report on **HB 2484**.

The motion to adopt the conference committee report on **HB 2484** prevailed by (Record 2136): 133 Yeas, 10 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Toth; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Canales; Goodwin; Harrison; Hayes; Hefner; Ramos; Swanson; Tinderholt; Vasut.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

STATEMENTS OF VOTE

When Record No. 2136 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 2136 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 773 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Toth submitted the conference committee report on **SB 773**.

Representative Toth moved to adopt the conference committee report on **SB 773**.

The motion to adopt the conference committee report on **SB 773** prevailed by (Record 2137): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Canales.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bumgarner.

STATEMENT OF VOTE

When Record No. 2137 was taken, my vote failed to register. I would have voted yes.

Bumgarner

**HB 4443 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Cunningham called up with senate amendments for consideration at this time,

HB 4443, A bill to be entitled An Act relating to the allocation of certain federal money provided under the Cranston-Gonzalez National Affordable Housing Act.

Representative Cunningham moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4443**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4443**: Cunningham, chair; Garcia, Lozano, Lujan, and Tepper.

**HB 3553 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Thierry called up with senate amendments for consideration at this time,

HB 3553, A bill to be entitled An Act relating to increasing the criminal penalty for the offense of trafficking of persons if committed at certain locations.

Representative Thierry moved to concur in the senate amendments to **HB 3553**.

The motion to concur in the senate amendments to **HB 3553** prevailed by (Record 2138): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz;

Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Ramos.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Rose.

STATEMENTS OF VOTE

When Record No. 2138 was taken, I was shown voting no. I intended to vote yes.

Ramos

When Record No. 2138 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 3553** (senate committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.502 to read as follows:

Sec. 12.502. PENALTY IF OFFENSE COMMITTED ON PREMISES OF POSTSECONDARY EDUCATIONAL INSTITUTION. (a) In this section:

(1) "Postsecondary educational institution" means:

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

(B) a career school or college as defined by Section 132.001, Education Code.

(2) "Premises" means real property and all buildings and appurtenances pertaining to the real property.

(b) Except as provided by Subsection (c), if it is shown on the trial of an offense under Section 21.07, 21.08, 21.15, or 21.17 that the offense was committed in a location that was on the premises of a postsecondary educational institution, the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class B misdemeanor;

(2) a Class B misdemeanor is increased to a Class A misdemeanor;

(3) a Class A misdemeanor is increased to a state jail felony; and

(4) a state jail felony is increased to a felony of the third degree.

(c) For an offense otherwise punishable under Subsection (b), if it is shown on the trial of the offense that the person has been previously convicted twice of an offense under Section 21.07, 21.08, 21.15, or 21.17 for which the punishment was increased under Subsection (b), the category of punishment for the offense is increased to a higher category of offense as follows:

(1) a Class C misdemeanor is increased to a Class A misdemeanor;

(2) a Class B misdemeanor is increased to a state jail felony;

(3) a Class A misdemeanor is increased to a felony of the third degree;

and

(4) a state jail felony is increased to a felony of the second degree.

(d) If the punishment scheme for an offense under Section 21.07, 21.08, 21.15, or 21.17 contains a specific enhancement provision increasing punishment to a higher minimum term of punishment than the minimum term required by the applicable higher category of offense prescribed by Subsection (b) or (c), the specific enhancement provision controls over this section.

(e) A previous conviction may be used for purposes of enhancement under this section or under another provision of Subchapter D, Chapter 12, but not under both this section and the other provision.

HB 2660 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Oliverson called up with senate amendments for consideration at this time,

HB 2660, A bill to be entitled An Act relating to the duties of a law enforcement agency regarding missing children and missing persons.

Representative Oliverson moved to concur in the senate amendments to **HB 2660**.

The motion to concur in the senate amendments to **HB 2660** prevailed by (Record 2139): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Sherman; Shine; Slawson; Smith; Smithe;

Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Shaheen.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2660** (senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. This Act may be cited as Tim's Law.

SECTION 2. Article 2.13(c), Code of Criminal Procedure, is amended to read as follows:

(c) It is the duty of every officer to take possession of a child under Article 63.00905(g) ~~[63.009(g)]~~.

SECTION 3. The heading to Article 63.009, Code of Criminal Procedure, is amended to read as follows:

Art. 63.009. LAW ENFORCEMENT REQUIREMENTS GENERALLY.

SECTION 4. Articles 63.009(a), (d), and (f), Code of Criminal Procedure, are amended to read as follows:

(a) A law enforcement agency, on receiving a report of a ~~[missing child or]~~ missing person, shall:

(1) ~~[if the subject of the report is a child and the child is at a high risk of harm or is otherwise in danger or]~~ if the subject of the report is a person who is known by the agency to have or is reported to have chronic dementia, including Alzheimer's dementia, whether caused by illness, brain defect, or brain injury, immediately start an investigation in order to determine the present location of the ~~[child or]~~ person;

(2) if the subject of the report is a ~~[child or]~~ person other than a ~~[child or]~~ person described by Subdivision (1), start an investigation with due diligence in order to determine the present location of the ~~[child or]~~ person;

(3) immediately, but not later than two hours after receiving the report, enter the name of the ~~[child or]~~ person into the clearinghouse and the national crime information center missing person file if the ~~[child or]~~ person meets the center's criteria, and report that name to the Alzheimer's Association Safe Return emergency response center if applicable, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the ~~[missing child or]~~ missing person;

(4) not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the person;

(5) not later than the 60th day after the date the agency receives the report, enter the name of the ~~[child or]~~ person into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the ~~[missing child or]~~ missing person; and

(6) ~~(5)~~ inform the person who filed the report of the ~~[missing child or]~~ missing person that the information will be:

(A) entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System; ~~and~~

(B) reported to the Alzheimer's Association Safe Return emergency response center if applicable; and

(C) submitted to each municipal or county law enforcement agency within 200 miles.

(d) If a local law enforcement agency investigating a report of a ~~[missing child or]~~ missing person obtains a warrant for the arrest of a person for taking or retaining the ~~[missing child or]~~ missing person, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria. The local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the ~~[missing child or]~~ missing person. The information shall be cross-referenced with the information in the national crime information center missing person file.

(f) Immediately after the return of a ~~[missing child or]~~ missing person or the identification of an unidentified body, the local law enforcement agency having jurisdiction of the investigation shall:

(1) clear the entry in the national crime information center database; and

(2) notify the National Missing and Unidentified Persons System.

SECTION 5. Subchapter A, Chapter 63, Code of Criminal Procedure, is amended by adding Article 63.00905 to read as follows:

Art. 63.00905. LAW ENFORCEMENT REQUIREMENTS FOR REPORT OF MISSING CHILD. (a) Regardless of the jurisdiction in which the child went missing, a law enforcement agency, on receiving a report of a missing child, shall:

(1) immediately start an investigation in order to determine the present location of the child;

(2) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse and the national crime information center missing person file if the child meets the center's criteria, with all available identifying features such as dental records, fingerprints, other

physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child;

(3) immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety;

(4) not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child;

(5) not later than the 30th day after the date the agency receives the report, enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; and

(6) inform the person who filed the report of the missing child that the information will be:

(A) entered into the clearinghouse, the national crime information center missing person file, and the National Missing and Unidentified Persons System; and

(B) submitted to each municipal or county law enforcement agency within 200 miles.

(b) A local law enforcement agency, on receiving a report of a child missing under the circumstances described by Article 63.001(3)(D) for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child. On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect as defined by Section 261.001, Family Code, the agency:

(1) shall notify the Department of Family and Protective Services; and

(2) may take possession of the child under Subchapter B, Chapter 262, Family Code.

(c) The Department of Family and Protective Services, on receiving notice under Subsection (b), may initiate an investigation into the allegation of abuse or neglect under Section 261.301, Family Code, and take possession of the child under Chapter 262, Family Code.

(d) Information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and the National Missing and Unidentified Persons System as a supplement to the original entry as soon as possible.

(e) If a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria.

The local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child. The information shall be cross-referenced with the information in the national crime information center missing person file.

(f) Immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall:

(1) clear the entry in the national crime information center database;
and

(2) notify the National Missing and Unidentified Persons System.

(g) On determining the location of a child, other than a child who is subject to the continuing jurisdiction of a district court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child. If the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to the Department of Family and Protective Services.

SECTION 6. Article 63.0091, Code of Criminal Procedure, is amended to read as follows:

Art. 63.0091. LAW ENFORCEMENT REQUIREMENTS REGARDING REPORTS OF CERTAIN MISSING CHILDREN. (a) The public safety director of the Department of Public Safety shall adopt rules regarding the procedures for a local law enforcement agency on receiving a report of a missing child who:

(1) had been reported missing on four or more occasions in the 24-month period preceding the date of the current report;

(2) is in foster care or in the conservatorship of the Department of Family and Protective Services and had been reported missing on two or more occasions in the 24-month period preceding the date of the current report; or

(3) is ~~[under 14 years of age and otherwise determined by the local law enforcement agency or the Department of Public Safety to be]~~ at a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision for any reason the agency considers to be high risk, including because the missing child:

(A) disappeared while in a dangerous environment;

(B) has mental or behavioral health needs;

(C) previously exhibited signs of mental illness;

(D) has an intellectual or developmental disability; or

(E) is known to have been last seen or in communication with an adult unknown to the child's family or legal guardian.

(b) The rules adopted under this article must require that:

(1) in entering information regarding the report into the national crime information center missing person file as required by Article 63.00905(a)(2) [63.009(a)(2)] for a missing child described by Subsection (a), the local law enforcement agency shall indicate, in the manner specified in the rules, that the child is at a high risk of harm and include relevant information regarding:

(A) any prior occasions on which the child was reported missing;
and

(B) the circumstances considered when designating the child as high risk; and

(2) the local law enforcement agency that receives a report of a missing child described by Subsection (a)(3) shall:

(A) reasonably escalate the response; and

(B) immediately, but not later than two hours after receiving the report, notify all law enforcement agencies within 100 miles, including agencies from other states, of the circumstances and high risk designation of the missing child.

(c) If, at the time the initial entry into the national crime information center missing person file is made, the local law enforcement agency has not determined that the requirements of this article apply to the report of the missing child, the information required by Subsection (b)(1) [(b)] must be added to the entry promptly after the agency investigating the report or the Department of Public Safety determines that the missing child is described by Subsection (a).

SECTION 7. Section 1701.253, Occupations Code, is amended by adding Subsection (q) to read as follows:

(q) As part of the minimum curriculum requirements, the commission shall establish a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Chapter 63, Code of Criminal Procedure. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter unless the officer completes the program as part of the officer's basic training course.

SECTION 8. Subchapter F, Chapter 1701, Occupations Code, is amended by adding Section 1701.2581 to read as follows:

Sec. 1701.2581. VOLUNTARY ADVANCED EDUCATION AND TRAINING PROGRAM ON MISSING CHILDREN AND MISSING PERSONS. The commission shall make available to each officer a voluntary advanced education and training program on missing children and missing persons. The program must include instruction on the associated reporting requirements under Chapter 63, Code of Criminal Procedure.

SECTION 9. The following provisions of the Code of Criminal Procedure are repealed:

(1) Articles 63.009(a-1), (a-2), and (g); and

(2) Article 63.0092.

SECTION 10. The changes in law made by this Act to Chapter 63, Code of Criminal Procedure, apply only to the report of a missing person or missing child that is made to a law enforcement agency on or after the effective date of this Act. The report of a missing person or missing child that is made to a law enforcement agency before the effective date of this Act is governed by the law in effect when the report was made, and the former law is continued in effect for that purpose.

SECTION 11. Section 1701.253(q), Occupations Code, as added by this Act, applies only to a person who submits an application for a peace officer license under Chapter 1701, Occupations Code, on or after January 1, 2025. A

person who submits an application for a peace officer license under Chapter 1701, Occupations Code, before January 1, 2025, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 12. Not later than December 1, 2024, the Texas Commission on Law Enforcement shall:

(1) establish the training programs required by Sections 1701.253(q) and 1701.2581, Occupations Code, as added by this Act; and

(2) adopt the rules necessary to implement Sections 1701.253(q) and 1701.2581, Occupations Code, as added by this Act.

SECTION 13. This Act takes effect September 1, 2023.

**HB 100 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Without objection, Representative K. King called up with senate amendments for consideration at this time,

HB 100, A bill to be entitled An Act relating to the compensation of public school educators and to the operation of public schools and the public school finance system, including enrollment-based funding for certain allotments under the Foundation School Program.

Representative K. King moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 100**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 100**: K. King, chair; Ashby, Buckley, Longoria, and VanDeaver.

**HB 4390 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Button called up with senate amendments for consideration at this time,

HB 4390, A bill to be entitled An Act relating to the Texas Industry-Recognized Apprenticeship Programs Grant Program.

Representative Button moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 4390**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 4390**: Button, chair; Bailes, Turner, Vasut, and Walle.

HB 33 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Landgraf called up with senate amendments for consideration at this time,

HB 33, A bill to be entitled An Act relating to the enforcement of certain federal laws regulating oil and gas operations within the State of Texas.

Representative Landgraf moved to concur in the senate amendments to **HB 33**.

The motion to concur in the senate amendments to **HB 33** prevailed by (Record 2140): 107 Yeas, 34 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Buckley; Burns; Burrows; Button; Cain; Campos; Capriglione; Clardy; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Johnson, J.D.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Manuel; Martinez; Metcalf; Meyer; Meza; Morales, C.; Morales, E.; Morrison; Muñoz; Noble; Oliverson; Ordaz; Orr; Paul; Perez; Plesa; Price; Raney; Raymond; Reynolds; Rogers; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Bowers; Bryant; Bucy; Canales; Cole; Davis; Dutton; Flores; Gámez; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; Lopez, R.; Martinez Fischer; Moody; Neave Criado; Ortega; Ramos; Romero; Rose; Sherman; Talarico; Thierry; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker; Morales Shaw; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bumgarner.

STATEMENTS OF VOTE

When Record No. 2140 was taken, I was shown voting yes. I intended to vote no.

Collier

When Record No. 2140 was taken, I was shown voting yes. I intended to vote no.

J. González

Senate Committee Substitute

CSHB 33, A bill to be entitled An Act relating to the enforcement of certain federal laws regulating oil and gas operations within the State of Texas.

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

SECTION 1. Subtitle A, Title 3, Natural Resources Code, is amended by adding Chapter 82 to read as follows:

CHAPTER 82. ENFORCEMENT OF FEDERAL LAWS

Sec. 82.0101. DEFINITION. In this chapter, "oil and gas operation" has the meaning assigned by Section 81.0523.

Sec. 82.0102. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING OIL AND GAS OPERATIONS. (a) An agency of this state or a person employed by an agency of this state may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation purporting to regulate oil and gas operations if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state.

(b) The attorney general shall defend any agency of this state that the federal government attempts to sue for an action or omission consistent with the requirements of this section.

(c) This section does not prohibit a state agency from:

(1) implementing a federal law by executing authority delegated to the state agency by a federal agency; or

(2) entering into a memorandum of understanding with a federal agency to implement a federal law, if otherwise authorized by state law.

SECTION 2. 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.

**HB 4041 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Bonnen called up with senate amendments for consideration at this time,

HB 4041, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

Representative Bonnen moved to concur in the senate amendments to **HB 4041**.

The motion to concur in the senate amendments to **HB 4041** prevailed by (Record 2141): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores;

Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Dorazio.

The chair stated that **HB 4041** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

Senate Committee Substitute

CSHB 4041, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

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

SECTION 1. The following sums of money are appropriated out of the General Revenue Fund No. 0001 for payment of itemized claims and judgments plus interest, if any, against the State of Texas:

To pay claim number 55M26159 to a confidential payee for overtime.

\$23,058.11

To pay claim number 55M26161 to a confidential payee for overtime.

\$23,267.52

To pay claim number 55M26177 to a confidential payee for overtime.

\$18,157.51

To pay claim number 95M10063 to Concepcion Flores for replacement of a void Aid to Families with Dependent Children warrant.

\$158.00

To pay claim number 95M10201 to a confidential payee for replacement of a void workers' compensation benefits warrant.

\$70.08

To pay claim number 95M10202 to a confidential payee for replacement of a void workers' compensation benefits warrant.

\$52.56

To pay claim number 95M10203 to a confidential payee for replacement of a void workers' compensation benefits warrant.

\$122.64

To pay claim number 95M10218 to Patricia Young for replacement of void foster care aid warrants.

\$2,000.00

To pay claim number 95M10285 to Harold Sager, Independent Executor for the Estate of Lenard O. Sager for replacement of a void unclaimed property warrant.

\$52,391.22

To pay claim number 95M10286 to a confidential payee for replacement of a void franchise tax refund warrant.

\$21,346.79

To pay claim number 95M10314 to a confidential payee for replacement of a void payroll warrant.

\$5,255.83

To pay claim number 95M10377 to Dallas County Southwestern Institute of Forensic Sciences for expert consult/biological analysis.

\$3,802.00

To pay claim number 95M10388 to Centre for Neuro Skills for physical therapy services.

\$8,880.00

To pay claim number 95M20031 to Yolanda Patricia Aguilar for replacement of a void unclaimed property warrant.

\$56,549.11

To pay claim number 95M20066 to a confidential payee for replacement of a void sales and use tax refund warrant.

\$11,208.22

To pay claim number 95M20076 to Management & Training Corporation for replacement of a canceled off-site medical healthcare warrant.

\$152,214.45

To pay claim number 95M20109 to a confidential payee for replacement of a void franchise tax refund warrant.

\$26,901.71

To pay claim number 95M20118 to a confidential payee for replacement of a void franchise tax refund warrant.

\$131,524.46

To pay claim number 95M20140 to a confidential payee for replacement of void franchise tax refund warrants.

\$4,160.85

To pay claim number 95M20159 to a confidential payee for replacement of a void sales tax refund warrant.

\$84,209.37

To pay claim number 95M20173 to a confidential payee for replacement of a void franchise tax refund warrant.

\$32,182.80

To pay claim number 95M20209 to a confidential payee for replacement of a void insurance premium refund warrant.

\$181,834.12

To pay claim number 95M20212 to a confidential payee for replacement of a void sales tax refund warrant.

\$157.75

To pay claim number 95M20267 to the University of Houston Treasurer's Office for Title IV-E training - direct and indirect costs.

\$112,013.08

To pay claim number 95M20395 to Trulight127 for foster care services.

\$60,499.34

To pay claim number 95M20470 to a confidential payee for replacement of a void sales tax refund warrant.

\$155.35

To pay claim number 95M23005 to Zoom Counseling and Rehab, Inc. for replacement of canceled psychological services warrants.

\$294,965.15

To pay claim number 95M23027 to a confidential payee for replacement of a void franchise tax refund warrant.

\$90,496.21

To pay claim number 95M23038 to Hidalgo County for foster care Title IV-E contract.

\$7,026.22

To pay claim number 95M23039 to Hidalgo County for foster care Title IV-E legal services.

\$23,370.30

To pay claim number 95M23151 to Veterans Land Board DBA Frank M. Tejada Texas State Veterans Home for nursing home services.

\$134,358.75

To pay claim number 95M23152 to Veterans Land Board DBA William R. Courtney Texas State Veterans Home for nursing home services.

\$80,941.14

To pay claim number 95M23157 to Veterans Land Board DBA Lamun-Lusk-Sanchez Texas State Veterans Home for nursing home services.

\$321,707.76

To pay claim number 95M23158 to Veterans Land Board DBA Clyde W. Cosper Texas State Veterans Home for nursing home services.

\$118,449.47

To pay claim number 95M23159 to Veterans Land Board DBA Ambrosio Guillen Texas State Veterans Home for nursing home services.

\$202,449.31

To pay claim number 95M23160 to Veterans Land Board DBA Ussery-Roan Texas State Veterans Home for nursing home services.

\$111,563.04

To pay claim number 95M23167 to Veterans Land Board DBA Alfredo Gonzalez Texas State Veterans Home for nursing home services.

\$331,574.04

To pay claim number 95M23168 to Veterans Land Board DBA Watkins-Logan Texas State Veterans Home for nursing home services.

\$374,248.56

To pay claim number 95M23207 to a confidential payee for replacement of a void franchise tax warrant.

\$49,059.50

To pay claim number 95M23237 to Coastal Bend Regional Advisory Council for reimbursement for Emergency Medical Task Force invoices.

\$67,472.38

To pay claim number 95M23239 to North Central Texas Trauma Regional Advisory Council for reimbursement for Emergency Medical Task Force invoices.

\$136,078.89

To pay claim number 95M23240 to Capital Area Trauma Regional Advisory Council for reimbursement for Emergency Medical Task Force invoices.

\$392,640.00

To pay claim number 95M23243 to Stability Staffing and Consulting, LLC for reimbursement of medical staffing invoices and supplements.

\$86,880.51

To pay claim number 95M23250 to Angel Staffing, Inc. for reimbursement for supplemental medical staffing invoices.

\$3,666,785.98

To pay claim number 95M23289 to Angels of God Home Health, LLC for community care.

\$473.53

To pay claim number 95MT2301 to NAACP Legal Defense & Educational Fund, Inc. for attorney fees and expenses in judgment.

\$445,927.90

To pay claim number 95MT2302 to Wilmer Cutler Pickering Hale and Dorr, LLP for attorney fees and expenses in judgment.

\$368,975.63

To pay claim number 95MT2303 to Rolando L. Rios & Associates for attorney fees and expenses in judgment.

\$166,444.37

To pay claim number 95MT2304 to Texas RioGrande Legal Aid, Inc. for attorney fees, appellate attorney fees, and expenses in judgment.

\$658,084.35

To pay claim number 95MT2305 to Brennan Center for Justice at NYU Law School for attorney fees, appellate attorney fees, and expenses in judgment.

\$310,549.21

To pay claim number 95MT2306 to Dechert LLP for attorney fees, appellate attorney fees, and expenses in judgment.

\$1,517,193.59

To pay claim number 95MT2307 to Lawyer's Committee for Civil Rights under Law for attorney fees, appellate attorney fees, and expenses in judgment.

\$665,994.59

To pay claim number 95MT2308 to Mexican American Legislative Caucus of the Texas House of Representatives for attorney fees and expenses in judgment.

\$41,366.04

To pay claim number 95MT2309 to Texas State Conference of NAACP Branches for attorney fees and expenses in judgment.

\$68,336.97

To pay claim number 95MT2310 to Neil G. Baron for attorney fees and expenses in judgment.

\$130,658.33

To pay claim number 95MT2311 to Brazil & Dunn for attorney fees and expenses in judgment.

\$1,096,842.19

To pay claim number 95MT2312 to Campaign Legal Center for attorney fees, appellate attorney fees, and expenses in judgment.

\$805,172.36

To pay claim number 95MT2313 to Derfner & Altman for attorney fees in judgment.

\$649,759.50

To pay claim number 95M23188 to Isela Cruncleton, Receiver Estate of Ignacia Rios Dominguez.

\$10.14

To pay claim number 95M23292 to Remarkable Healthcare of Fort Worth, LP.

\$3,484.77

To pay claim number 95M23355 to State of Texas Veterans Land Board DBA William R. Courtney Texas State Veteran Home.

\$96,143.76

To pay claim number 95M23305 to Allstate Insurance Company.

\$402,094.94

To pay claim number 95M23413 to Chevron USA Inc.

\$187,708.74

SECTION 2. The following sums of money are appropriated out of the State Technology and Instructional Materials Fund No. 0003 for payment of itemized claims and judgments plus interest, if any, against the State of Texas:

To pay claim number 95M20221 to Scholastic Inc. for replacement of void state technology & instruction material warrants.

\$86,270.75

SECTION 3. The following sums of money are appropriated out of the State Highway Fund No. 0006 for payment of itemized claims and judgments plus interest, if any, against the State of Texas:

To pay claim number 95M10139 to University of Texas Rio Grande Valley for the ocelot and jaguarundi monitoring project.

\$94,446.53

To pay claim number 95M10340 to City of Lewisville for signal equipment and installation in City of Lewisville.

\$71,250.00

To pay claim number 95M20199 to Montgomery County, Texas for land acquisition reimbursement parcel 64 FM 1097.

\$723,783.40

To pay claim number 95M20200 to Montgomery County, Texas for land acquisition reimbursement parcel 65 FM 1097.

\$180,257.40

To pay claim number 95M20286 to WSP USA, Inc. for labor charges incurred for contract 12-51DP5108.

\$82,880.70

To pay claim number 95M20352 to City of Frisco for land acquisition sponsor reimbursement.

\$21,146.40

To pay claim number 95M20454 to AECOM Technical Services, Inc. for construction phase services/managing contracted advance services.

\$117,976.83

To pay claim number 95M23007 to AT&T for engineering and construction charges.

\$24,104.32

SECTION 4. The following sums of money are appropriated out of the Veterans Financial Assistance Program Fund No. 0374 for payment of itemized claims and judgments plus interest, if any, against the State of Texas:

To pay claim number 95M10254 to Luis Gonzales for replacement of a void refund of fees.

\$835.88

SECTION 5. (a) Before any claim or judgment may be paid from money appropriated by this Act, the claim or judgment must be verified and substantiated by the administrator of the special fund or account against which the claim or judgment is to be charged and be approved by the attorney general and the comptroller of public accounts. Any claim or judgment itemized in this Act that has not been verified and substantiated by the administrator of the special fund or account and approved by the attorney general and the comptroller by August 31, 2025, may not be paid from money appropriated by this Act.

(b) Each claim or judgment paid from money appropriated by this Act must contain such information as the comptroller of public accounts requires but at a minimum must contain the specific reason for the claim or judgment. If the claim is for a void warrant, the claim must include a specific identification of the goods, services, refunds, or other items for which the warrant was originally issued. In addition, it must include a certification by the original payee or the original payee's successors, heirs, or assigns that the debt is still outstanding. If the claim or judgment is for unpaid goods or services, it must be accompanied by an invoice or other acceptable documentation of the unpaid account and any other information that may be required by the comptroller.

SECTION 6. Subject to the conditions and restrictions in this Act and provisions stated in the judgments, the comptroller of public accounts is authorized and directed to issue one or more warrants on the state treasury, as soon as possible following the effective date of this Act, in favor of each of the individuals, firms, or corporations named or claim numbers identified in this Act, in an amount not to exceed the amount set opposite their respective names or claim numbers and shall mail or deliver to each of the individuals, firms, or corporations associated with each claim one or more warrants in payment of all claims included in this Act.

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

**HB 3837 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Geren called up with senate amendments for consideration at this time,

HB 3837, A bill to be entitled An Act relating to the designation of advanced clean energy projects.

Representative Geren moved to concur in the senate amendments to **HB 3837**.

The motion to concur in the senate amendments to **HB 3837** prevailed by (Record 2142): 122 Yeas, 18 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cook; Cortez; Craddick; Cunningham; Davis; Dean; DeAyala; Dorazio; Flores; Frank; Frazier; Gámez; Garcia; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Stucky; Talarico; Thimesch; Thompson, E.; Thompson, S.; Troxclair; VanDeaver; Vo; Walle; Zwiener.

Nays — Cain; Cole; Collier; Darby; Gates; Harrison; Hernandez; Schaefer; Schatzline; Spiller; Swanson; Tepper; Tinderholt; Toth; Turner; Vasut; Wilson; Wu.

Present, not voting — Mr. Speaker; Dutton; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Meyer; Thierry.

STATEMENT OF VOTE

When Record No. 2142 was taken, I was in the house but away from my desk. I would have voted yes.

Meyer

Senate Committee Substitute

CSHB 3837, A bill to be entitled An Act relating to the designation of advanced clean energy projects.

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

SECTION 1. Section 382.003(1-a), Health and Safety Code, is amended to read as follows:

(1-a) "Advanced clean energy project" means:

(A) a project for which an application for a permit or for an authorization to use a standard permit under this chapter is received by the commission on or after January 1, 2008, and before January 1, 2020, and that:

(i) ~~[(A)]~~ involves the use of coal, biomass, petroleum coke, solid waste, natural gas, or fuel cells using hydrogen derived from such fuels, in the generation of electricity, or the creation of liquid fuels outside of the existing fuel production infrastructure while co-generating electricity, whether the project is implemented in connection with the construction of a new facility or in connection with the modification of an existing facility and whether the project involves the entire emissions stream from the facility or only a portion of the emissions stream from the facility;

(ii) ~~[(B)]~~ with regard to the portion of the emissions stream from the facility that is associated with the project, is capable of achieving:

(a) ~~[(+)]~~ on an annual basis:

(1) ~~[(+)]~~ a 99 percent or greater reduction of sulfur dioxide emissions;

(2) ~~[(+)]~~ if the project is designed for the use of feedstock, substantially all of which is subbituminous coal, an emission rate of 0.04 pounds or less of sulfur dioxide per million British thermal units as determined by a 30-day average; or

(3) ~~[(+)]~~ if the project is designed for the use of one or more combustion turbines that burn natural gas, a sulfur dioxide emission rate that meets best available control technology requirements as determined by the commission;

(b) ~~[(+)]~~ on an annual basis:

(1) ~~[(+)]~~ a 95 percent or greater reduction of mercury emissions; or

(2) ~~[(+)]~~ if the project is designed for the use of one or more combustion turbines that burn natural gas, a mercury emission rate that complies with applicable federal requirements;

(c) ~~[(+)]~~ an annual average emission rate for nitrogen oxides of:

(1) ~~[(+)]~~ 0.05 pounds or less per million British thermal units;

(2) ~~[(+)]~~ if the project uses gasification technology, 0.034 pounds or less per million British thermal units; or

(3) ~~[(+)]~~ if the project is designed for the use of one or more combustion turbines that burn natural gas, two parts per million by volume; and

(d) ~~[(+)]~~ an annual average emission rate for filterable particulate matter of 0.015 pounds or less per million British thermal units; and

(iii) ~~[(+)]~~ captures not less than 50 percent of the carbon dioxide in the portion of the emissions stream from the facility that is associated with the project and sequesters that captured carbon dioxide by geologic storage or other means; or

(B) a project that is a facility:

(i) for which an authorization to use a standard permit was approved after January 1, 2020, but before September 1, 2023; and

(ii) that:

(a) utilizes natural gas to create methanol; and

(b) converts methanol to zero-sulfur transportation fuels.

SECTION 2. Section 391.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) advanced clean energy projects, as defined by Section 382.003(1-a)(A) [~~382.003~~];

(2) new technology projects that reduce emissions of regulated pollutants from stationary sources;

(3) new technology projects that reduce emissions from upstream and midstream oil and gas production, completions, gathering, storage, processing, and transmission activities through:

(A) the replacement, repower, or retrofit of stationary compressor engines;

(B) the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or

(C) the installation of systems that reduce flaring emissions and other site emissions; and

(4) electricity storage projects related to renewable energy, including projects to store electricity produced from wind and solar generation that provide efficient means of making the stored energy available during periods of peak energy use.

SECTION 3. This Act takes effect September 1, 2023.

HB 3440 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative Canales called up with senate amendments for consideration at this time,

HB 3440, A bill to be entitled An Act relating to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law.

Representative Canales moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3440**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3440**: Canales, chair; Goldman, Holland, T. King, and Lozano.

**HB 1058 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Goldman called up with senate amendments for consideration at this time,

HB 1058, A bill to be entitled An Act relating to a franchise or insurance premium tax credit for certain housing developments.

Representative Goldman moved to concur in the senate amendments to **HB 1058**.

The motion to concur in the senate amendments to **HB 1058** prevailed by (Record 2143): 122 Yeas, 15 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Howard; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Smithee; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Wiener.

Nays — Cain; Clardy; Harrison; Isaac; Leo-Wilson; Schaefer; Schofield; Shaheen; Slawson; Spiller; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker; Hinojosa; Patterson(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bonnen; Davis; Holland; Schatzline; Thompson, S.

STATEMENT OF VOTE

When Record No. 2143 was taken, I was in the house but away from my desk. I would have voted no.

Holland

Senate Committee Substitute

CSHB 1058, A bill to be entitled An Act relating to a franchise or insurance premium tax credit for certain housing developments.

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

SECTION 1. Chapter 171, Tax Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. TAX CREDIT FOR CERTAIN HOUSING
DEVELOPMENTS

Sec. 171.551. DEFINITIONS. In this subchapter:

(1) "Allocation certificate" means a statement issued by the department certifying that a qualified development qualifies for credits under this subchapter and Chapter 233, Insurance Code, specifying the total amount of the credits awarded in connection with the qualified development for the credit period, and specifying the amount of credit that may be claimed each year for each building that is part of the qualified development.

(2) "Credit" means the low-income housing development tax credit authorized by this subchapter.

(3) "Credit period" means, with respect to a building that is part of a qualified development, the period of 10 tax years beginning with the tax year in which the building is placed in service.

(4) "Department" means the Texas Department of Housing and Community Affairs.

(5) "Development" has the meaning assigned by Section 2306.6702, Government Code.

(6) "Federal tax credit" means the federal low-income housing credit created by Section 42, Internal Revenue Code.

(7) "Qualified basis" means the qualified basis of a qualified development, as determined under Section 42, Internal Revenue Code.

(8) "Qualified development" means a development in this state:

(A) for which the department awards or allocates a federal tax credit through the issuance of a carryover allocation agreement or determination notice;

(B) that has not had an allocation of federal tax credits terminated by or at the direction of the department;

(C) that is the subject of a recorded restrictive covenant requiring the development to be maintained and operated as a qualified development that has not been terminated and is not subject to termination through any process other than the natural expiration of the covenant's extended use period;

(D) that meets all applicable requirements of the qualified allocation plan, as defined by Section 2306.6702, Government Code; and

(E) for the duration of the extended use period established in the land use restriction agreement, as defined by Section 2306.6702(a)(9), Government Code, is in compliance with:

(i) all accessibility and adaptability requirements for a federal tax credit; and

(ii) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. Section 3601 et seq.).

(9) "State housing credit ceiling" means \$25 million of credits each award year.

Sec. 171.552. ENTITLEMENT TO CREDIT. A taxable entity is entitled to a credit against the taxes imposed under this chapter in the amount and under the limitations provided by this subchapter if the taxable entity owns a direct or indirect interest in a qualified development.

Sec. 171.553. APPLICATION FOR AND ISSUANCE OF ALLOCATION CERTIFICATE. (a) A taxable entity or an entity subject to state premium tax liability as defined by Section 233.0001, Insurance Code, must apply to the department for an allocation certificate in connection with a development in which the taxable entity or other entity owns an interest. The application must be submitted to the department along with the application for an allocation of federal tax credits in a manner prescribed by the department.

(b) The department shall issue an allocation certificate if:

(1) the department approves the application submitted under Subsection (a);

(2) the development meets the requirements to be a qualified development; and

(3) the department awards an amount of credit to the development under Section 171.554.

Sec. 171.554. AMOUNT OF CREDITS; METHOD OF AWARD. (a) The department shall in the manner provided by this section determine the total amount of credits under this subchapter and Chapter 233, Insurance Code, awarded for the credit period in connection with a qualified development and indicate the amount of credits awarded on the allocation certificate.

(b) The amount of credits awarded in connection with a qualified development over the credit period must be the minimum amount necessary for the financial feasibility of the qualified development, subject to the limitations of this section.

(c) The amount of credits awarded in connection with a qualified development over the credit period may not exceed the total federal tax credit awarded to the owner or owners of the qualified development over the 10-year federal tax credit period.

(d) The manner in which the department awards the amount of credits must be consistent with criteria established by the department.

(e) The total amount of credits awarded for a year in connection with all qualified developments financed through tax exempt bonds may not exceed the sum of:

(1) 50 percent of the state housing credit ceiling for the year;

(2) any portion of the state housing credit ceiling for the preceding year that could have been awarded for qualified developments financed through tax exempt bonds but was not awarded; and

(3) any credits recaptured or otherwise returned to the department in the year that were originally awarded in connection with a qualified development financed through tax exempt bonds.

(f) The total amount of credits awarded for a year in connection with all qualified developments not financed through tax exempt bonds may not exceed the sum of:

- (1) 50 percent of the state housing credit ceiling for the year;
- (2) any portion of the state housing credit ceiling for the preceding year that could have been awarded for qualified developments not financed through tax exempt bonds but was not awarded; and
- (3) any credits recaptured or otherwise returned to the department in the year that were originally awarded in connection with a qualified development not financed through tax exempt bonds.

(g) The department shall, in the qualified allocation plan, determine the priorities and criteria for awarding credits during years in which the amount of credits applied for exceeds the maximum amount that may be awarded under this section.

Sec. 171.555. APPORTIONMENT OF CREDIT. The direct or indirect owners of a qualified development who intend to claim a credit under this subchapter or Chapter 233, Insurance Code, may by agreement determine the portion of the total amount of credits awarded under Section 171.554 that each owner is entitled to claim. If the owners do not agree, the department shall determine the portion each owner is entitled to claim based on each owner's ownership interest in the qualified development.

Sec. 171.556. LENGTH OF CREDIT; LIMITATION. (a) A taxable entity entitled to a credit under this subchapter shall claim the credit in equal installments during each year of the credit period.

(b) The total credit claimed under this subchapter for a report, including any carry forward or backward under Section 171.557, may not exceed the amount of tax due for the report after any other applicable credit.

Sec. 171.557. CARRY FORWARD OR BACKWARD. (a) If a taxable entity is eligible for a credit that exceeds the limitations under Section 171.556, the taxable entity may carry the unused credit back for not more than three tax years or forward for not more than 10 consecutive reports following the tax year in which the allocation certificate was issued. A credit carryforward from a previous report is considered to be used before the current year installment. A credit carried back to a previous report is considered to be used after any other franchise tax credit is applied to that report.

(b) A credit that is not used may not be refunded.

(c) The allocation of a credit in accordance with Section 171.559 does not extend the period for which a credit may be carried forward and does not increase the total amount of the credit that may be claimed.

(d) An entity may not carry back a credit under this subchapter to a tax year for which the report was originally due before January 1, 2026.

Sec. 171.558. RECAPTURE. (a) If a qualified development is subject to the recapture of a portion of the federal credit awarded or allocated to the development, then each taxable entity or entity subject to state premium tax liability as defined by Section 233.0001, Insurance Code, that has claimed or is entitled to claim a portion of the credit under this subchapter is also subject to the recapture of a portion of the credit under this subchapter.

(b) The amount of credit under this subchapter that is subject to recapture under this section is the same percentage of the amount originally awarded or allocated as the percentage of the amount of the federal credit originally awarded or allocated that is subject to recapture under federal law. The recapture of a credit under this section is not subject to a statute of limitations provided by Chapter 111.

(c) The owners of a qualified development that is awarded or allocated a credit under this subchapter or a representative of those owners shall identify each taxable entity and each entity subject to state premium tax liability as defined by Section 233.0001, Insurance Code, that is subject to recapture of the credit under this section.

(d) Not later than the 30th day after the date any owner of a qualified development receives notice that a federal credit awarded or allocated to the development is subject to recapture, the owners of the development or a representative of those owners shall report to the comptroller:

(1) the amount of federal credit originally awarded or allocated to the development;

(2) the amount of federal credit that is subject to recapture and the percentage of the amount originally awarded or allocated which that amount represents; and

(3) each entity identified under Subsection (c).

Sec. 171.559. ALLOCATION OF CREDIT. (a) If a taxable entity receiving a credit under this subchapter is a partnership, limited liability company, S corporation, or similar pass-through entity, the taxable entity may allocate the credit to its partners, shareholders, members, or other constituent taxable entities in any manner agreed to by those entities, regardless of the size of the person's ownership interest. This section does not prohibit a partner, member, or shareholder from holding an investment consisting only of a credit awarded under this subchapter or a federal credit.

(b) A taxable entity that makes an allocation under this section shall certify to the comptroller the amount of credit allocated to each constituent taxable entity or shall notify the comptroller that it has delegated the duty of certification to one constituent taxable entity that shall provide the notification to the comptroller. Each constituent taxable entity is entitled to claim the allocated amount subject to any restrictions prescribed by this subchapter.

(c) An allocation under this section is not a transfer for purposes of state law.

Sec. 171.560. FILING REQUIREMENTS AFTER ALLOCATION. A taxable entity that allocates a portion of the credit under Section 171.559, and each taxable entity to which a portion was allocated, shall file with the taxable entity's report a copy of the certification or notice required by Section 171.559(b).

Sec. 171.561. APPLICATION FOR CREDIT. (a) A taxable entity must apply for a credit under this subchapter on or with the tax report for which the credit is claimed and submit with the application a copy of the allocation certificate issued in connection with the qualified development and any other information required by the comptroller.

(b) The comptroller shall adopt a form for the application for the credit. A taxable entity must use the form to apply for the credit.

Sec. 171.562. RULES; PROCEDURES. The department and comptroller, in consultation with each other, shall adopt rules and procedures to implement, administer, and enforce this subchapter.

Sec. 171.563. COMPLIANCE MONITORING. (a) The department shall monitor compliance with this subchapter in the same manner as the department monitors compliance with the federal tax credit program.

(b) The department shall report any instances of noncompliance with this subchapter to the comptroller.

Sec. 171.564. INCLUSION OF INFORMATION IN LOW INCOME HOUSING PLAN. The department shall include in the low income housing plan under Section 2306.0721, Government Code, information relating to the performance of the credit during the previous calendar year. The information must:

(1) specify the number of qualified developments for which allocation certificates were issued during the year and the total number of units supported by the developments;

(2) describe each qualified development for which an allocation certificate was issued during the year, including:

(A) location;

(B) household type;

(C) available demographic information for the residents intended to be served by the development;

(D) the income levels intended to be served by the development;
and

(E) the rents or set-asides authorized for the development;

(3) include housing market and demographic information to demonstrate how the qualified developments, supported by the tax credits under this subchapter and Chapter 233, Insurance Code, are addressing the need for affordable housing in their communities; and

(4) analyze any remaining disparities in the affordability of housing within those communities.

Sec. 171.565. EXPIRATION OF AUTHORITY TO ALLOCATE CREDITS. (a) After December 31, 2025, the department may not:

(1) reserve an amount of credit under this subchapter for a qualified development for the purpose of issuing an allocation certificate for the development at a later date; or

(2) issue an allocation certificate for a qualified development unless, on or before December 31, 2025, the department reserved an amount of credit under this subchapter for the development for the purpose of issuing an allocation certificate at a later date if the requirements for issuance of the certificate are met.

(b) On or after January 1, 2026:

(1) the department may issue an allocation certificate for which an amount of credit was reserved under Subsection (a)(2); and

(2) an entity may claim a credit on a tax report as provided by this subchapter or Chapter 233, Insurance Code, in connection with a qualified development for which the department issued an allocation certificate or reserved an amount of credit before January 1, 2026.

Sec. 171.566. PRIORITY ALLOCATION FOR CERTAIN QUALIFIED DEVELOPMENTS. (a) This section applies only to a qualified development:

(1) that received an allocation of federal tax credits under the qualified allocation plan issued by the department for 2021 or 2022;

(2) the owners or developers of which have owned the land necessary for the development since at least December 31, 2022;

(3) that is not financed through tax exempt bonds; and

(4) that the department determines requires an allocation of credit under this subchapter to secure the financial feasibility of the qualified development after considering any federal tax credit.

(b) Notwithstanding Sections 171.554(e) and (f) and subject to Subsection (e) of this section, for the first year the department issues allocation certificates or reserves credit amounts for the purpose of issuing allocation certificates, the department shall use \$5 million of the state housing credit ceiling to award credits to qualified developments to which this section applies.

(c) The owners of a qualified development to which this section applies who intend to apply for an allocation of credit under this section, or a representative of those owners, must notify the department of that intent before the deadline for the qualified development to be placed in service. If the owners or their representative provide the notice required by this subsection, the deadline for the qualified development to be placed in service is extended until:

(1) the deadline set by the department for submitting an application for an allocation under this section; or

(2) if an application for an allocation under this section is submitted before the deadline set by the department, the date the department issues a decision on the application.

(d) An applicant for an allocation of credit under this section must submit to the department:

(1) documents proving that the owners or developers of the qualified development meet the land ownership requirement under Subsection (a)(2);

(2) a financial analysis demonstrating that the allocation is necessary to secure the financial feasibility of the development as required by Subsection (a)(4); and

(3) any other documentation required by the department to demonstrate that the qualified development meets the requirements provided by Subsection (a).

(e) If the amount of state credits reserved under this section is not fully allocated to qualified developments to which this section applies, the department shall allocate the remaining portion to qualified developments to which this section does not apply.

(f) The department shall, in the qualified allocation plan, determine the priorities and criteria for awarding credits under this section if the amount of credits applied for exceeds the maximum amount that may be awarded under this section.

SECTION 2. Subtitle B, Title 3, Insurance Code, is amended by adding Chapter 233 to read as follows:

CHAPTER 233. CREDIT AGAINST CERTAIN TAXES FOR CERTAIN
HOUSING DEVELOPMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 233.0001. DEFINITIONS. In this chapter:

(1) "Allocation certificate," "credit," and "qualified development" have the meanings assigned by Section 171.551, Tax Code.

(2) "State premium tax liability" means any tax liability incurred by an entity under Chapter 221, 222, 223, or 224.

SUBCHAPTER B. CREDIT

Sec. 233.0051. CREDIT. (a) An entity is eligible for a credit against the entity's state premium tax liability in the amount and under the limitations provided by this chapter if the entity owns a direct or indirect interest in a qualified development.

(b) An entity that claims a credit under this chapter is not required to pay any additional retaliatory tax under Chapter 281 as a result of claiming the credit.

Sec. 233.0052. LENGTH OF CREDIT; LIMITATIONS. (a) The entity shall claim the credit in the manner provided by Section 171.556, Tax Code.

(b) The total credit claimed under this chapter for a report, including any carry forward or backward described by Subsection (c), may not exceed the amount of the entity's state premium tax liability due for the report after any other applicable credit.

(c) The entity may carry a surplus credit forward or backward as provided by Section 171.557, Tax Code.

Sec. 233.0053. APPLICATION FOR CREDIT. (a) An entity must apply for a credit under this chapter on or with the tax report for the tax year for which the credit is claimed and submit with the application a copy of the allocation certificate issued in connection with the qualified development and any other information required by Subchapter K, Chapter 171, Tax Code.

(b) The comptroller shall adopt a form for the application for the credit. An entity must use this form in applying for the credit.

Sec. 233.0054. RULES; PROCEDURES. The comptroller and the Texas Department of Housing and Community Affairs, in consultation with each other, shall adopt rules and procedures to implement, administer, and enforce this chapter.

Sec. 233.0055. APPLICABLE PROVISIONS. The provisions of Subchapter K, Chapter 171, Tax Code, relating to recapture, allocation of credit, apportionment of credit, length of credit, filing requirements after allocation, and compliance monitoring apply to the credit authorized by this chapter.

SUBCHAPTER C. EXPIRATION OF AUTHORITY TO ALLOCATE CREDITS

Sec. 233.0101. EXPIRATION OF ALLOCATION AUTHORITY; USE OF ALLOCATED CREDITS. (a) The authority of the Texas Department of Housing and Community Affairs to reserve credit amounts and issue allocation certificates for purposes of Subchapter K, Chapter 171, Tax Code, and this chapter expires as provided by Section 171.565(a), Tax Code.

(b) An entity may claim a credit under this chapter on a tax report as provided by Section 171.565(b), Tax Code.

SECTION 3. (a) The Texas Department of Housing and Community Affairs may begin reserving credit amounts for the purpose of issuing allocation certificates under Subchapter K, Chapter 171, Tax Code, as added by this Act, in an open cycle beginning on January 1, 2024.

(b) Except as provided by Subsection (c) of this section, Subchapter K, Chapter 171, Tax Code, as added by this Act, and Chapter 233, Insurance Code, as added by this Act, apply only to a tax report originally due on or after January 1, 2026, and before January 1, 2036.

(c) The expiration of the authority to allocate credits under Subchapter K, Chapter 171, Tax Code, as added by this Act, in accordance with Section 171.565, Tax Code, as added by this Act, does not affect the carryforward of a credit under:

(1) Section 171.557, Tax Code, as added by this Act; or

(2) Section 233.0052(c), Insurance Code, as added by this Act.

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

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 1058** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 171.565(a), Tax Code (page 5, lines 16 and 21), strike "December 31, 2025" in both places it appears and substitute "December 31, 2029".

(2) In SECTION 1 of the bill, in added Section 171.565 (b), Tax Code (page 5, line 26), strike "January 1, 2026" and substitute "January 1, 2030".

**HCR 123 - ADOPTED
(by Goldman)**

The following privileged resolution was laid before the house:

HCR 123

WHEREAS, **HB 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 **HB 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".

HCR 123 was adopted by (Record 2144): 133 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson(C); Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Troxclair; Turner; VanDeaver; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Cain; Schaefer; Slawson; Swanson; Tinderholt; Toth; Vasut.

Present, not voting — Mr. Speaker.

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Davis; Jones, V.; Morales Shaw; Schatzline.

STATEMENTS OF VOTE

When Record No. 2144 was taken, I was shown voting yes. I intended to vote no.

Harrison

When Record No. 2144 was taken, I was in the house but away from my desk. I would have voted yes.

V. Jones

When Record No. 2144 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

HB 3899 - WITH SENATE AMENDMENTS

Representative Troxclair called up with senate amendments for consideration at this time,

HB 3899, A bill to be entitled An Act relating to the issuance of bonds by certain local government corporations.

HB 3899 - POINT OF ORDER

Representative Bucy raised a point of order against further consideration of **HB 3899** under Rule 11, Section 3, of the House Rules. The speaker sustained the point of order, announcing his decision to the house as follows:

Mr. Bucy raises a point of order against further consideration of the senate amendments to **HB 3899** under Rule 11, Section 3, on the grounds that the amendments change the original purpose of the bill.

As the bill left the house, it authorized the issuance of property tax-backed bonds by local government corporations created by cities or counties only if local voters approved the bonds at an election. The senate amendments prohibited the issuance of those property tax-backed bonds regardless of any voter approval.

The purpose of the senate amendments is to prohibit that which was authorized by the house engrossment. Under long-standing precedent that is directly on point, the senate amendments are exactly the opposite of the purpose of the engrossed house bill. 75 H. Jour. 3773 (1997).

Accordingly, the point of order is well-taken and sustained.

The chair directs the chief clerk to return the bill to the senate for further action.

HB 3899 with senate amendments was returned to the senate.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

(Speaker in the chair)

HB 1540 - HOUSE CONCURS IN SENATE AMENDMENTS

TEXT OF SENATE AMENDMENTS

Representative Holland called up with senate amendments for consideration at this time,

HB 1540, A bill to be entitled An Act relating to the San Jacinto River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

Representative Holland moved to concur in the senate amendments to **HB 1540**.

The motion to concur in the senate amendments to **HB 1540** prevailed by (Record 2145): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bonnen; Goldman; Harrison; Morales Shaw; Rosenthal; Schatzline; Swanson; Thompson, S.; Tinderholt.

STATEMENTS OF VOTE

When Record No. 2145 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 2145 was taken, my vote failed to register. I would have voted yes.

Swanson

When Record No. 2145 was taken, I was in the house but away from my desk. I would have voted yes.

Tinderholt

Senate Committee Substitute

CSHB 1540, A bill to be entitled An Act relating to the San Jacinto River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.

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

SECTION 1. Section 1A(a), Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended to read as follows:

(a) The District is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that chapter. The review shall be conducted under Section 325.025, Government Code, as if the District were a state agency scheduled to be abolished September 1, 2035 ~~2023~~, and every 12th year after that year.

SECTION 2. Section 6, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended to read as follows:

Sec. 6. The management and control of all the affairs of said District shall be vested in, and the powers, rights, privileges, and functions of the District shall be exercised by a Board of Directors consisting of seven ~~six (6)~~ members, all of whom shall be freehold property taxpayers and legal voters of the State of Texas and four (4) of whom shall be residents of a county wholly encompassed by the District. Members of such Board of Directors shall be appointed by the Governor for terms of four ~~six (6)~~ years. ~~[Provided, the present Board of six (6) directors of said District, appointed by the State Board of Water Engineers under authority of HB 1094, Chapter 613, Acts of the Regular Session of the Forty seventh Legislature, amending Section 6 of Chapter 426, Acts of the Regular Session of the Forty fifth Legislature, as amended by HB 828, Chapter 480, Acts of the Regular Session of the Forty seventh Legislature, for terms of two (2), four (4), and six (6) years, shall continue to serve as such until the expiration of the respective terms for which they were appointed. Upon the expiration of the terms for which the present members of the Board of Directors were appointed, the successors of each and all of them shall be appointed by the Governor for a term of six (6) years.]~~

The Directors shall hold office after their appointment and qualification until their successors shall be appointed and qualified. Should any vacancy occur in the Board of Directors, the same shall be filled in like manner by the Governor for the unexpired term. The Directors appointed shall, within thirty (30) days after their appointment, qualify by taking the official oath required of County Commissioners, and shall execute bond in the sum of Five Thousand Dollars (\$5,000) payable to the District, the sufficiency of which bond shall be determined by the Governor, which bonds after being recorded in the official bond records of the county in which the District maintains its office shall be deposited with the depository selected and approved for the deposit of the funds of the District.

The Governor shall designate a Director as the President of the Board to serve in that capacity at the pleasure of the Governor. The Board of Directors shall organize by electing one of its members ~~[President, one]~~ Vice-President, one Secretary, and one Treasurer. Four (4) members, including the President ~~[presiding officer]~~, shall constitute a quorum to transact business. The President shall preside at all meetings of the Board and shall be the chief executive officer of the District. The Vice-President shall act as President in case of the absence or disability of the President. The Secretary shall act as Secretary of the Board and shall be charged with the duty of keeping a record of all proceedings and all orders of the Board. The Treasurer shall receive and receipt for all moneys

received by the District and shall keep books and records of all moneys received and expended. In case of the absence or inability of the Secretary to act, a Secretary pro tem shall be selected by the Directors.

The domicile of the District shall be in the City of Conroe, in the County of Montgomery, Texas, where the District shall maintain its principal office. The Board of Directors shall have authority to fix the time, place and number of meetings of such Board by proper resolutions, regulations and bylaws passed by said Board. Said Board shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents, and records of the District shall be kept at said principal office, and same shall be open to public inspection at all reasonable times.

SECTION 3. Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, is amended by adding Sections 6A, 6B, 6C, 6D, 6E, and 6F to read as follows:

Sec. 6A. (a) It is a ground for removal from the Board of Directors that a Director:

(1) does not have at the time of taking office the qualifications required by Section 6 of this Act;

(2) does not maintain during service on the Board the qualifications required by Section 6 of this Act;

(3) is ineligible for directorship under Chapter 171, Local Government Code;

(4) cannot, because of illness or disability, discharge the Director's duties for a substantial part of the Director's term; or

(5) is absent from more than half of the regularly scheduled Board meetings that the Director is eligible to attend during a calendar year without an excuse approved by a majority vote of the Board.

(b) The validity of an action of the Board is not affected by the fact that it is taken when a ground for removal of a Director exists.

(c) If the general manager has knowledge that a potential ground for removal exists, the general manager shall notify the President of the Board of the potential ground. The President shall then notify the Governor and the Attorney General that a potential ground for removal exists. If the potential ground for removal involves the President, the general manager shall notify the next highest ranking Director, who shall then notify the Governor and the Attorney General that a potential ground for removal exists.

Sec. 6B. (a) A person who is appointed to and qualifies for office as a Director may not vote, deliberate, or be counted as a Director in attendance at a meeting of the Board of Directors until the person completes a training program that complies with this section.

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

(1) the law governing District operations;

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

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

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

(5) 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 the governing body of a river authority in performing their duties; and

(6) any applicable ethics policies adopted by the District or the Texas Ethics Commission.

(c) A person appointed to the Board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The general manager of the District shall create a training manual that includes the information required by Subsection (b) of this section. The general manager shall distribute a copy of the training manual annually to each Director. Each Director shall sign and submit to the general manager a statement acknowledging that the Director received and has reviewed the training manual.

Sec. 6C. The Board of Directors shall develop and implement policies that clearly separate the policy-making responsibilities of the Board and the management responsibilities of the general manager and the staff of the District.

Sec. 6D. (a) The District shall maintain a system to promptly and efficiently act on complaints filed with the District. The District shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The District shall make information available describing its procedures for complaint investigation and resolution.

(c) The District shall periodically notify the complaint parties of the status of the complaint until final disposition, unless the notice would jeopardize an investigation.

Sec. 6E. The Board of Directors shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the District.

Sec. 6F. The Board of Directors shall develop and implement a comprehensive policy that provides a structure for public engagement in advance of major actions and projects. The policy must include a clear and detailed description of how the District will seek to actively engage stakeholders, including the possible use of:

(1) advisory committees;

(2) community panels;

(3) town hall meetings;

(4) surveys; and

(5) other strategies on a recurring basis.

SECTION 4. The member of the board of directors of the San Jacinto River Authority whose term expires in November 2027 shall continue in office until the member's successor is appointed to and qualifies for a term of four years beginning in October 2027.

SECTION 5. (a) Except as provided by Subsection (b) of this section, Section 6B, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, applies to a member of the board of directors of the San Jacinto River Authority appointed before, on, or after the effective date of this Act.

(b) Notwithstanding Section 6B, Chapter 426, Acts of the 45th Legislature, Regular Session, 1937, as added by this Act, a person serving on the board of directors of the San Jacinto River Authority may vote, deliberate, and be counted as a director in attendance at a meeting of the board until December 1, 2023. A director 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 training required by that section.

SECTION 6. (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 7. This Act takes effect September 1, 2023.

HB 4885 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Landgraf called up with senate amendments for consideration at this time,

HB 4885, A bill to be entitled An Act relating to programs established and funded under the Texas emissions reduction plan.

Representative Landgraf moved to concur in the senate amendments to **HB 4885**.

The motion to concur in the senate amendments to **HB 4885** prevailed by (Record 2146): 127 Yeas, 13 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hernandez; Hinojosa; Holland;

Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smith; Smithee; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Wiener.

Nays — Cain; Hefner; Leo-Wilson; Patterson; Schaefer; Shaheen; Slawson; Spiller; Swanson; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Lopez, J.; Morales Shaw; Schatzline; Thompson, S.

STATEMENTS OF VOTE

When Record No. 2146 was taken, I was shown voting yes. I intended to vote no.

Isaac

When Record No. 2146 was taken, my vote failed to register. I would have voted yes.

J. Lopez

When Record No. 2146 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

When Record No. 2146 was taken, I was shown voting yes. I intended to vote no.

Tepper

Senate Committee Substitute

CSHB 4885, A bill to be entitled An Act relating to programs established and funded under the Texas emissions reduction plan.

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

SECTION 1. Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

- (2) the motor vehicle purchase or lease incentive program established under Subchapter D;
- (3) the air quality research support program established under Chapter 387;
- (4) the clean school bus program established under Chapter 390;
- (5) the new technology implementation grant program established under Chapter 391;
- (6) the regional air monitoring program established under Section 386.252(a);
- (7) a health effects study as provided by Section 386.252(a);
- (8) air quality planning activities as provided by Section 386.252(d);
- (9) a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a);
- (10) the Texas clean fleet program established under Chapter 392;
- (11) the Texas alternative fueling facilities program established under Chapter 393;
- (12) the Texas natural gas vehicle grant program established under Chapter 394;
- (13) other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;
- (14) other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions;
- (15) the seaport and rail yard areas emissions reduction program established under Subchapter D-1;
- (16) conducting research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event;
- (17) studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a);
- (18) the governmental alternative fuel fleet grant program established under Chapter 395; ~~and~~
- (19) remittance of funds to the state highway fund for use by the Texas Department of Transportation for congestion mitigation and air quality improvement projects in nonattainment areas and affected counties; and
- (20) the Texas hydrogen infrastructure, vehicle, and equipment grant program established under Subchapter G.

SECTION 2. Section 386.252(a), Health and Safety Code, is amended to read as follows:

(a) Money in the fund and account may be used only to implement and administer programs established under the plan. Subject to the reallocation of funds by the commission under Subsection (h) and after remittance to the state

highway fund under Subsection (a-1), money from the fund and account to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1) four percent may be used for the clean school bus program under Chapter 390;

(2) eight [three] percent total may be used between the Texas hydrogen infrastructure, vehicle, and equipment grant program established under Subchapter G and [for] the new technology implementation grant program under Chapter 391, from which at least \$1 million will be set aside for electricity storage projects related to renewable energy and not more than \$8 million may be used for the Texas hydrogen infrastructure, vehicle, and equipment grant program;

(3) five percent may be used for the Texas clean fleet program under Chapter 392;

(4) not more than \$3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5) 7.5 [40] percent may be used for the Texas natural gas vehicle grant program under Chapter 394;

(6) not more than \$6 million may be used for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7) not more than \$750,000 may be used each year to support research related to air quality as provided by Chapter 387;

(8) not more than \$200,000 may be used for a health effects study;

(9) at least \$6 million but not more than 15 percent [\$16 million] may be used by the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10) six percent may be used by the commission for the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(11) 2.5 [five] percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12) not more than \$500,000 [\$216,000] may be used by the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions for the state implementation plan that are obtained through:

(A) wind and other renewable energy resources;

(B) energy efficiency programs administered by the Public Utility Commission of Texas or the State Energy Conservation Office; or

(C) the implementation of advanced building energy codes [for the state implementation plan];

(13) not more than \$500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; and

(14) the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

SECTION 3. Chapter 386, Health and Safety Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. TEXAS HYDROGEN INFRASTRUCTURE, VEHICLE,
AND EQUIPMENT GRANT PROGRAM

Sec. 386.301. DEFINITIONS. In this subchapter:

(1) "Hydrogen vehicle or equipment" means a heavy-duty motor vehicle or piece of heavy-duty equipment that uses hydrogen to operate the vehicle or equipment, including through the use of hydrogen fuel cells or an internal combustion engine that runs on hydrogen.

(2) "Program" means the Texas hydrogen infrastructure, vehicle, and equipment grant program established under this subchapter.

Sec. 386.302. PROGRAM. (a) The commission shall establish and administer the Texas hydrogen infrastructure, vehicle, and equipment grant program to encourage the adoption of hydrogen infrastructure, vehicles, and equipment. Under the program, the commission shall provide funding for eligible projects to offset the incremental cost of projects that reduce emissions of oxides of nitrogen from high-emitting sources in nonattainment areas and affected counties of this state. The commission shall determine the eligibility of projects.

(b) Projects that may be considered for a grant under the program include:

(1) implementation of hydrogen infrastructure projects;

(2) purchase or lease of on-road or non-road hydrogen vehicles or equipment;

(3) replacement of on-road or non-road heavy-duty vehicles or equipment with newer on-road or non-road hydrogen vehicles or equipment; and

(4) the repower or conversion of on-road or non-road heavy-duty vehicles or equipment with a powertrain that runs on or is powered by hydrogen.

(c) A project listed in Subsection (b) is not eligible if it is required by any state or federal law, rule or regulation, memorandum of agreement, or other legally binding document. This subsection does not apply to:

(1) an otherwise qualified project, regardless of the fact that the state implementation plan assumes that the change in vehicles, equipment, or operations will occur, if on the date the grant is awarded the change is not required by any state or federal law, rule or regulation, memorandum of agreement, or other legally binding document; or

(2) the purchase of a hydrogen vehicle or equipment or facility required only by local law or regulation or by corporate or controlling board policy of a public or private entity.

(d) The commission shall prioritize the awarding of grants under this subchapter in the following order:

(1) projects to replace on-road heavy-duty vehicles with newer on-road hydrogen vehicles;

(2) projects to purchase, lease, repower, or convert on-road heavy-duty vehicles with a powertrain that runs on or is powered by hydrogen;

(3) projects to implement hydrogen refueling infrastructure that will be accessible and available to the public at times designated by the grant contract;

(4) projects to replace non-road heavy-duty vehicles with newer non-road hydrogen vehicles; and

(5) projects to purchase, lease, repower, or convert non-road heavy-duty vehicles with a powertrain that runs on or is powered by hydrogen.

(e) Subject to Subsection (d), in awarding grants under this subchapter, the commission shall give preference to the most cost-effective projects that will result in the greatest reduction in emissions of oxides of nitrogen.

(f) The commission shall establish additional eligibility and prioritization criteria as needed to implement the program.

Sec. 386.303. APPLICATION PACKAGE. (a) The commission shall develop a simple, standardized application package for grants under this subchapter. The package must include:

(1) an application form;

(2) a brief description of:

(A) the program;

(B) the projects that are eligible for available funding;

(C) the selection criteria and evaluation process; and

(D) the required documentation;

(3) the name of a person or office to contact for more information;

(4) an example of the contract that an applicant will be required to execute before receiving a grant; and

(5) any other information the commission considers useful to inform the applicant and expedite the application process.

(b) The application form shall require as much information as the commission determines is necessary to properly evaluate each project but shall otherwise minimize the information required.

Sec. 386.304. APPLICATION REVIEW PROCEDURES. (a) The commission shall review an application for a grant for a project authorized under this subchapter. If the commission determines that an application is incomplete, the commission shall notify the applicant with an explanation of what is missing from the application. The commission shall evaluate the completed application according to the appropriate project criteria. Subject to available funding, the commission shall make a final determination on an application as soon as possible.

(b) The commission shall make every effort to expedite the application review process and to award grants to qualified projects in a timely manner. To the extent possible, the commission shall coordinate project review and approval with any timing constraints related to project purchases or installations to be made by an applicant.

(c) The commission may deny an application for a project that does not meet the applicable project criteria or that the commission determines is not made in good faith, is not credible, or is not in compliance with this chapter and the goals of this chapter.

(d) Subject to availability of funds, the commission shall award a grant under this subchapter in conjunction with the execution of a contract that obligates the commission to make the grant and the recipient to perform the actions described in the recipient's grant application. The contract must incorporate provisions for recapturing grant money in proportion to any loss of emissions reductions compared with the volume of emissions reductions that was projected in awarding the grant. Grant money recaptured under the contract provision shall be deposited in the fund and reallocated for other projects under this chapter.

SECTION 4. Section 391.002(b), Health and Safety Code, is amended to read as follows:

(b) Projects that may be considered for a grant under the program include:

(1) advanced clean energy projects, as defined by Section 382.003;

(2) new technology projects that reduce emissions of regulated pollutants from stationary sources;

(3) new technology projects that reduce emissions from upstream, ~~and~~ midstream, or downstream oil and gas production, completions, gathering, storage, processing, ~~and~~ transmission, or refining activities through:

(A) the replacement, repower, or retrofit of stationary compressor engines;

(B) the installation of systems to reduce or eliminate the loss of gas, flaring of gas, or burning of gas using other combustion control devices; or

(C) the installation of systems that reduce flaring emissions and other site emissions; and

(4) electricity storage projects related to renewable energy, including projects to store electricity produced from wind and solar generation that provide efficient means of making the stored energy available during periods of peak energy use.

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

HB 3810 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Landgraf called up with senate amendments for consideration at this time,

HB 3810, A bill to be entitled An Act relating to certain notices provided to the Texas Commission on Environmental Quality by public water supply systems.

Representative Landgraf moved to concur in the senate amendments to **HB 3810**.

The motion to concur in the senate amendments to **HB 3810** prevailed by (Record 2147): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Metcalf; Schatzline; Thompson, S.

Senate Committee Substitute

CSHB 3810, A bill to be entitled An Act relating to certain notices provided to the Texas Commission on Environmental Quality by public water supply systems.

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

SECTION 1. Section 341.033, Health and Safety Code, is amended by amending Subsection (i) and adding Subsection (i-1) to read as follows:

(i) An owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes water for public or private use or a wastewater system that provides wastewater services for public or private use shall maintain internal procedures to notify the commission immediately of the following events, if the event may negatively impact the production or delivery of safe and adequate drinking water:

(1) an unusual or unexplained unauthorized entry at property of the public water supply or wastewater system;

(2) an act of terrorism against the public water supply or wastewater system;

(3) an unauthorized attempt to probe for or gain access to proprietary information that supports the key activities of the public water supply or wastewater system;

(4) a theft of property that supports the key activities of the public water supply or wastewater system; ~~or~~

(5) a natural disaster, accident, or act that results in damage to the public water supply or wastewater system; or

(6) for a nonindustrial public water supply system, an unplanned condition that has caused a public water supply outage or the public water supply system to issue a do-not-use advisory, do-not-consume advisory, or boil water notice.

(i-1) The commission may collaborate with the Texas Division of Emergency Management in administering the notification requirement in Subsection (i)(6), including determining the method by which the notifications are provided. Subsection (i)(6) does not require an owner, agent, manager, operator, or other person in charge of a nonindustrial public water supply system to provide notice of a weather or emergency alert, warning, or watch issued by the National Weather Service, the National Oceanic and Atmospheric Administration, or the Texas Division of Emergency Management or a successor federal or state agency.

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

HB 3009 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative VanDeaver called up with senate amendments for consideration at this time,

HB 3009, A bill to be entitled An Act relating to the health care providers authorized to examine a person to determine whether the person is incapacitated for purposes of certain guardianship proceedings.

Representative VanDeaver moved to concur in the senate amendments to **HB 3009**.

The motion to concur in the senate amendments to **HB 3009** prevailed by (Record 2148): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz;

Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Davis; Thompson, S.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

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

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

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

**HB 1649 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Button called up with senate amendments for consideration at this time,

HB 1649, A bill to be entitled An Act relating to health benefit coverage for certain fertility preservation services under certain health benefit plans.

Representative Button moved to concur in the senate amendments to **HB 1649**.

The motion to concur in the senate amendments to **HB 1649** prevailed by (Record 2149): 114 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Bucy; Bumgarner; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; Dean; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hayes; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Ordaz; Orr; Ortega; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Swanson; Talarico; Thierry; Thimesch; Thompson, S.; Tinderholt; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Buckley; Cain; Capriglione; Cook; DeAyala; Harris, C.J.; Harrison; Hefner; Hull; Isaac; Leo-Wilson; Noble; Oliverson; Patterson; Paul; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Smithee; Spiller; Stucky; Tepper; Thompson, E.; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

STATEMENTS OF VOTE

When Record No. 2149 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 2149 was taken, I was shown voting no. I intended to vote yes.

Patterson

When Record No. 2149 was taken, I was shown voting yes. I intended to vote no.

Thimesch

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

(2) Renumber the sections of the subchapter accordingly.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

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

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

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

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

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

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

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

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

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

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

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

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

HB 1228 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Metcalf called up with senate amendments for consideration at this time,

HB 1228, A bill to be entitled An Act relating to the right of a property owner or the owner's agent to receive on request a copy of the information used to appraise the owner's property for ad valorem tax purposes.

Representative Metcalf moved to concur in the senate amendments to **HB 1228**.

The motion to concur in the senate amendments to **HB 1228** prevailed by (Record 2150): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; García; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

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

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

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

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

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

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

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

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

(a) In this section:

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

(2) "Tax official" means:

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

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

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

(a-2) A tax official shall:

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

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

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

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

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

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

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

(1) an e-mail address; and

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

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

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

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

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

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

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

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

(e) The comptroller by rule~~;~~

~~[(4)]~~ shall prescribe acceptable media, formats, content, and methods for the electronic delivery of communications under this section and adopt guidelines for the implementation of this section by tax officials ~~[transmission of notices required by Section 25.19; and~~

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

(f) A tax official ~~[In an agreement entered into under this section, a chief appraiser]~~ may select the medium, format, content, and method to be used by the tax official and a property owner or a person designated by a property owner under Section 1.111(f) to exchange communications electronically ~~[appraisal district]~~ from among those prescribed by the comptroller under Subsection (e). ~~[If~~

~~the comptroller has not prescribed the media, format, content, and method applicable to the communication, the chief appraiser may determine the medium, format, content, and method to be used.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Section 1.086;

(3) Section 41.46(e); and

(4) Section 41.47(d-1).

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

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

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

HB 1759 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Bucy called up with senate amendments for consideration at this time,

HB 1759, A bill to be entitled An Act relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.

Representative Bucy moved to concur in the senate amendments to **HB 1759**.

The motion to concur in the senate amendments to **HB 1759** prevailed by (Record 2151): 97 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Ashby; Bailes; Bell, C.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Burrows; Button; Campos; Clardy; Cole; Collier; Cook; Cortez; Cunningham; Davis; Dutton; Flores; Frazier; Gámez; Garcia; Gerdes;

Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Neave Criado; Ordaz; Orr; Ortega; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thimesch; Troxclair; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Bell, K.; Bumgarner; Burns; Cain; Canales; Capriglione; Craddick; Darby; Dean; DeAyala; Dorazio; Frank; Gates; Harris, C.J.; Harrison; Hayes; Hefner; Hull; Isaac; Leach; Leo-Wilson; Metcalf; Noble; Oliverson; Patterson; Paul; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thompson, E.; Tinderholt; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Morales Shaw; Thompson, S.

STATEMENT OF VOTE

When Record No. 2151 was taken, I was shown voting yes. I intended to vote no.

Klick

Senate Committee Substitute

CSHB 1759, A bill to be entitled An Act relating to ticket sales for charitable raffles conducted by the charitable foundations of certain professional sports teams.

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

SECTION 1. Section 2004.004, Occupations Code, is amended by adding Subsections (a-1), (a-2), and (a-3) and amending Subsection (d) to read as follows:

(a-1) Raffle tickets for a charitable raffle conducted under Subsection (a) may be sold:

(1) at the home venue or rodeo venue of the professional sports team associated with the foundation conducting the raffle; or

(2) through digital interactive media, including an Internet website of or mobile application provided by the professional sports team associated with the foundation conducting the raffle.

(a-2) Raffle tickets for a charitable raffle conducted under Subsection (a) may be sold only during the period beginning when the venue opens to attendees of the game or rodeo venue opens to attendees of the rodeo event and ending when the draw to determine the prize winners for the raffle concludes.

(a-3) Raffle tickets sold under Subsection (a-1)(2) may only be sold to individuals who at the time of the sale are physically located:

(1) in this state; and

(2) not further than one mile from the home venue or rodeo venue of the professional sports team associated with the foundation conducting the raffle.

(d) Only persons 18 years of age or older may purchase raffle tickets in a charitable raffle conducted under this chapter. A professional sports team charitable foundation that conducts a charitable raffle under Subsection (a) shall contract with a third-party vendor to ensure only persons 18 years of age or older purchase tickets for the raffle.

SECTION 2. 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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

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

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **CSHB 1759** (senate committee report) as follows:

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

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

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

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

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

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

HB 2138 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Kacal called up with senate amendments for consideration at this time,

HB 2138, A bill to be entitled An Act relating to the sale of charitable raffle tickets by certain nonprofit wildlife conservation associations.

Representative Kacal moved to concur in the senate amendments to **HB 2138**.

The motion to concur in the senate amendments to **HB 2138** prevailed by (Record 2152): 113 Yeas, 30 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Bailes; Bell, C.; Bell, K.; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dutton; Flores; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Hernandez; Hinojosa; Holland; Howard; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Ordaz; Orr; Ortega; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smith; Spiller; Stucky; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Turner; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bumgarner; Cain; Capriglione; Cook; Dorazio; Frank; Harris, C.J.; Harrison; Hayes; Hefner; Hull; Isaac; Leach; Leo-Wilson; Noble; Oliverson; Patterson; Schaefer; Schatzline; Schofield; Shaheen; Slawson; Smithee; Swanson; Tinderholt; Toth; Troxclair; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Thompson, S.

STATEMENTS OF VOTE

When Record No. 2152 was taken, I was shown voting no. I intended to vote yes.

Capriglione

When Record No. 2152 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 2152 was taken, I was shown voting yes. I intended to vote no.

Stucky

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2138** (senate committee report) in SECTION 1 of the bill, in added Section 2002.054 (a-1), Occupations Code (page 1, line 44), immediately following the underlined period, by adding the following:

This subsection does not authorize the use of an Internet website to:

- (1) provide a graphic or dynamic animation of an entry to a raffle; or
- (2) provide a graphic or dynamic animation of the drawing of raffle tickets.

HB 681 - WITH SENATE AMENDMENTS

Representative K. Bell called up with senate amendments for consideration at this time,

HB 681, A bill to be entitled An Act relating to virtual and off-campus electronic instruction at a public school and the allotment for certain special-purpose school districts under the Foundation School Program.

HB 681 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 681** under Rule 11, Section 2, of the House Rules on the grounds that the senate amendments are not germane. The point of order was withdrawn.

HB 1105 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Without objection, Representative Price called up with senate amendments for consideration at this time,

HB 1105, A bill to be entitled An Act relating to the administration of a medication and the ordering and administration of an immunization or vaccination by a pharmacist.

Representative Price moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1105**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1105**: Price, chair; Collier, Cortez, Craddick, and Kacal.

HB 1277 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Cain submitted the following conference committee report on **HB 1277**:

Austin, Texas, May 24, 2023

The Honorable Dan Patrick
President of the Senate

The 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 1277** 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.

West

Cain

King

Collier

Miles

Isaac

Nichols

Lujan

Parker

Manuel

On the part of the senate

On the part of the house

HB 1277, A bill to be entitled An Act relating to pedestrian use of a sidewalk.

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

SECTION 1. Section 552.006(b), Transportation Code, is amended to read as follows:

(b) If a sidewalk is not provided, a pedestrian walking along and on a highway shall ~~[if possible]~~ walk on [±

~~(1)]~~ the left side of the roadway [±] or

~~(2)]~~ the shoulder of the highway facing oncoming traffic, unless the left side of the roadway or the shoulder of the highway facing oncoming traffic is obstructed or unsafe.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2023.

Representative Cain moved to adopt the conference committee report on **HB 1277**.

The motion to adopt the conference committee report on **HB 1277** prevailed by (Record 2153): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Gámez; Garcia; Gates; Gerdes; Geren; Gervin-Hawkins; Goldman; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds;

Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Bernal; Herrero.

Absent, Excused, Committee Meeting — Murr.

Absent — Bhojani; Frazier; González, J.; Johnson, J.D.; Thompson, S.

STATEMENTS OF VOTE

When Record No. 2153 was taken, I was in the house but away from my desk. I would have voted yes.

Bhojani

When Record No. 2153 was taken, I was in the house but away from my desk. I would have voted yes.

Frazier

When Record No. 2153 was taken, I was in the house but away from my desk. I would have voted yes.

J. González

(Murr now present)

COMMITTEE ON GENERAL INVESTIGATING ARTICLES OF IMPEACHMENT AGAINST ATTORNEY GENERAL KEN PAXTON

The chair recognized Representative Murr who addressed the house, speaking as follows:

Members, as you've heard by now, the House General Investigating Committee met this afternoon and authorized the filing of articles of impeachment against Attorney General Ken Paxton. Sergeants are passing out copies of the resolution for your review right now. As you will see, there are 20 proposed articles of impeachment alleging grave offenses justifying the committee's unanimous recommendation. As you know, the committee met on Wednesday to hear a presentation of evidence by the committee's lawyers. This presentation was the culmination of an inquiry that the committee began in March. Sergeants are also passing out copies of the hearing transcript. I urge you to read the transcript and view the video. It is also available on the committee's website. After a period of time for your review and reflection, I intend to call up the resolution adopting the articles of impeachment. If you have any questions at all, please come visit with me or any other member of our committee. We are available to visit. Thank you, Mr. Speaker and members.

REMARKS ORDERED PRINTED

Representative Canales moved to print remarks by Representative Murr and to have placed in the journal the transcript of the General Investigating Committee's Paxton Evidence Hearing.

The motion prevailed. [Please refer to the supplement to this journal for the text of the transcript.]

PARLIAMENTARY INQUIRY

REPRESENTATIVE SCHAEFER: It's my understanding that we have received a transcript of the proceedings from the General Investigating Committee and that transcript contains testimony from investigators who testified in front of the General Investigating Committee. Is that correct?

SPEAKER PHELAN: The committee staff presented the evidence in front of the committee yesterday. Yes, sir, Mr. Schaefer.

SCHAEFER: And the committee staff presented evidence to the committee and that evidence is before the body now in the form of this transcript, correct?

SPEAKER: The transcript was presented to the members of the house for their reading and their review tonight. There is no pending business before the house in relation to the transcript.

SCHAEFER: I understand that, but it's just been distributed so we're just asking some questions here. Is this transcript that's just been distributed to the house the sole evidence that we will have when Mr. Murr brings this before the house as an impeachment resolution? Will we have access to the evidence that the committee staff had access to?

SPEAKER: If a resolution is laid before the house, Mr. Murr will lay out the evidence before the house to support the resolution.

SCHAEFER: Will that evidence be firsthand evidence or merely a report from staff?

SPEAKER: As Mr. Murr explained earlier this evening, if you have any questions, he would be happy to answer them.

SCHAEFER: When Mr. Murr comes before the house with this—what's the proper term that we will call it, the resolution? He said he'd come back before the body. What will he be coming back with?

SPEAKER: Mr. Murr will call up a resolution proposing the impeachment of Mr. Paxton.

SCHAEFER: Okay. When he calls up the resolution proposing the impeachment of the attorney general, will the members of the house have the ability to ask questions of any witnesses?

SPEAKER: No, sir.

SCHAEFER: Will the members of the house have access to any firsthand evidence?

SPEAKER: The members of the house will have access to the evidence presented to the committee.

SCHAEFER: Will the members of the house have access to something other than the matters presented in this transcript?

SPEAKER: As previously stated, those questions need to be directed to Mr. Murr.

SCHAEFER: How long will the house have before Mr. Murr brings this matter before the body?

SPEAKER: Again, as previously stated, I would discuss this with Mr. Murr.

SCHAEFER: Mr. Speaker, will Mr. Murr require the chair to recognize him for that resolution?

SPEAKER: That is correct.

SCHAEFER: So then a question for you as the chair, Mr. Speaker. When will you recognize Mr. Murr for that resolution?

SPEAKER: The chair does not respond to hypothetical inquiries. The question would be better directed to Mr. Murr.

REPRESENTATIVE SMITHEE: Mr. Speaker, has the house adopted any specific rules of process or procedure related to the conduct of an impeachment proceeding?

SPEAKER: Mr. Smithee, could you be more specific in your inquiry?

SMITHEE: In terms of calling witnesses or being able to speak for or against the motion, is there any specific rule—or has the house adopted any specific rule—that would set the ground rules for that particular proceeding? The reason I asked, Mr. Speaker, is because in my almost 40 years here this is an unprecedented procedure. I've certainly had no experience with it. It's been largely unprecedented in the history of the Texas House to conduct impeachment proceedings—only a handful of instances. I'm just wondering if there is any precedent or specific procedure for the conduct of these proceedings?

SPEAKER: Mr. Smithee, there is a legislative and congressional precedent governing the consideration of articles of impeachment before the Texas House.

SMITHEE: My understanding of congressional precedent is that the congress adopts rules each time it conducts an impeachment inquiry. And so, my question would be, will this house have an opportunity to approve, or consider, specific rules of procedure and process governing this particular matter?

SPEAKER: Mr. Smithee, those are questions for the parliamentarian as to specific procedures.

SMITHEE: It seems that this is a statewide officeholder affected here. It seems this proceeding affects every person in the State of Texas. I'm not just asking for myself, I'm basically asking for everyone in the State of Texas as to whether or not there will be any specific procedure in place for the conduct of these proceedings?

SPEAKER: At this point in time you should come down front and visit with the parliamentarians.

SMITHEE: Okay. Could the chair advise the house how much notice the house will have prior to consideration of the resolution—as to when it will be considered?

SPEAKER: That question is best directed towards Mr. Murr.

SMITHEE: Thank you.

REPRESENTATIVE SCHAEFER: When Chairman Murr is recognized by the speaker to present this resolution to the house, will members of the body be able to ask Mr. Murr questions from the back mic?

SPEAKER: Again, as I stated to Mr. Smithee, if you have questions about the procedure, please come speak to the parliamentarians.

SCHAEFER: When Mr. Murr presents this resolution for impeachment in front of the body, will members be able to ask Chairman Murr about the process and whether the members of the General Investigating Committee spoke to any fact witnesses?

SPEAKER: That question is best directed to Mr. Murr or the parliamentarians.

SCHAEFER: Just to be clear, Mr. Speaker, you can't tell me whether we will be able to question Chairman Murr from the back mic? That's a question I have to ask the parliamentarian?

SPEAKER: At this point in time, it is best to discuss this with Mr. Murr or the parliamentarians.

SCHAEFER: Thank you, Mr. Speaker.

REPRESENTATIVE TINDERHOLT: When this is brought in front of the house—I looked in the rules and it's a debatable motion, I believe. Will we be able to speak for or against this motion or resolution?

PHELAN: Members are allowed to speak for, on, or against privileged resolutions, correct.

TINDERHOLT: And the rules should allow for individuals to ask questions of a person bringing a resolution forward. I would think that it would be prudent, Mr. Speaker, for members to be able to ask questions about this committee that has gone on for several months. Will we be afforded that opportunity to ask questions of Chairman Murr about the process by which the inquiry has been handled or conducted?

SPEAKER: At this point in time, Mr. Tinderholt, that question is best directed to Mr. Murr because there is no resolution before the house.

TINDERHOLT: Mr. Speaker, you are the speaker of the house and you have control over who can and cannot ask questions and there's rules that guide those. I think that it would be fair to say that you have control over whether we can or cannot ask questions, Mr. Speaker. So will we have authority and permission to ask questions of the person bringing it forward?

SPEAKER: The chair has always operated under the rules of the house recognizing members to ask questions. But at this point in time, it's best to talk to Mr. Murr about the procedures.

TINDERHOLT: I feel like we're not getting a straight answer and I think really, Mr. Speaker, with all due respect, I feel like it's a simple answer. You get to dictate whether we ask questions or not. Will you allow members to ask questions on an important issue? This is probably one of the most important things that we've done since I've been in the Texas House. Will we be able to ask questions according to you, who interprets the rules, and tell us whether we can or cannot do something?

SPEAKER: The chair will follow the rules governing debate when the resolution is called up.

TINDERHOLT: Thank you, Mr. Speaker. I appreciate it.

REMARKS ORDERED PRINTED

Representative Schofield moved to print remarks between the chair and Representatives Schaefer, Smithee, Tinderholt, and Harrison.

The motion prevailed.

REPRESENTATIVE HARRISON: Just for clarification because I think I heard an answer a moment ago, but I wasn't quite sure of it. It sounded like—if I understood you correctly—the body will be presented with evidence that is extra and apart from the transcript that was just dropped on our desk at the time that Chairman Murr brings the resolution to the body. Is that correct?

SPEAKER PHELAN: The chair did not state that. The chair stated that you need to visit with Mr. Murr about that question.

HARRISON: Okay, so the extent of the information provided to the body might consist solely of the transcript at any point between now and when we are asked to vote on this question, is that right?

SPEAKER: That's a question for Mr. Murr.

HB 1500 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Without objection, Representative Holland called up with senate amendments for consideration at this time,

HB 1500, A bill to be entitled An Act relating to the continuation and functions of the Public Utility Commission of Texas and the Office of Public Utility Counsel, and the functions of the independent organization certified for the ERCOT power region.

Representative Holland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1500**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1500**: Holland, chair; K. Bell, Canales, Hunter, and Spiller.

**SB 3 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Meyer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 3**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 3**: Meyer, chair; Burrows, Hefner, Raymond, and Thierry.

**SJR 3 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Meyer, the house granted the request of the senate for the appointment of a Conference Committee on **SJR 3**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SJR 3**: Meyer, chair; Burrows, Hefner, Raymond, and Thierry.

ADJOURNMENT

Representative Geren moved that the house adjourn until 12 p.m. tomorrow.

The motion prevailed.

The house accordingly, at 8:35 p.m., adjourned until 12 p.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 29

HB 25, HB 181, HB 617, HB 755, HB 783, HB 1000, HB 1193, HB 1299, HB 1743, HB 1905, HB 1968, HB 1996, HB 2019, HB 2100, HB 2166, HB 2313, HB 2334, HB 2508, HB 2616, HB 2658, HB 2700, HB 2738, HB 2947, HB 2951, HB 2956, HB 2965, HB 3045, HB 3126, HB 3130, HB 3144, HB 3156, HB 3224, HB 3278, HB 3361, HB 3645, HB 3646, HB 3743, HB 3798, HB 3858, HB 3929, HB 4012, HB 4085, HB 4219, HB 4246, HB 4316, HB 4337, HB 4375, HB 4416, HB 4417, HB 4451, HB 4520, HB 4765, HB 4779, HB 4879, HB 4932, HB 5142, HB 5304, HB 5314, HB 5318, HB 5320, HB 5339, HB 5343, HB 5349, HB 5357, HB 5365, HB 5367, HB 5369, HB 5374, HB 5379, HB 5384, HB 5385, HB 5390, HB 5391, HB 5393, HB 5395, HCR 27, HCR 104, HCR 105

House List No. 30

HB 53, HB 614, HB 729, HB 968, HB 1337, HB 1592, HB 1688, HB 1696, HB 1926, HB 2478, HB 2495, HB 3436, HB 4069, HB 4233, HB 4372, HB 4494, HB 4997, HB 5330, HCR 29

House List No. 31

HB 14, HB 299, HB 400, HB 1486, HB 1603, HB 2188, HB 2442, HB 2969, HB 4835

House List No. 32

HB 8, HB 54, HB 90, HB 420, HB 471, HB 852, HB 900, HB 1034, HB 1217, HB 1527, HB 2102, HB 2194, HB 2800, HB 2879, HB 3137, HB 3310, HB 3323, HB 3414, HB 3536, HB 3708, HB 4034, HB 4082, HB 4510, HB 5010, HB 5202

Senate List No. 30

SB 48, SB 129, SB 182, SB 375, SB 467, SB 493, SB 599, SB 614, SB 736, SB 998, SB 1245, SB 1346, SB 1745, SB 1802, SB 2016, SB 2040, SB 2304

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 25, 2023 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1588 Oliverson SPONSOR: Middleton
Relating to funding of excess losses and operating expenses of the Texas
Windstorm Insurance Association; authorizing an assessment; authorizing a
surcharge.
(Committee Substitute/Amended)

HB 1673 Capriglione SPONSOR: Johnson
Relating to training requirements for staff members of certain assisted living
facilities that provide care to persons with Alzheimer's disease and related
disorders.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 25, 2023 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

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

SB 24	(24 Yeas, 7 Nays)
SB 25	(31 Yeas, 0 Nays)
SB 317	(31 Yeas, 0 Nays)
SB 386	(30 Yeas, 1 Nay)
SB 401	(31 Yeas, 0 Nays)
SB 477	(29 Yeas, 2 Nays)
SB 627	(24 Yeas, 7 Nays)
SB 629	(31 Yeas, 0 Nays)
SB 643	(30 Yeas, 1 Nay)
SB 785	(29 Yeas, 1 Nay, 1 Present, not voting)
SB 796	(31 Yeas, 0 Nays)
SB 893	(31 Yeas, 0 Nays)
SB 924	(19 Yeas, 12 Nays)
SB 991	(31 Yeas, 0 Nays)
SB 1001	(28 Yeas, 3 Nays)
SB 1015	(31 Yeas, 0 Nays)
SB 1040	(31 Yeas, 0 Nays)

SB 1051	(31 Yeas, 0 Nays)
SB 1057	(25 Yeas, 6 Nays)
SB 1236	(30 Yeas, 1 Nay)
SB 1308	(31 Yeas, 0 Nays)
SB 1402	(31 Yeas, 0 Nays)
SB 1467	(31 Yeas, 0 Nays)
SB 1517	(27 Yeas, 4 Nays)
SB 1518	(28 Yeas, 3 Nays)
SB 1668	(30 Yeas, 1 Nay)
SB 1717	(31 Yeas, 0 Nays)
SB 1900	(30 Yeas, 1 Nay)
SB 1979	(29 Yeas, 2 Nays)
SB 2011	(31 Yeas, 0 Nays)
SB 2013	(31 Yeas, 0 Nays)
SB 2220	(26 Yeas, 5 Nays)
SB 2476	(31 Yeas, 0 Nays)

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

SB 3

Senate Conferees: Bettencourt - Chair/Birdwell/Creighton/Huffman/Parker

SB 7

Senate Conferees: Schwertner - Chair/Campbell/Johnson/King/Nichols

SB 12

Senate Conferees: Hughes - Chair/Creighton/Paxton/Springer/West

SB 17

Senate Conferees: Creighton - Chair/Campbell/Flores/Hinojosa/Parker

SB 29

Senate Conferees: Birdwell - Chair/Bettencourt/Blanco/Hughes/Paxton

SB 1418

Senate Conferees: LaMantia - Chair/Alvarado/Hancock/Nichols/Parker

SB 1727

Senate Conferees: Schwertner - Chair/Huffman/Johnson/King/Perry

SB 1933

Senate Conferees: Bettencourt - Chair/Creighton/Hughes/Kolkhorst/Middleton

SB 2627

Senate Conferees: Schwertner - Chair/Campbell/Johnson/King/Nichols

SJR 3

Senate Conferees: Bettencourt - Chair/Flores/Hinojosa/Hughes/Springer

SJR 81

Senate Conferees: Birdwell - Chair/Flores/Huffman/LaMantia/West

SJR 93

Senate Conferees: Schwertner - Chair/Campbell/Johnson/King/Nichols

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

HB 9

Senate Conferees: Huffman - Chair/Bettencourt/Campbell/Hinojosa/Nichols

HB 17

Senate Conferees:

HB 3697

Senate Conferees: Bettencourt - Chair/Hall/Huffman/Middleton/Springer

HJR 3

Senate Conferees: Huffman - Chair/Campbell/Creighton/Hinojosa/Nichols

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, May 25, 2023 - 5

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

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

SB 18

Senate Conferees: Creighton - Chair/Bettencourt/Campbell/King/Middleton

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

HB 3

Senate Conferees: Nichols - Chair/Blanco/Campbell/Hancock/Paxton

HB 12

Senate Conferees: Kolkhorst - Chair/Campbell/Hughes/Perry/Zaffirini

HB 621

Senate Conferees: Hughes - Chair/Creighton/LaMantia/Parker/Paxton

HB 1595

Senate Conferees: Huffman - Chair/Campbell/Creighton/Hancock/Nichols

HB 2026

Senate Conferees: LaMantia - Chair/Birdwell/Creighton/Parker/West

HB 2121

Senate Conferees: Springer - Chair/Bettencourt/Middleton/Parker/West

HB 2454

Senate Conferees: Huffman - Chair/Bettencourt/Flores/King/Whitmire

HB 2559

Senate Conferees: Zaffirini - Chair/Hinojosa/Hughes/Middleton/Nichols

HB 3059

Senate Conferees: Perry - Chair/Flores/Johnson/Kolkhorst/Springer

HB 3104

Senate Conferees: Parker - Chair/Creighton/Huffman/Paxton/West

HB 3447

Senate Conferees: Huffman - Chair/Bettencourt/Campbell/Creighton/Whitmire

HB 4227

Senate Conferees: Hancock - Chair/Bettencourt/Johnson/Paxton/Springer

HJR 125

Senate Conferees: Huffman - Chair/Bettencourt/Campbell/Hinojosa/Nichols

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 24 - HB 8, HB 14, HB 54, HB 90, HB 299, HB 400, HB 420, HB 471, HB 852, HB 900, HB 1034, HB 1217, HB 1486, HB 1527, HB 1603, HB 2102, HB 2188, HB 2194, HB 2442, HB 2800, HB 2879, HB 2969, HB 3137, HB 3310, HB 3414, HB 3536, HB 3708, HB 4034, HB 4082, HB 4510, HB 4835, HB 5202

SENT TO THE GOVERNOR

May 24 - HB 6, HB 63, HB 73, HB 103, HB 207, HB 246, HB 282, HB 291, HB 387, HB 433, HB 587, HB 627, HB 628, HB 639, HB 671, HB 679, HB 697, HB 730, HB 844, HB 891, HB 916, HB 1184, HB 1195, HB 1263, HB 1290, HB 1416, HB 1427, HB 1434, HB 1440, HB 1442, HB 1457, HB 1553, HB 1631, HB 1632, HB 1647, HB 1661, HB 1699, HB 1712, HB 1769, HB 1778, HB 1817, HB 1825, HB 1885, HB 1900, HB 1911, HB 1913, HB 1914, HB 2002, HB 2022, HB 2065, HB 2127, HB 2154, HB 2157, HB 2170, HB 2291, HB 2314, HB 2354, HB 2499, HB 2590, HB 2636, HB 2719, HB 2754, HB 2804, HB 2835, HB 2837, HB 2867, HB 2876, HB 2897, HB 2929, HB 3014, HB 3025, HB 3053, HB 3096, HB 3099, HB 3132, HB 3162, HB 3186, HB 3208, HB 3223, HB 3287, HB 3288, HB 3311, HB 3313, HB 3444, HB 3485, HB 3492, HB 3554, HB 3558, HB 3599, HB 3660, HB 3730, HB 3765, HB 3860, HB 3928, HB 4051, HB 4057, HB 4077, HB 4128, HB 4141, HB 4142, HB 4218, HB 4333, HB 4446, HB 4504, HB 4528, HB 4539, HB 4595, HB 4611, HB 4742, HB 4844, HB 4906, HB 4928, HB 5195, HB 5303, HB 5310, HB 5311, HB 5394, HCR 4, HCR 12, HCR 36, HCR 42, HCR 45, HCR 61, HCR 75, HCR 77, HCR 82, HCR 83, HCR 86

SENT TO THE SECRETARY OF THE STATE

May 24 - HJR 132

RECOMMENDATIONS FILED WITH THE SPEAKER

May 24 - HB 5394, HB 5395, HB 5396, HB 5397

SIGNED BY THE GOVERNOR

May 24 - HB 242, HB 598, HB 609, HB 692, HB 1038, HB 1161, HB 1255, HB 1535, HB 1555, HB 1748, HB 1760, HB 1922, HB 1949, HB 2015, HB 2460, HB 2759, HB 3065, HB 3290, HB 3345, HB 3651, HB 4015

VETOED BY THE GOVERNOR

May 24 - HB 279