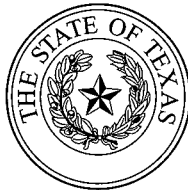


JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
Eighty-Seventh Legislature
OF THE
STATE OF TEXAS

BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 12, 2021



VOLUME V

VOLUME V

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HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-NINTH DAY — SATURDAY, MAY 29, 2021

The house met at 1:33 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1714).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Biedermann; Coleman.

Absent — Beckley; Bowers; Dominguez; Goodwin; Herrero; Hinojosa; Howard; Johnson, J.D.; Martinez Fischer; Meza; Pacheco; Romero; Rosenthal; Thompson, S.

The invocation was offered by Representative Thierry as follows:

Father in heaven, God almighty, creator and maker of all things visible and invisible, we come to you in the spirit of gratitude. Lord, we thank you for protecting us throughout the night and for breathing life into our bodies. Thank you for blessing us with another day and another opportunity to serve our constituents and our great state as you have called us to do according to your will. We thank you for everyone gathered here today, for our families, and for those listening both near and far. We are all your children, and we are confident and grateful that you know each of us by name.

Lord, just as you know our every thought, you know our every trouble. Over the course of this legislative session, we have advocated and debated policies, and during those times of strife and divisiveness, we confess that we have all

fallen short. So we ask you, Lord, to forgive our errors of yesterday so we might walk closer to you today. Let us take heed from the apostle Paul, who wrote to the Ephesians: Let all wrath, anger, and malice be put away. Be kind to one another, tenderhearted, and forgiving one another, even as God, Christ, forgave you.

We pray for healing and restoration. We ask that you would move within our spirits right here and now to mend fences and friendships. If there is any space in our heart that would harbor envy and ambition, we ask that you would replace it with humility and share of credit. We look forward to the ways that you will surprise and amaze us with your faithfulness, reminding us that you have the power to call the things that are not to become the things that are. And there is nothing too hard for the Lord.

Lord, we ask for continued hedge of protection for our speaker and all those in leadership who are challenged with making very difficult decisions. We know that not one of us can further your plans on our own, but together, as a unified body, this house can do magnificent things that are fair and just and in keeping with the teachings of Jesus Christ. And lastly, Lord, in these final days and hours of this legislative session, bless our remaining work and our time together. Guide our reactions through both victory and defeat. Keep us as the apple of your eye and in the comfort of your arms. May our hearts grow more like yours each day. In these things we ask of you, Lord, giving you all the glory, the honor, and the praise. In the sweet name of Jesus, we pray. Amen.

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

LEAVE OF ABSENCE GRANTED

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

Biedermann on motion of Cason.

(Beckley, Goodwin, Hinojosa, and Howard now present)

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Meza and Rosenthal now present)

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 No. 30).

(Guillen in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 107 (by Thierry), Congratulating Toni Middleton Lewis on her retirement from Houston Public Works.

HCR 108 (by Craddick), Commending Rosalind Redfern Grover for her service as chair of the Midland Memorial Foundation Board of Governors.

HCR 109 (by Rodriguez), Honoring the Del Valle Community Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 110 (by Rodriguez), Honoring the Austin Latino Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 111 (by Rodriguez), Honoring Travis County constable George Morales III and his team for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HR 1420 (by Toth, Metcalf, C. Bell, Bailes, and Ashby), Congratulating Congressman Kevin Brady on his retirement from the United States House of Representatives.

HR 1476 (by Holland), Congratulating Micah Wolfe on graduating as valedictorian of the Royse City High School Class of 2021.

HR 1477 (by Holland), Congratulating Dayna Smith on graduating as valedictorian of the Rockwall-Heath High School Class of 2021.

HR 1478 (by Holland), Congratulating Brittani Stirling on graduating as valedictorian of the Rockwall High School Class of 2021.

HR 1479 (by Holland), Congratulating Frank Conselman on his election to the Rockwall Independent School District Board of Trustees.

HR 1480 (by Holland), Congratulating Kevin Fowler on his election as mayor of Rockwall.

HR 1481 (by Schofield), Congratulating Gary Joseph, head coach of the Katy High School football team, on receiving the 2021 Tom Landry Award from the Texas High School Coaches Association.

HR 1482 (by Schofield), Congratulating retired Katy ISD coach Bubba Fife on his receipt of the Be Great Award by the GoBeGreat Foundation.

HR 1483 (by J. González), Congratulating Omar Narvaez on his reelection to the Dallas City Council and recognizing his contributions during Winter Storm Uri and the COVID-19 pandemic.

HR 1484 (by E. Thompson), Recognizing Brazoria County and its residents for their important contributions to the Lone Star State.

HR 1486 (by White), Congratulating Trevor Douglas Veron of Lumberton on attaining the rank of Eagle Scout.

HR 1487 (by Davis), Congratulating television sportscaster Dale Hansen on his retirement from WFAA in Dallas.

HR 1488 (by E. Morales), Congratulating Chief Warrant Officer Three Marlene Angelica Rivera on her retirement from the U.S. Army.

HR 1489 (by Israel), Commending Irving A. Calderon for his service as a policy analyst intern in the office of State Representative Celia Israel.

HR 1490 (by Ramos), Congratulating Jasmine "Jazy" Shevell on earning a master's degree in art history from Boston University.

HR 1494 (by Price), Congratulating Dr. Jud Hicks on his retirement as president of Frank Phillips College.

HR 1495 (by Price), Congratulating Texas Tech University School of Veterinary Medicine on its opening in August 2021.

HR 1496 (by Price), Commending Borger ISD and Frank Phillips College for offering a dual credit program at Borger High School.

HR 1497 (by Price), Congratulating the Panhandle High School girls' and boys' track and field teams on their success at the 2021 UIL Track & Field State Meet.

HR 1498 (by Price), Congratulating Panhandle High School on its third-place finish in the 2A Division of the 2021 University Interscholastic League Lone Star Cup competition.

HR 1499 (by Price), Recognizing September 2021 as Pulmonary Fibrosis Awareness Month.

HR 1500 (by Price), Recognizing September 2022 as Pulmonary Fibrosis Awareness Month.

HR 1501 (by Price), Recognizing September 17, 2021, as Constitution Day.

HR 1502 (by Price), Recognizing September 17, 2022, as Constitution Day.

HR 1503 (by Price), Recognizing September 17, 2021, as National POW/MIA Recognition Day.

HR 1504 (by Price), Recognizing September 16, 2022, as National POW/MIA Recognition Day.

HR 1505 (by Price), Commemorating Gold Star Mother's Day 2021.

HR 1506 (by Price), Commemorating Gold Star Mother's Day 2022.

HR 1507 (by Price), Commemorating the 80th anniversary of the attack on Pearl Harbor.

HR 1508 (by Price), Commemorating the 81st anniversary of the attack on Pearl Harbor.

HR 1509 (by Price), Commemorating the Fourth of July, 2021.

HR 1510 (by Price), Commemorating the Fourth of July, 2022.

HR 1511 (by Price), Recognizing National Glaucoma Awareness Month in January 2022.

HR 1512 (by Buckley), Congratulating Hilary Jacobs Shine on her retirement as executive director of communications for the City of Killeen.

HR 1514 (by Israel), Commending Quynhanh Tran for her service as district director and scheduler in the office of State Representative Celia Israel.

HR 1515 (by A. Johnson), Commending the nurses who serve House District 134 for their inspiring dedication to their work.

HR 1516 (by White), Commending Greyson Thomas Gee for his service as a policy intern in the office of State Representative James White during the 87th Legislative Session.

HR 1517 (by White), Commending Landon L. Self for his service as a legislative intern in the office of State Representative James White.

HR 1518 (by White), Commending Jordan Cooley for her service as a policy analyst in the office of State Representative James White.

HR 1519 (by White), Commending John Alexander for his service as legislative director in the office of State Representative James White.

HR 1520 (by White), Commending Finn Westenhaver for his service as legislative director in the office of State Representative James White.

HR 1521 (by White), Commending Kimberly Cline of Lumberton for her service as community and constituent relations director in the office of State Representative James White.

HR 1522 (by White), Commending Cydnye Robinson for her service as district director in the office of State Representative James White.

HR 1523 (by White), Commending Benjamin Reid Jowers for his service as assistant committee director for the House Homeland Security and Public Safety Committee in the office of State Representative James White.

HR 1524 (by White), Commending Roel Benavides for his service as committee director for the House Homeland Security and Public Safety Committee in the office of State Representative James White.

HR 1525 (by White), Commending Saul Mendoza for his service as chief of staff in the office of State Representative James White.

HR 1526 (by Bucy), Congratulating Emilie Suzanne Vogas and Joseph Lad Vogas of Round Rock on the birth of their son, James Allen Vogas.

HR 1527 (by Bucy), Honoring Dr. Mo Jahadi, D.C., of Cedar Park for his service as president of the Texas Chiropractic Association for 2020-2021.

HR 1530 (by A. Johnson), Paying special tribute to the hospitals within Texas Medical Center.

HR 1532 (by Vo), Commending John Lin for his service as a legislative aide in the office of State Representative Hubert Vo.

HR 1533 (by Vo), Commending Xochitl Ramirez for her service as communications director in the office of State Representative Hubert Vo during the 87th Legislative Session.

HR 1534 (by Vo), Honoring Vicente Sanchez for his service as chief of staff in the office of State Representative Hubert Vo during the 87th Legislative Session.

HR 1535 (by Vo), Commending Codi Nguyen for his service as legislative director to State Representative Hubert Vo.

HR 1536 (by Herrero), Honoring Amistad Community Health Center for its dedicated service to area residents during the COVID-19 pandemic.

HR 1538 (by Murr), Congratulating the Ozona High School girls' powerlifting team on its performance at the 2021 THSWPA state meet.

HR 1539 (by Murr), Congratulating the Ozona High School boys' powerlifting team on its performance at the 2021 THSPA state meet.

HR 1540 (by Murr), Congratulating Raleygh Simpson of Tivy High School on her participation in the 2021 UIL Golf State Tournament.

HR 1541 (by Murr), Congratulating the Ozona High School girls' 4x100-meter relay team on participating in the 2021 UIL Track & Field State Meet.

HR 1542 (by Murr), Congratulating the Llano Senior High School boys' golf team on its participation in the 2021 UIL Golf State Tournament.

HR 1543 (by Murr), Congratulating the members of the Llano High School boys' 4x200- and 4x100-meter relay teams on their performances at the 2021 UIL Track & Field State Meet.

HR 1544 (by Murr), Congratulating the Llano High School girls' 4x400-meter relay team on participating in the 2021 UIL Track & Field State Meet.

HR 1545 (by Murr), Congratulating Gwyn Burnett of Llano High School on participating in the 2021 UIL Track & Field State Meet.

HR 1546 (by Murr), Congratulating Jackson Turner on his performance in the 3A social studies contest at the 2021 UIL Academic State Meet.

HR 1547 (by Schofield), Commending Katie Hamilton for her service as a legislative intern in the office of State Representative Mike Schofield.

HR 1548 (by Israel), Commending Justin Perez for his service to the Texas Legislature.

HR 1549 (by Israel), Commending Abby Springs for her service as a communications and administrative aide in the office of State Representative Celia Israel.

HR 1550 (by T. King), Congratulating Christian Cainan Rattler of Knippa High School on winning a gold medal at the 2021 UIL Track & Field State Meet.

HR 1551 (by White), Congratulating William Boyce of Onalaska High School on winning three gold medals at the 2021 UIL Track & Field State Meet.

HR 1552 (by Price), Congratulating Amarillo College mass media students on winning 36 awards at the 2021 Texas Intercollegiate Press Association Convention.

HR 1553 (by Price), Congratulating West Texas A&M University on winning the national championship at the 2020 Meat Science Quiz Bowl.

HR 1554 (by Price), Congratulating the West Texas A&M University horse judging team on winning top honors at the 2020 AQHA World Championship Show.

HR 1555 (by Price), Congratulating the West Texas A&M University rodeo team on its successful season in 2021.

HR 1556 (by Herrero), Congratulating Dorian Joshua Resendez on graduating as salutatorian of the Class of 2021 at Banquete High School.

HR 1557 (by Herrero), Congratulating Benjamin Patrick Martinez on graduating as salutatorian of the Class of 2021 at Veterans Memorial High School in Corpus Christi.

HR 1558 (by Herrero), Congratulating Mia Angelica Tey on graduating as salutatorian of the Class of 2021 at Richard King High School in Corpus Christi.

HR 1559 (by Herrero), Congratulating Ta'Leigha Leondria Johnson on graduating as salutatorian of the Class of 2021 at West Oso High School in Corpus Christi.

HR 1560 (by Herrero), Congratulating Savannah Hinojosa on graduating as salutatorian of the Class of 2021 at Robstown Early College High School.

HR 1561 (by Herrero), Congratulating Cassandra Anel Araiza on graduating as salutatorian of the Class of 2021 at Roy Miller High School in Corpus Christi.

HR 1562 (by Herrero), Congratulating Alexandria Leigh Adame on graduating as salutatorian of the Class of 2021 at Bishop High School.

HR 1563 (by Herrero), Congratulating Joanna Flores on graduating as salutatorian of the Class of 2021 at Agua Dulce High School.

HR 1564 (by Herrero), Congratulating Julian Figueroa Jr. on graduating as salutatorian of the Class of 2021 at W. B. Ray High School in Corpus Christi.

HR 1565 (by Herrero), Congratulating Jose Servando Orta Jr. on graduating as salutatorian of the Class of 2021 at Mary Carroll High School in Corpus Christi.

HR 1566 (by Herrero), Congratulating Debtanu Bhattacharya on graduating as salutatorian of the Class of 2021 at Calallen High School in Corpus Christi.

HR 1567 (by Herrero), Congratulating Kylie Suggs on graduating as salutatorian of the Class of 2021 at London High School in Corpus Christi.

HR 1568 (by Herrero), Congratulating Charles Timblin Flood on graduating as salutatorian of the Class of 2021 at Incarnate Word Academy High School in Corpus Christi.

HR 1569 (by Herrero), Congratulating Maxine Martinez on graduating as salutatorian of the Class of 2021 at Harold T. Branch Academy in Corpus Christi.

HR 1570 (by Herrero), Congratulating Jennifer Zhao Xac on graduating as salutatorian of the Class of 2021 at Tuloso-Midway High School in Corpus Christi.

HR 1571 (by Herrero), Congratulating Shameka Ayesha Fatima Cobb on graduating as salutatorian of the Class of 2021 at Collegiate High School in Corpus Christi.

HR 1572 (by Herrero), Congratulating Haylie Jade Montemayor on graduating as valedictorian of the Class of 2021 at Banquete High School.

HR 1573 (by Herrero), Congratulating Milan Vivek Maheswari on graduating as valedictorian of the Class of 2021 at Richard King High School in Corpus Christi.

HR 1574 (by Herrero), Congratulating Sriya Sai Chekuri on graduating as valedictorian of the Class of 2021 at Veterans Memorial High School in Corpus Christi.

HR 1575 (by Herrero), Congratulating Jasmine Amyah Mendoza on graduating as valedictorian of the Class of 2021 at West Oso High School in Corpus Christi.

HR 1576 (by Herrero), Congratulating Izabella Marie Luera on graduating as valedictorian of the Class of 2021 at Bishop High School.

HR 1577 (by Herrero), Congratulating Isaac Lemus on graduating as valedictorian of the Class of 2021 at Robstown Early College High School.

HR 1578 (by Herrero), Congratulating Hayden Matthew Beets on graduating as valedictorian of the Class of 2021 at Agua Dulce High School.

HR 1579 (by Herrero), Congratulating Faith Hongzhe Willis on graduating as valedictorian of the Class of 2021 at Harold T. Branch Academy in Corpus Christi.

HR 1580 (by Herrero), Congratulating Rylee Jayne King on graduating as valedictorian of the Class of 2021 at Tuloso-Midway High School in Corpus Christi.

HR 1581 (by Herrero), Congratulating Xochitl Torres on graduating as valedictorian of the Class of 2021 at Collegiate High School in Corpus Christi.

HR 1582 (by Herrero), Congratulating Diamond Raye Benavidez-Barrera on graduating as valedictorian of the Class of 2021 at Roy Miller High School in Corpus Christi.

HR 1583 (by Herrero), Congratulating Jenna Grace Carr on graduating as valedictorian of the Class of 2021 at Calallen High School in Corpus Christi.

HR 1584 (by Herrero), Congratulating Catherine Mandee Thomas on graduating as valedictorian of the Class of 2021 at Incarnate Word Academy High School in Corpus Christi.

HR 1585 (by Herrero), Congratulating Matthew Sun on graduating as valedictorian of the Class of 2021 at London High School in Corpus Christi.

HR 1586 (by Herrero), Congratulating Layla Michelle Villarreal on graduating as valedictorian of the Class of 2021 at Mary Carroll High School in Corpus Christi.

HR 1587 (by Herrero), Congratulating Tina Li on graduating as valedictorian of the Class of 2021 at W. B. Ray High School in Corpus Christi.

HR 1588 (by Price), Congratulating Citlali Botello for being named the 2021 Outstanding Student at Amarillo College Moore County Campus.

HR 1589 (by Neave), Honoring Sharing Life on the occasion of its 2021 UNGala.

HR 1590 (by Neave), Congratulating the All-District honorees from the Mesquite High School girls' soccer team.

HR 1591 (by Neave), Congratulating the All-District honorees from the North Mesquite High School girls' soccer team.

HR 1592 (by Neave), Congratulating the All-District honorees from the Horn High School girls' soccer team.

HR 1593 (by Neave), Congratulating the All-District honorees from the West Mesquite High School girls' soccer team.

HR 1594 (by Neave), Congratulating the All-District honorees from the 2020-2021 Poteet High School girls' soccer team.

HR 1595 (by Price), Congratulating Jillian Howell of Bushland High School on winning a gold medal in the 3A shot put at the 2021 UIL Track & Field State Meet.

HR 1596 (by Price), Congratulating Kash Bradley of Bushland High School on winning a bronze medal at the 2021 UIL Track & Field State Meet.

HR 1597 (by Price), Congratulating the Dumas High School boys' 4x400-meter relay team on winning a bronze medal at the 2021 UIL Track & Field State Meet.

HR 1598 (by Price), Congratulating the Dumas High School boys' and girls' wrestling teams on their success during the 2021 season.

HR 1599 (by Price), Congratulating Ella Strickland of Sunray High School on winning a gold medal in the 2A pole vault at the 2021 UIL Track & Field State Meet.

HR 1600 (by Price), Congratulating Payton Berry of Stratford High School on winning a silver medal in the 2A girls' competition at the 2021 University Interscholastic League Golf State Tournament.

HR 1601 (by Price), Congratulating Rese Schoonover of Stratford High School on winning two silver medals at the 2021 UIL Track & Field State Meet.

HR 1602 (by Price), Congratulating Hunter Warminski of White Deer High School on winning two silver medals at the 2021 UIL Track & Field State Meet.

HR 1603 (by Price), Recognizing November 2021 as American Diabetes Month.

HR 1604 (by Price), Recognizing November 2022 as American Diabetes Month.

HR 1605 (by Price), Commemorating National Rural Health Day in Texas on November 18, 2021.

HR 1606 (by Price), Commemorating National Rural Health Day in Texas on November 17, 2022.

HR 1607 (by Price), Commemorating Christmas 2021.

HR 1608 (by Price), Commemorating Christmas 2022.

HR 1609 (by Price), Commemorating Easter 2022.

HR 1610 (by Price), Recognizing April 2022 as National Donate Life Month.

HR 1611 (by Price), Recognizing May 2022 as National Mental Health Month.

HR 1612 (by Price), Commemorating Texas Independence Day 2022.

HR 1613 (by Wu), Congratulating Acsa Hernandez on graduating as valedictorian of the Class of 2021 at Jane Long Academy.

HR 1614 (by Wu), Congratulating Emely Reyes on graduating as valedictorian of the Class of 2021 at Jane Long Academy.

HR 1615 (by Wu), Congratulating Guadalupe Cruz on graduating as valedictorian of the Class of 2021 at Middle College High School at HCC Gulfton.

HR 1616 (by Wu), Congratulating Francis Dominic Sadaya on graduating as salutatorian of the Class of 2021 at Middle College High School at HCC Gulfton.

HR 1617 (by Wu), Congratulating Marlin Santos on graduating as valedictorian of the Class of 2021 at Sharpstown High School.

HR 1618 (by Wu), Congratulating Aqsa Amjad on graduating as salutatorian of the Class of 2021 at Sharpstown High School.

HR 1619 (by Wu), Congratulating Devin Guevara on graduating as valedictorian of the Class of 2021 at Sharpstown International School.

HR 1620 (by Wu), Congratulating Don Nguyen on graduating as salutatorian of the Class of 2021 at Sharpstown International School.

HR 1621 (by Wu), Congratulating Elhadji Toure on graduating as valedictorian of the Class of 2021 at Margaret Long Wisdom High School.

HR 1622 (by Wu), Congratulating Ricardo Trinh on graduating as salutatorian of the Class of 2021 at Margaret Long Wisdom High School.

HR 1623 (by Wu), Congratulating Emily Moon on graduating as valedictorian of the Class of 2021 at Texas Connections Academy at Houston.

HR 1624 (by Wu), Congratulating Anna Elisa Asako on graduating as salutatorian of the Class of 2021 at Texas Connections Academy at Houston.

HR 1625 (by Wu), Congratulating Mariel Almazan on graduating as valedictorian of the Class of 2021 at YES Prep Gulfton.

HR 1626 (by Wu), Congratulating Carlos Hernandez on graduating as salutatorian of the Class of 2021 at YES Prep Gulfton.

HR 1627 (by Wu), Congratulating Mahilet Arega Tefera on graduating as valedictorian of the Class of 2021 at Liberty High School in Houston.

HR 1628 (by Wu), Congratulating Zamured Yaser Aboob Alazzawi on graduating as salutatorian of the Class of 2021 at Liberty High School in Houston.

HR 1629 (by Fierro), Honoring athletes Aaron and Alvin Jones for their service to the El Paso community.

HR 1630 (by Fierro), Congratulating Oscar Leaser on his reelection as mayor of El Paso.

HR 1631 (by Fierro), Congratulating Aleksandra Annello on her reelection to the El Paso City Council.

HR 1632 (by Fierro), Congratulating Cassandra Hernandez on her reelection to the El Paso City Council.

HR 1633 (by Fierro), Congratulating Joe Molinar on his election to the El Paso City Council.

HR 1634 (by Fierro), Congratulating Henry Rivera on his reelection to the El Paso City Council.

HR 1635 (by Fierro), Congratulating Iliana Holguin on her election to the El Paso County Commissioners Court.

HR 1636 (by Fierro), Congratulating Cruz A. Ochoa Jr. on being reelected to the Ysleta ISD Board of Trustees.

HR 1637 (by Fierro), Congratulating Carlos Bustillos on being reelected to the Ysleta ISD Board of Trustees.

HR 1638 (by Fierro), Congratulating Shane Haggerty on being reelected to the Ysleta ISD Board of Trustees.

HR 1639 (by Fierro), Congratulating Kathryn R. Lucero on being reelected to the Ysleta ISD Board of Trustees.

HR 1640 (by Fierro), Congratulating Leah Hanany on being elected to the El Paso ISD Board of Trustees.

HR 1641 (by Fierro), Congratulating Josh Acevedo on being reelected to the El Paso ISD Board of Trustees.

HR 1642 (by Fierro), Congratulating Isabel Hernandez on being elected to the El Paso ISD Board of Trustees.

HR 1643 (by Fierro), Congratulating Cynthia Ann Najera on being reelected to the Socorro ISD Board of Trustees.

HR 1644 (by Fierro), Congratulating Ricardo Castellano on being elected to the Socorro ISD Board of Trustees.

HR 1645 (by Fierro), Congratulating Paul Guerra on being reelected to the Socorro ISD Board of Trustees.

HR 1646 (by Fierro), Congratulating Pablo A. Barrera on being elected to the Socorro ISD Board of Trustees.

HR 1647 (by Fierro), Congratulating Michael A. Najera on being appointed to the Socorro ISD Board of Trustees.

HR 1649 (by E. Morales), Congratulating the Amistad Eagle All-Stars Purple Reign cheerleading team on winning the 2021 D2 Summit National Championship.

HR 1651 (by Sanford), Congratulating the McKinney High School girls' lacrosse team on winning the 2021 TGHSLL Division 2 state championship.

HR 1652 (by Hunter), Honoring Donald J. Dunlap of Corpus Christi for his 50 years of service to his community.

HR 1660 (by Sherman), Commending Melissa Bradford for her service as chief of staff in the office of State Representative Carl O. Sherman Sr.

HR 1661 (by Sherman), Commending Rita Cook for her service as policy advocacy director in the office of State Representative Carl O. Sherman.

HR 1662 (by Sherman), Commending Ernest Clark III for his service as communication director in the office of State Representative Carl O. Sherman.

HR 1663 (by Sherman), Commending LaVonda Russell for her service as legislative director in the office of State Representative Carl O. Sherman.

HR 1665 (by Sherman), Commending Irma Scholes for her service as district director in the office of State Representative Carl O. Sherman.

HR 1666 (by Sherman), Congratulating Dona Mitchell of Lancaster ISD on completing the National Dropout Prevention Specialist certification program.

HR 1667 (by Murr), Congratulating Lexi Harrel and Shayna Meek of Kerrville Tivy High School on earning bronze medals at the 2021 UIL Tennis State Tournament.

HR 1669 (by E. Morales), Congratulating the Fitzsimons and Howard families on their receipt of the 2021 Lone Star Land Steward Leopold Conservation Award by the Texas Parks and Wildlife Department.

HR 1670 (by E. Morales), Congratulating the Kelly W. Walker family on their receipt of a 2021 Lone Star Land Steward Ecoregion Award by the Texas Parks and Wildlife Department.

HR 1671 (by E. Morales), Congratulating Katherine Jane Moore Crittendon and Lynn H. Crittendon on their receipt of a 2021 Lone Star Land Steward Ecoregion Award by the Texas Parks and Wildlife Department.

HR 1672 (by Martinez), Honoring the members of Tejanas Unidas En Cristo for their musical contributions.

HR 1673 (by Price), Commemorating 2021 Dogie Days sponsored by the Dumas Noon Lions Club.

HR 1674 (by Price), Commemorating Patriot Day 2021.

HR 1675 (by Price), Commemorating Patriot Day 2022.

HR 1676 (by Price), Congratulating Dakota Ringo on his performance in the 2A computer applications contest at the 2021 UIL Academic State Meet.

HR 1677 (by Price), Congratulating Tatum Boyer of West Texas High School in Stinnett on her performance in the headline writing and copy editing events at the 2021 2A UIL Academic State Meet.

HR 1678 (by Price), Congratulating Clint Maurer on his performance in the 2A social studies contest at the 2021 UIL Academic State Meet.

HR 1679 (by Price), Commemorating the dedication of the Charles W. "Doc" Graham '53 DVM, The Texas A&M University System Center on the campus of West Texas A&M University.

HR 1680 (by Fierro), Congratulating Congressman Silvestre & Carolina Reyes Elementary School in Canutillo ISD on receiving the Texas Purple Star Campus Designation from the Texas Education Agency.

HR 1681 (by Fierro), Congratulating Dr. Lawrence A. Nixon Elementary School in El Paso ISD on receiving the Texas Purple Star Campus Designation from the Texas Education Agency.

HR 1682 (by Price), Congratulating Dr. Trudy Hanson on her retirement from West Texas A&M University.

HR 1683 (by Price), Congratulating Amarillo College on receiving a Rising Star award from the Aspen Institute.

HR 1684 (by Price), Congratulating the West Texas A&M University chapter of the National Broadcasting Society on winning numerous awards in the 2021 National Undergraduate Student Electronic Media Competition.

HR 1685 (by Price), Recognizing April 2022 as Distracted Driving Awareness Month in Texas.

HR 1686 (by Price), Commemorating Father's Day on June 20, 2021.

HR 1687 (by Price), Commemorating Father's Day on June 19, 2022.

HR 1688 (by Price), Congratulating the Amarillo College Communications and Marketing Department on its exemplary performance at the 36th Annual Educational Advertising Awards.

HR 1689 (by Neave), Congratulating Latwanna Clark and her daughter, Kay Clark, on the opening of their bakery, Kay's Cookiez, in Mesquite.

HR 1690 (by Neave), Congratulating Montserrat Garibay on her appointment as senior advisor for labor relations in the Office of the Secretary of the United States Department of Education.

HR 1691 (by Neave), Congratulating Kendrick Smallwood of Poteet High School in Mesquite for winning two gold medals at the 2021 UIL Track & Field State Meet.

HR 1692 (by Dean), Congratulating Isaac Adams of Christian Heritage Classical School on winning the 1A individual title at the 2021 TAPPS Golf Championship tournament.

HR 1693 (by Dean), Congratulating the Longview Christian Heritage Classical School girls' golf team on winning the 1A title at the 2021 TAPPS Golf Championship tournament.

HR 1694 (by Dean), Congratulating the boys' golf team from Christian Heritage Classical School in Longview on winning the 1A title at the 2021 TAPPS Golf Championship tournament.

HR 1698 (by Herrero), Congratulating Lynn Hartnett on her retirement from W. B. Ray High School in Corpus Christi ISD.

HR 1702 (by Neave), Congratulating the Poteet High School boys' 4x400-meter relay team on finishing third at the District 13-14 5A area championship.

HR 1703 (by Neave), Congratulating Charles Demmings of Horn High School on winning a bronze medal at the 2021 UIL Track & Field State Meet.

HR 1704 (by Neave), Congratulating Cameron Boger of Mesquite High School on winning a bronze medal at the 2021 UIL Track & Field State Meet.

HR 1705 (by A. Johnson), Congratulating Dr. James A. McSwain on his retirement from the Houston Independent School District.

HR 1707 (by Fierro), Congratulating Ivy Avalos on her election as the City of Socorro Mayor.

HR 1708 (by Fierro), Congratulating Ruben Reyes on his election to the Socorro City Council.

HR 1709 (by Fierro), Congratulating Yvonne Colon-Villalobos on her election to the Socorro City Council.

HR 1710 (by Price), Congratulating the wrestlers from Tascosa High School in Amarillo on their performances at the 2021 UIL Wrestling State Tournament.

HR 1711 (by Fierro), Congratulating Walter L. Miller on his election to the Horizon City Council.

HR 1712 (by Fierro), Congratulating Scott Quiroz on his election to the Horizon City Council.

HR 1713 (by Fierro), Congratulating Andres Renteria on his election to the Horizon City Council.

HR 1714 (by Fierro), Congratulating Rafael Padilla Jr. on his election to the Horizon City Council.

HR 1715 (by Fierro), Congratulating Benjamin Romero Jr. on his election as mayor of Anthony.

HR 1716 (by Fierro), Congratulating Jose Garcia on his election to the Anthony Town Council.

HR 1717 (by Fierro), Congratulating Shawn Weeks on his election to the Anthony Town Council.

HR 1719 (by Israel), Congratulating Taryn Feigen on her promotion to chief of staff in the office of State Representative Celia Israel.

HR 1720 (by Lucio), Honoring the Community Historical Archaeology Project with Schools program on its receipt of the 2020 Governor's Award for Historic Preservation.

HR 1722 (by Herrero), Congratulating Rachel Beavers of Windsor Park Elementary School on being named the 2020-2021 Elementary Teacher of the Year in Corpus Christi ISD.

HR 1724 (by Kacal), Commemorating the 150th anniversary of Groesbeck.

HR 1725 (by Neave), Congratulating Dustin Chris Ruiz on graduating as salutatorian of the Class of 2021 at Mesquite High School.

HR 1726 (by Neave), Congratulating Maria Herrera on graduating as valedictorian of the Class of 2021 at Mesquite High School.

HR 1727 (by Neave), Congratulating Lonna Jackson on being named assistant dean of Vanguard High School in Mesquite ISD.

HR 1728 (by Neave), Congratulating Brittany Castleberry of Vernon Price Elementary School on her selection as the 2021 Mesquite ISD Elementary Teacher of the Year.

HR 1729 (by Neave), Congratulating Chandra Courtney of Mesquite High School on her selection as the 2021 Mesquite ISD Secondary Teacher of the Year.

HR 1730 (by Neave), Congratulating Dr. Ángel Rivera on his appointment as deputy superintendent of the Mesquite Independent School District.

HR 1731 (by Neave), Congratulating Mackenzie Amaya of Woodrow Wilson High School in Dallas on being named a 2021 Star Scholar.

HR 1732 (by Neave), Congratulating Abiel Quinonez on graduating as valedictorian of the Class of 2021 at North Mesquite High School.

HR 1733 (by Neave), Congratulating Melissa Andrea Arbizu Ovando on graduating as salutatorian of the Class of 2021 at North Mesquite High School.

HR 1734 (by Neave), Congratulating Heherson Garcia on graduating as valedictorian of the Class of 2021 at Poteet High School.

HR 1735 (by Neave), Congratulating Hannah Weaver on graduating as salutatorian of the Class of 2021 at Poteet High School.

HR 1736 (by Neave), Congratulating Ayishat Omobonike Shadare on graduating as valedictorian of the Class of 2021 at Horn High School in Mesquite.

HR 1737 (by Neave), Congratulating Haniston Paige Holloway on graduating as salutatorian of the Class of 2021 at Horn High School in Mesquite.

HR 1738 (by Neave), Congratulating Kenya Lyzbeth Romero Gonzalez on graduating as valedictorian of the Class of 2021 at West Mesquite High School.

HR 1739 (by Neave), Congratulating Ashley Rivera on graduating as salutatorian of the Class of 2021 at West Mesquite High School.

HR 1740 (by Neave), Congratulating Ruby Shear of Dallas on the occasion of her high school graduation.

HR 1741 (by Kacal, Raney, Ashby, Price, et al.), Congratulating Dr. M. Katherine Banks on her appointment as the new president of Texas A&M University.

HR 1743 (by Price), Recognizing February 2022 as American Heart Month in Texas.

HR 1744 (by Allen), Honoring the Intercultural Development Research Association and the inaugural cohort of its Education Policy Fellows Program.

HR 1745 (by Dutton), Congratulating Mary D. Fontenot on being named the Outstanding Texan for House District 142 at the 2021 Texas Legislative Black Caucus Summit.

HR 1747 (by A. Johnson), Congratulating Harmony School of Science-Houston on being named a 2021 National School of Character by Character.org.

HR 1748 (by Oliverson), Commemorating the 2021 We Got Their Back to Back Cook-Off in Tomball.

HR 1749 (by Oliverson), Congratulating Ben and Betty Dolezal of Houston on their 50th wedding anniversary.

HR 1750 (by Reynolds), Congratulating Bishop James W. E. Dixon II on his election as president of the NAACP Houston Branch.

HR 1751 (by Reynolds), Congratulating Millard House II on his appointment as superintendent of the Houston Independent School District.

HR 1752 (by Reynolds), Congratulating Dr. Roosevelt Nivens II on his new role as the superintendent of Lamar Consolidated ISD.

HR 1754 (by Wu), Congratulating Chi Cap on graduating as valedictorian of the Alief Early College High School Class of 2021.

HR 1755 (by Wu), Congratulating Emmanuella Mbajiofor on graduating as salutatorian of the Class of 2021 of Alief Early College High School in Houston.

HR 1756 (by Wu), Congratulating Beth Athaide on being named the valedictorian of the Class of 2021 at St. Agnes Academy in Houston.

HR 1757 (by Wu), Congratulating Lily deGroot on being named the salutatorian of the Class of 2021 at St. Agnes Academy in Houston.

HR 1758 (by E. Morales), Commending Ann Jacobo for her service as legislative director in the office of State Representative Eddie Morales Jr. during the 87th Legislative Session.

HR 1759 (by Rosenthal), Congratulating Lieutenant Colonel Justin Elliott on his appointment as commander of the U.S. Air Force Thunderbirds.

HR 1762 (by T. King), Congratulating Ruben Garcia and Maria Naomi Garcia of Laredo on their 61st wedding anniversary.

HR 1763 (by Fierro), Congratulating the members of the senior intern class at Burnham Wood Charter Schools in El Paso on their graduation in 2021.

HR 1764 (by Collier), Congratulating Smoke-A-Holics BBQ in Fort Worth on its success.

HR 1765 (by Collier), Honoring Southeast Fort Worth, Inc., for its efforts in behalf of the community.

HR 1766 (by Price), Commemorating Thanksgiving 2021.

HR 1767 (by Price), Commemorating Thanksgiving 2022.

HR 1769 (by Ramos), Congratulating the Richardson High School boys' basketball team on advancing to the semifinals of the 2021 UIL 6A state tournament.

HR 1770 (by T. King), Congratulating John E. "Jack" Lampe on his retirement from Southwest Texas Junior College.

HR 1771 (by E. Morales), Commending Daniel A. Arizpe for his service as a Fellow of the Moreno/Rangel Legislative Leadership Program and as communications director in the office of State Representative Eddie Morales Jr.

HR 1772 (by Canales, Guillen, Martinez, Lucio, et al.), Commending the participants in the Rio Grande Valley Legislative Internship Program during the 87th Session.

HR 1773 (by Price), Congratulating Ali Friemel of Groom High School on winning a bronze medal at the 2021 UIL Tennis State Tournament.

HR 1774 (by Price), Congratulating the girls' 4x100-meter relay team of Bushland High School on winning a bronze medal at the 2021 UIL Track & Field State Meet.

HR 1775 (by E. Morales), Commending Rachel Eleniss for her service as a legislative aide in the office of State Representative Eddie Morales Jr. during the 87th Legislative Session.

HR 1776 (by E. Morales), Commending William Jacob Ayers-Briseno for his service as a legislative aide in the office of State Representative Eddie Morales Jr. during the 87th Legislative Session.

HR 1777 (by Davis), Commending Nibia Vickers for her service as a legislative intern in the office of State Representative Yvonne Davis during the 87th Legislative Session.

HR 1778 (by Collier), Recognizing Southside Community Garden for its important work in the Fort Worth 76104 area.

HR 1781 (by Price), Congratulating Anthony Haiduk and Ashlynn Howell for being named finalists at the 2020 National FFA Agriscience Fair.

HR 1783 (by E. Morales), Congratulating Frank and Martha Mendoza on the expansion of their McDonald's franchises in South Central Texas.

HR 1784 (by Smithee), Congratulating the West Texas A&M University men's basketball team on advancing to the 2021 NCAA Division II championship game.

HR 1786 (by Metcalf), Commending Anna Newell for her service as a committee clerk in the office of State Representative Will Metcalf during the 87th Legislative Session.

HR 1787 (by Metcalf), Commending Robert Moncada for his service as a legislative aide in the office of State Representative Will Metcalf during the 87th Legislative Session.

HR 1788 (by Metcalf), Commending Daniel Giese for his service as chief of staff in the office of State Representative Will Metcalf during the 87th Legislative Session.

HR 1789 (by Herrero), Congratulating Candace Rodriguez of Seale Junior High School on her selection as the 2021 Secondary Teacher of the Year in the Robstown Independent School District.

HR 1790 (by Herrero), Congratulating Melinda Venecia of Ortiz Intermediate School on her selection as the 2021 Elementary Teacher of the Year in the Robstown Independent School District.

HR 1791 (by Herrero), Congratulating Martha Martinez on her selection as the 2021 Teacher of the Year at Robert Driscoll Elementary School in the Robstown Independent School District.

HR 1792 (by Herrero), Congratulating Maria Garcia on her selection as the 2021 Teacher of the Year at Lotspeich Elementary School in the Robstown Independent School District.

HR 1793 (by Herrero), Congratulating Tracy Ramirez on her selection as the 2021 Teacher of the Year at San Pedro Elementary School in the Robstown Independent School District.

HR 1794 (by Herrero), Congratulating Luisa White of Foy H. Moody High School on being named the 2020-2021 Secondary Teacher of the Year in Corpus Christi ISD.

HR 1796 (by Guillen), Congratulating Gregorio González of Roma on his 100th birthday.

HR 1797 (by Shine), Commending Pastor Elwyn Johnston and ReGina Johnston for 30 years of service to Bethel Church in Temple.

HR 1798 (by Shine), Congratulating Lizette Wong of Temple on her receipt of the Girl Scout Gold Award.

HR 1799 (by Shine), Congratulating Cassandra Williams of Belton on her receipt of the Girl Scout Gold Award.

HR 1800 (by Shine), Honoring the Sulak family for its stewardship of Tom Sefcik Hall in Seaton.

HR 1801 (by Shine), Commemorating the 120th anniversary of the founding of the RVOS Farm Mutual Insurance Company in Bell County.

HR 1803 (by Collier), Honoring the contributions of TaKiyah Wallace-McMillian and Brown Girls Do Ballet.

HR 1805 (by Toth), Congratulating The Woodlands College Park High School girls' golf team on its participation in the 2021 UIL Golf State Tournament.

HR 1806 (by Toth), Congratulating Zac Winton of The John Cooper School in The Woodlands on his admission to the U.S. Military Academy at West Point.

HR 1807 (by Toth), Congratulating Ben DeLoit of The John Cooper School in The Woodlands on his admission to the U.S. Military Academy at West Point.

HR 1808 (by Lopez), Congratulating Coach Leila Lockett on her selection as the 2018-2019 Teacher of the Year for E. T. Wrenn Middle School in San Antonio.

HR 1809 (by Goldman), Congratulating Zachary Jacobus of R. L. Paschal High School in Fort Worth on earning the gold medal in chemistry at the 2021 UIL 6A Academic State Meet.

HR 1810 (by Dutton), Honoring the Marlin Independent School District for its service to the community.

HR 1812 (by Price), Congratulating the Panhandle High School boys' golf team on winning the 2A bronze medal at the 2021 UIL Golf State Tournament.

HR 1813 (by Neave), Congratulating Dr. Joe May on his retirement as chancellor of Dallas College.

HR 1814 (by Anderson), Congratulating William David Lacy of Waco on his induction into the Texas Bankers Hall of Fame.

HR 1816 (by Gervin-Hawkins), Honoring Charles E. Williams Sr. of San Antonio for his contributions to the community.

HR 1817 (by Kacal), Congratulating Terra and Judson Willett of Austin on the birth of their daughter, Macy Kay Willett.

SCR 55 (Guillen - House Sponsor), Congratulating the Brownsfield High School Lady Cubs for winning the Class 3A University Interscholastic League basketball state championship title.

SCR 56 (Guillen - House Sponsor), Recognizing Lubbock Meals on Wheels on its 50th anniversary.

SCR 57 (Guillen - House Sponsor), Recognizing the Lubbock High School girls' swimming and diving team in winning the University Interscholastic League Class 5A state championship title.

SCR 58 (Guillen - House Sponsor), Recognizing the Lubbock Christian University women's basketball team for winning a national championship.

The resolutions were adopted.

(Romero now present)

LEAVE OF ABSENCE GRANTED

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

Herrero on motion of Hunter.

CONGRATULATORY AND MEMORIAL CALENDAR (consideration continued)

The following memorial resolutions were laid before the house:

HR 1485 (by Wu), In memory of Huy Quang Luong of Houston.

HR 1491 (by C. Morales), In memory of residents of House District 145 who died of COVID-19.

HR 1492 (by C. Morales), In memory of the more than 50,000 people who died from COVID-19 in the State of Texas.

HR 1513 (by Spiller), In memory of Brian Wesley Portugal of Richardson.

HR 1528 (by Howard), In memory of Roger Caldwell Bailey.

HR 1529 (by Howard), In memory of Joanna J. Heffington Nelson of Austin.

HR 1537 (by Herrero), In memory of Jimmie Lewel Armstead of Corpus Christi.

HR 1648 (by Howard), In memory of Bridget Hood Anderson of Austin.

HR 1650 (by Vasut), In memory of Brent Paul Marceaux of Bay City.

HR 1653 (by Sanford), In memory of Cynthia Kincannon Merritt of Allen.

HR 1654 (by Sanford), In memory of Kevork "George" Harutiun Nazarian of McKinney.

HR 1655 (by Sanford and Noble), In memory of Terry Paul Busker of Lavon.

HR 1656 (by Sanford), In memory of Ray Pace of McKinney.

HR 1657 (by Sanford), In memory of James Kemp of McKinney.

HR 1658 (by Sanford), In memory of Doris Pierce Harbor of McKinney.

HR 1659 (by Sanford), In memory of Timothy James Schroeder of McKinney.

HR 1664 (by E. Morales), In memory of Officer Santos Hernandez of the Eagle Pass ISD Police Department.

HR 1695 (by Guillen), In memory of Sergeant Dale Edward Multer of the Travis County Precinct 5 Constable Office.

HR 1696 (by Murphy), In memory of Julian Mark Bott of Houston.

HR 1697 (by Herrero), In memory of Enrique Espinoza Caballero of Robstown.

HR 1699 (by Herrero), In memory of Clarice Aycock Tipton of Robstown.

HR 1700 (by Herrero), In memory of Elsa L. Hernandez of Corpus Christi.

HR 1706 (by Sanford, Noble, Leach, Shaheen, and Holland), In memory of Collin County Constable-Elect Mike Vance.

HR 1718 (by Minjarez), In memory of Senovia Ollervidez Gomez of San Antonio.

HR 1721 (by Herrero), In memory of Maria R. Torres of Corpus Christi.

HR 1723 (by Dutton), In memory of Eddie Marie Bailey Virgil of Freeport.

HR 1742 (by Price), In memory of Jerry Lynn Strawn of Panhandle.

HR 1746 (by Dutton), In memory of Judy A. Guidry of Houston.

HR 1753 (by Reynolds), In memory of Trey Edward Thomas of Fresno.

HR 1760 (by Clardy), In memory of Avery Alderman Rhodes of Nacogdoches.

HR 1761 (by Rosenthal), In memory of Lones Frank Cook of Stillwater, Oklahoma.

HR 1768 (by Sanford and Noble), In memory of Collin County Detention Officer Joseph Francis Quillen Jr.

HR 1780 (by Sherman), In memory of Lancaster High School teacher Evonna Shameil Stewart.

HR 1782 (by Price), In memory of Antonio "Coach" Murga of Dumas.

HR 1785 (by Guillen), In memory of Inez and Raul L. Hinojosa.

HR 1795 (by Guillen), In memory of retired U.S. Navy captain Alan Earl Bentz of Poteet.

HR 1802 (by Shine), In memory of Thomas Gerald Stone of Temple.

HR 1804 (by Toth), In memory of Thomas R. Early of The Woodlands.

HR 1811 (by Herrero), In memory of Rene Daniel Rodriguez of Corpus Christi.

HR 1815 (by Smithee), In memory of former state representative Tony James Goolsby of Dallas.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Guillen moved to set a congratulatory and memorial calendar for 10 a.m. Monday, May 31.

The motion prevailed.

MOTION IN WRITING RULES SUSPENDED

Representative Guillen offered the following motion in writing:

Mr. Speaker:

I move to suspend Rule 6, Section 11, to authorize the Committee on Resolutions Calendars to prepare and post the Congratulatory and Memorial Resolutions Calendar set for Monday, May 31, not later than 10 p.m. Sunday, May 30.

Guillen

The motion was read and prevailed.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

SCR 31

(Leach, Krause, Middleton, Schofield, and Smith - House Sponsors)

SCR 31, Conferring legislative approval of the Coleman Settlement Agreement.

SCR 31 was adopted by (Record 1715): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Campos; Crockett; Davis; Dominguez; Johnson, J.D.; Longoria; Martinez Fischer; Pacheco; Reynolds; Rose; Schofield; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1715 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

When Record No. 1715 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

When Record No. 1715 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

SCR 50

(Raymond and Lopez - House Sponsors)

SCR 50, Directing the governor of the State of Texas to award the Texas Legislative Medal of Honor to U.S. Army Private Marcelino Serna and to U.S. Coast Guard Seaman Apprentice William Ray Flores.

SCR 50 was adopted by (Record 1716): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey;

Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Dominguez; Johnson, J.D.; Martinez Fischer; Pacheco; Thompson, S.

STATEMENT OF VOTE

When Record No. 1716 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

(Dominguez now present)

HB 769 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 769, A bill to be entitled An Act relating to the administration of the Texas Windstorm Insurance Association.

Representative Middleton moved to discharge the conferees and concur in the senate amendments to **HB 769**.

The motion to discharge the conferees and concur in the senate amendments to **HB 769** prevailed by (Record 1717): 127 Yeas, 14 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton;

Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Slawson; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Cain; Gates; Hefner; Holland; Krause; Patterson; Shaheen; Slaton; Smith; Smithee; Toth; Vasut; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Johnson, J.D.; Martinez Fischer; Pacheco; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1717 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1717 was taken, I was shown voting yes. I intended to vote no.

Ramos

When Record No. 1717 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

When Record No. 1717 was taken, I was shown voting yes. I intended to vote no.

Stucky

When Record No. 1717 was taken, I was shown voting no. I intended to vote yes.

Vasut

Senate Committee Substitute

CSHB 769, A bill to be entitled An Act relating to the administration of the Texas Windstorm Insurance Association.

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

SECTION 1. Subchapter H, Chapter 2210, Insurance Code, is amended by adding Section 2210.3512 to read as follows:

Sec. 2210.3512. REQUIREMENT FOR VOTE ON RATE FILING. The board of directors may not vote on a proposed rate filing if there is a vacancy on the board.

SECTION 2. The heading to Section 2210.453, Insurance Code, is amended to read as follows:

Sec. 2210.453. FUNDING LEVELS; REINSURANCE AND ALTERNATIVE RISK FINANCING MECHANISMS; REINSURANCE FROM CERTAIN INSURER OR BROKER PROHIBITED.

SECTION 3. Section 2210.453, Insurance Code, is amended by adding Subsection (f) to read as follows:

(f) The association may not purchase reinsurance under this section from an insurer or broker involved in the execution of a catastrophe model on which the association relies in:

(1) determining the probable maximum loss applicable for the period covered by the reinsurance; or

(2) adopting rates under Section 2210.355.

SECTION 4. The Texas Department of Insurance shall amend the Texas Windstorm Insurance Association's plan of operation to conform to the changes in law made by this Act not later than the 60th day after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2021.

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

Amend **CSHB 769** (senate committee printing) in SECTION 1 of the bill, in added Section 2210.3512, Insurance Code (page 1, lines 24-25), by striking "filing if there is a vacancy on the board" and substituting the following: increase if:

(1) there is a vacancy on the board; and

(2) the vacancy has existed for at least 60 days at the time the vote is to be taken

**HB 525 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 525, A bill to be entitled An Act relating to the protection of religious organizations.

Representative Shaheen moved to discharge the conferees and concur in the senate amendments to **HB 525**.

The motion to discharge the conferees and concur in the senate amendments to **HB 525** prevailed by (Record 1718): 125 Yeas, 10 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman;

Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Beckley; Crockett; Davis; Dominguez; Minjarez; Morales, C.; Morales Shaw; Reynolds; Turner, J.; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bailes; Bowers; Fierro; Hernandez; Johnson, J.D.; Longoria; Martinez Fischer; Ortega; Pacheco; Rose; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1718 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1718 was taken, I was shown voting yes. I intended to vote no.

Israel

When Record No. 1718 was taken, I was shown voting yes. I intended to vote no.

Ramos

When Record No. 1718 was taken, I was in the house but away from my desk. I would have voted no.

Rose

When Record No. 1718 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

When Record No. 1718 was taken, I was shown voting no. I intended to vote yes.

Wilson

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

Amend **HB 525** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in proposed Section 2401.003(a), Government Code (page 2, lines 6 and 7), strike "an actual or threatened" and substitute "a".

(2) In SECTION 1 of the bill, strike proposed Section 2401.004, Government Code (page 2, lines 16 through 20), and renumber the subsequent sections of proposed Chapter 2401, Government Code, accordingly.

**SB 2233 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Howard, the house granted the request of the senate for the appointment of a Conference Committee on **SB 2233**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 2233**: Howard, chair; Button, Minjarez, Morrison, and S. Thompson.

**HCR 112 - ADOPTED
(by Bonnen)**

The following privileged resolution was laid before the house:

HCR 112

WHEREAS, **HB 3459** 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 87th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In the SECTION of the bill adding Section 1551.2181, Insurance Code, as added by Floor Amendment No. 2 by Huffman, strike "Section 1301.1354" and substitute "Subchapter N, Chapter 4201,".

(2) In the SECTION of the bill adding Section 1575.1701, Insurance Code, as added by Floor Amendment No. 2 by Huffman, strike "Section 1301.1354" and substitute "Subchapter N, Chapter 4201,".

(3) In the SECTION of the bill adding Section 1579.1061, Insurance Code, as added by Floor Amendment No. 2 by Huffman, strike "Section 1301.1354" and substitute "Subchapter N, Chapter 4201,".

HCR 112 was adopted by (Record 1719): 139 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble;

Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Israel.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Johnson, J.D.; Martinez Fischer; Pacheco; Thompson, S.; Wilson.

STATEMENT OF VOTE

When Record No. 1719 was taken, my vote failed to register. I would have voted yes.

Wilson

SB 1308 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the conference committee report on **SB 1308**.

Representative Canales moved to adopt the conference committee report on **SB 1308**.

The motion to adopt the conference committee report on **SB 1308** prevailed by (Record 1720): 102 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Longoria; Lopez; Lozano; Lucio; Martinez; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Shaheen; Sherman; Shine; Smithee; Stephenson; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Bonnen; Buckley; Burns; Cain; Capriglione; Cason; Cook; Cyrier; Goldman; Harris; Hefner; Holland; Hull; Krause; Landgraf; Leach; Leman; Metcalf; Middleton; Murr; Noble; Oliverson; Patterson; Schaefer; Schofield; Slaton; Slawson; Smith; Spiller; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White.

Present, not voting — Mr. Speaker(C); Johnson, A.

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Johnson, J.D.; Martinez Fischer; Pacheco; Thompson, S.; Wilson.

STATEMENTS OF VOTE

When Record No. 1720 was taken, I was shown voting yes. I intended to vote no.

K. Bell

When Record No. 1720 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1720 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1720 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1720 was taken, I was shown voting yes. I intended to vote no.

Gates

When Record No. 1720 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1720 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

HB 3648 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Geren submitted the following conference committee report on **HB 3648**:

Austin, Texas, May 28, 2021

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 3648** 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.

Hancock
Whitmire
Huffman
Nichols

Geren
Paddie
Hernandez
T. King
P. King

On the part of the senate

On the part of the house

HB 3648, A bill to be entitled An Act relating to the provision of natural gas and electric services in this state.

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

SECTION 1. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.073 to read as follows:

Sec. 81.073. CRITICAL NATURAL GAS FACILITIES AND ENTITIES.

(a) The commission shall collaborate with the Public Utility Commission of Texas to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies.

(b) The rules must:

(1) establish criteria for designating persons who own or operate a facility under the jurisdiction of the commission under Section 81.051(a) or engage in an activity under the jurisdiction of the commission under Section 81.051(a) who must provide critical customer and critical gas supply information, as defined by the commission, to the entities described by Section 38.074(b)(1), Utilities Code; and

(2) consider essential operational elements when defining critical customer designations and critical gas supply information for the purposes of Subdivision (1), including natural gas production, processing, and transportation, related produced water handling and disposal facilities, and the delivery of natural gas to generators of electric energy.

SECTION 2. Subchapter D, Chapter 38, Utilities Code, is amended by adding Section 38.074 to read as follows:

Sec. 38.074. CRITICAL NATURAL GAS FACILITIES AND ENTITIES.

(a) The commission shall collaborate with the Railroad Commission of Texas to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during energy emergencies.

(b) The rules must:

(1) ensure that the independent organization certified under Section 39.151 for the ERCOT power region and each electric utility, municipally owned utility, and electric cooperative providing service in the ERCOT power region is provided with the information required by Section 81.073, Natural Resources Code;

(2) provide for prioritizing for load-shed purposes during an energy emergency the facilities and entities designated under Subsection (a); and

(3) provide discretion to an electric utility, municipally owned utility, or electric cooperative providing service in the ERCOT power region to prioritize power delivery and power restoration among the facilities and entities designated under Subsection (a) on the utility's or cooperative's systems, as circumstances require.

SECTION 3. (a) The Public Utility Commission of Texas and Railroad Commission of Texas shall adopt rules required by Section 81.073, Natural Resources Code, and Section 38.074, Utilities Code, as added by this Act, not later than December 1, 2021.

(b) The Public Utility Commission of Texas shall provide a report to the legislature regarding the implementation by the Public Utility Commission of Texas of the designation and prioritization requirements in this Act not later than January 1, 2022.

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, 2021.

Representative Geren moved to adopt the conference committee report on **HB 3648**.

The motion to adopt the conference committee report on **HB 3648** prevailed by (Record 1721): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Johnson, J.D.; Martinez Fischer; Pacheco; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1721 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1721 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

SB 288 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Wu submitted the conference committee report on **SB 288**.

Representative Wu moved to adopt the conference committee report on **SB 288**.

The motion to adopt the conference committee report on **SB 288** prevailed by (Record 1722): 138 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Swanson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Deshotel; Johnson, J.D.; Lucio; Martinez Fischer; Pacheco; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1722 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1722 was taken, I was shown voting no. I intended to vote yes.

Swanson

When Record No. 1722 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

SB 1160 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paul submitted the conference committee report on **SB 1160**.

Representative Paul moved to adopt the conference committee report on **SB 1160**.

The motion to adopt the conference committee report on **SB 1160** prevailed by (Record 1723): 131 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Bell, C.; Cason; Hefner; Holland; Lambert; Schaefer; Slaton; Tinderholt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Deshotel; Johnson, J.D.; Martinez Fischer; Pacheco; Thompson, S.; Toth.

STATEMENTS OF VOTE

When Record No. 1723 was taken, I was shown voting yes. I intended to vote no.

Allison

When Record No. 1723 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1723 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1723 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

When Record No. 1723 was taken, my vote failed to register. I would have voted yes.

Toth

SB 281 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the conference committee report on **SB 281**.

Representative Canales moved to adopt the conference committee report on **SB 281**.

The motion to adopt the conference committee report on **SB 281** prevailed by (Record 1724): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero.

Absent — Bowers; Deshotel; Dutton; Goodwin; Hernandez; Johnson, J.D.; Lozano; Martinez Fischer; Pacheco; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1724 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1724 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1724 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

SB 1138 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Noble submitted the conference committee report on **SB 1138**.

LEAVE OF ABSENCE GRANTED

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

Vo on motion of Bernal.

Representative Noble moved to adopt the conference committee report on **SB 1138**.

The motion to adopt the conference committee report on **SB 1138** prevailed by (Record 1725): 85 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Dominguez; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Raney; Rogers; Rose; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bucy; Campos; Cole; Collier; Crockett; Davis; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Longoria; Lopez; Lucio; Martinez; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Price; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rosenthal; Sherman; Talarico; Turner, C.; Turner, J.; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero; Vo.

Absent — Bowers; Deshotel; Johnson, J.D.; Larson; Martinez Fischer; Pacheco; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1725 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1725 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 1725 was taken, I was shown voting no. I intended to vote yes.

Guillen

When Record No. 1725 was taken, I was shown voting yes. I intended to vote no.

Rose

When Record No. 1725 was taken, I was temporarily out of the house chamber. I would have voted no.

S. Thompson

SB 1356 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dutton submitted the conference committee report on **SB 1356**.

Representative Dutton moved to adopt the conference committee report on **SB 1356**.

The motion to adopt the conference committee report on **SB 1356** prevailed by (Record 1726): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith;

Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero; Vo.

Absent — Bowers; Deshotel; Johnson, J.D.; Martinez Fischer; Pacheco; Parker; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1726 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1726 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1726 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

SB 64 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative White submitted the conference committee report on **SB 64**.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Martinez Fischer on motion of Rodriguez.

Representative White moved to adopt the conference committee report on **SB 64**.

The motion to adopt the conference committee report on **SB 64** prevailed by (Record 1727): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford;

Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero; Martinez Fischer; Vo.

Absent — Bowers; Deshotel; Johnson, J.D.; Moody; Pacheco; Parker; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1727 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1727 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1727 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

SB 601 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Burrows submitted the conference committee report on **SB 601**.

Representative Burrows moved to adopt the conference committee report on **SB 601**.

The motion to adopt the conference committee report on **SB 601** prevailed by (Record 1728): 132 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Buckley; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Middleton; Shaheen; Vasut.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Biedermann; Coleman; Herrero; Martinez Fischer; Vo.

Absent — Bowers; Bucy; Deshotel; Guillen; Johnson, J.D.; Pacheco; Thompson, S.

STATEMENTS OF VOTE

When Record No. 1728 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1728 was taken, I was in the house but away from my desk. I would have voted yes.

Deshotel

When Record No. 1728 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 1728 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1728 was taken, I was temporarily out of the house chamber. I would have voted yes.

S. Thompson

(S. Thompson now present)

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, Senate List No. 19).

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. 2).

SB 321 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 321**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 321**: Bonnen, chair; Gervin-Hawkins, Goldman, Murphy, and Slawson.

PROVIDING FOR ADJOURNMENT

At 3:15 p.m., Representative Jetton moved that, at the conclusion of the signing of bills and resolutions and the receipt of messages from the senate, the house adjourn until 1 p.m. tomorrow in memory of Caleb Rule of Needville.

The motion prevailed.

(Goldman in the chair)

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).

HOUSE AT EASE

At 3:22 p.m. Saturday, May 29, the chair announced that the house would stand at ease.

The chair called the house to order at 12:48 p.m. Sunday, May 30.

ADJOURNMENT

In accordance with a previous motion, the house, at 12:48 p.m. Sunday, May 30, adjourned until 1 p.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1818 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Yolanda Arguelles for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1819 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Emma Acosta for her service as treasurer of the El Paso County Democratic Party during Women's History Month.
To Resolutions Calendars.

HR 1820 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Dora Oaxaca for her service as El Paso County Democratic Chair during Women's History Month.
To Resolutions Calendars.

HR 1821 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Ruth Ybarra Williams for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1822 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Francesca Wigle for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1823 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Dawn Heather Vigil for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1824 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Christina Vargas for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1825 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Lucille Teran for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1826 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Diana Stillman for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1827 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Martina Silva for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1828 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Megan R. Salazar for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1829 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Noel Ruth Rosenbaum for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1830 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Ayle Sarinana for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1831 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Alice Rosas for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1832 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Anna Louise Perez for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1833 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring PattiLee Pinon for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1834 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Belen Robles for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1835 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Gloria Paxson for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1836 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Amy Salcido Paz for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1837 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Mihaela Munteanu for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1838 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Marie Mier for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1839 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Mayela Mejia for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1840 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Joan C. Lopez for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1841 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Kathryn Lucero for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1842 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Gracie Lawrence for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1843 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Melody Jimenez for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1844 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Amy Hernandez for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1845 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Angie Garcia for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1846 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro),
Honoring Betty Ann Haliburton for her service as an El Paso County precinct
chair.

To Resolutions Calendars.

HR 1847 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Mayte Fitzgerald for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1848 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Jan Engels for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1849 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Enriqueta G. Fierro for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1850 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Carmen S. Duarte for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1851 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Yvonne Daniels for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1852 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Ramona De La Paz Torres for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1853 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Yolanda Clay for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1854 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Maria Isela Castanon Williams for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1855 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Cecilia Carpio for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1856 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Barbara Gail Aukland for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1857 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Bonnie Baker for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1858 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Evangelina Balderrama for her service as an El Paso County precinct chair.

To Resolutions Calendars.

HR 1859 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Angie Barajas for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1860 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Patricia Canchola for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1861 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Dorothy Mae Byrd for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1862 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Aleksandra Buckley for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1863 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Soledad Burchanan for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1864 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Elizabeth Urbina Barron for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1865 (By Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Mary Bowles-Gasca for her service as an El Paso County precinct chair.
To Resolutions Calendars.

HR 1866 (By J. González), Commending LEGO for creating the LGBTQ-themed Everyone Is Awesome play set.
To Resolutions Calendars.

HR 1867 (By Gervin-Hawkins), Congratulating Mrs. Kitchen Soul Food Restaurant and Bakery in Windcrest on its success.
To Resolutions Calendars.

HR 1869 (By Guillen), In memory of Federico Falcon.
To Resolutions Calendars.

HR 1870 (By Guillen), In memory of Michael Edwin "Eddie" Kendrick Jr. of Crockett.
To Resolutions Calendars.

HR 1871 (By Guillen), In memory of Frank Garza Leal of Pleasanton.
To Resolutions Calendars.

HR 1872 (By Herrero), In memory of Emilia "Millie" Ybarra Phillips.
To Resolutions Calendars.

HR 1873 (By Gervin-Hawkins), Commending the Coca-Cola Bottling Company of The Southwest for its contributions to the San Antonio community.
To Resolutions Calendars.

HR 1874 (By Gervin-Hawkins), Paying tribute to Mr. and Mrs. G's Home Cooking and Pastries in San Antonio.

To Resolutions Calendars.

HR 1875 (By Oliverson), Congratulating Houston Methodist on the construction of its new hospital in Cypress.

To Resolutions Calendars.

HR 1876 (By Oliverson), Congratulating Zeki Gurbuz of Cypress Woods High School on finishing in the top 100 in the 2021 CyberStart America National Cyber Scholarship Competition.

To Resolutions Calendars.

HR 1877 (By Gervin-Hawkins), In memory of William and Addie Garner of San Antonio.

To Resolutions Calendars.

HR 1878 (By Smithee), Congratulating the Canyon High School girls' basketball team on winning the 2021 UIL 4A state championship.

To Resolutions Calendars.

HR 1879 (By Smithee), Congratulating the Texline High School boys' basketball team on winning the 2021 UIL 1A state championship.

To Resolutions Calendars.

HR 1880 (By Gervin-Hawkins), Commending Liz Franklin for her work as interim CEO of the Ella Austin Community Center in San Antonio.

To Resolutions Calendars.

HR 1881 (By Slawson), Congratulating Victoria Saucedo of Stephenville on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1882 (By Slawson), Congratulating Courtney McGuire of Stephenville on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1883 (By Slawson), Congratulating Taryn Gibbs of Stephenville on her receipt of the Girl Scout Gold Award.

To Resolutions Calendars.

HR 1884 (By Gervin-Hawkins), Commending Beverly Watts Davis for her service to the WestCare Foundation and the wider San Antonio community.

To Resolutions Calendars.

HR 1885 (By Price), Commending Dr. Robert G. "Bob" Robinson on his 50 years of service with The Texas A&M University System.

To Resolutions Calendars.

HR 1886 (By Price), Congratulating Ethan Ruppner of Tascosa High School in Amarillo on earning a bronze medal at the 2021 UIL Tennis State Tournament.

To Resolutions Calendars.

HR 1887 (By Price), Commending the staff of the Moore County Hospital District for their service during the COVID-19 pandemic.

To Resolutions Calendars.

HR 1888 (By Neave), In memory of Joseph "JoJo" Arbennie Townsend Howard of Dallas.

To Resolutions Calendars.

HR 1889 (By Price), Commending the staff members of Northwest Texas Healthcare System in Amarillo for their service during the COVID-19 pandemic.

To Resolutions Calendars.

HR 1890 (By Neave), Congratulating Campbell Chase of Woodrow Wilson High School in Dallas on winning two medals at the 2021 UIL Swimming & Diving State Meet.

To Resolutions Calendars.

HR 1891 (By Neave), Congratulating Evelyn Pate of Woodrow Wilson High School in Dallas on her second-place finish at the 2021 Texas Music Educators Association 5A All-Area audition.

To Resolutions Calendars.

HR 1892 (By Neave), Congratulating MacKenzie McCulloch of Woodrow Wilson High School in Dallas on her selection to the TMEA 5A All-State Band.

To Resolutions Calendars.

HR 1893 (By Neave), Congratulating Ryan Bott on his nomination for the 2021 Secondary Principal of the Year award from the Dallas Independent School District.

To Resolutions Calendars.

HR 1894 (By Neave), Honoring the Fly, Lower, and Gather (F.L.A.G.) Program on the occasion of its fifth annual fundraiser.

To Resolutions Calendars.

HR 1895 (By Price), Commending BSA Health System in Amarillo for its outstanding service during the COVID-19 pandemic.

To Resolutions Calendars.

HR 1896 (By Rodriguez), Congratulating Sanford Jeames of Eastside Memorial Early College High School on his selection as a 2021 Austin ISD Teacher of the Year.

To Resolutions Calendars.

HR 1897 (By Neave, Rose, Bowers, and Crockett), Commemorating the completion of Front Street Station in Mesquite.

To Resolutions Calendars.

HR 1898 (By Neave, Rose, and Bowers), Commending the Skyline High School IGNITE club for its campaign to make feminine hygiene products available at Dallas ISD schools.

To Resolutions Calendars.

HR 1899 (By Neave, Rose, Bowers, and Crockett), Congratulating David Smith on being named the 2021 Teacher of the Year at Horn High School in Mesquite ISD.

To Resolutions Calendars.

HR 1900 (By Neave, Rose, Bowers, and Crockett), Congratulating Camisha McCreadie on being named the 2021 Teacher of the Year at A. C. New Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1901 (By Neave, Rose, Bowers, and Crockett), Congratulating Alesia Rubio on being named the 2021 Teacher of the Year at Achziger Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1902 (By Neave, Rose, Bowers, and Crockett), Congratulating Tiffany Gonzales on being named the 2021 Teacher of the Year at Agnew Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1903 (By Neave, Rose, Bowers, and Crockett), Congratulating Deidre Reeves on being named the 2021 Teacher of the Year at Austin Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1904 (By Neave, Rose, Bowers, and Crockett), Congratulating Michael Destefani on being named the 2021 Teacher of the Year at Beasley Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1905 (By Neave, Rose, Bowers, and Crockett), Congratulating Carol Freeman on being named the 2021 Teacher of the Year at Berry Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1906 (By Neave, Rose, Bowers, and Crockett), Congratulating Jennifer Hornung on being named the 2021 Teacher of the Year at Black Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1907 (By Neave, Rose, Bowers, and Crockett), Congratulating Tracey Ramsey on being named the 2021 Teacher of the Year at Cannaday Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1908 (By Neave, Rose, Bowers, and Crockett), Congratulating Jenelle Kumbier on being named the 2021 Teacher of the Year at Florence Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1909 (By Neave, Rose, Bowers, and Crockett), Congratulating Gloria Araujo on being named the 2021 Teacher of the Year at Floyd Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1910 (By Neave, Rose, Bowers, and Crockett), Congratulating Breanne Bell on being named the 2021 Teacher of the Year at Frasier Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1911 (By Neave, Rose, Bowers, and Crockett), Congratulating Susana Arellano on being named the 2021 Teacher of the Year at Galloway Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1912 (By Neave, Rose, Bowers, and Crockett), Congratulating Renee Mitchell on being named the 2021 Teacher of the Year at Gentry Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1913 (By Neave, Rose, Bowers, and Crockett), Congratulating Sergio Vargas on being named the 2021 Teacher of the Year at Gray Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1914 (By Neave, Rose, Bowers, and Crockett), Congratulating Rachel Sigala on being named the 2021 Teacher of the Year at Hanby Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1915 (By Neave, Rose, Bowers, and Crockett), Congratulating Cristina Perez on being named the 2021 Teacher of the Year at Hodges Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1916 (By Neave, Rose, Bowers, and Crockett), Congratulating Courtney Ammerman on being named the 2021 Teacher of the Year at Kimball Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1917 (By Neave, Rose, Bowers, and Crockett), Congratulating Julie Gomez on being named the 2021 Teacher of the Year at Kimbrough Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1918 (By Neave, Rose, Bowers, and Crockett), Congratulating Daniela Canabou on being named the 2021 Teacher of the Year at Lawrence Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1919 (By Neave, Rose, Bowers, and Crockett), Congratulating Tamiko Jones McGee on being named the 2021 Teacher of the Year at the Learning Center in Mesquite ISD.

To Resolutions Calendars.

HR 1920 (By Neave, Rose, Bowers, and Crockett), Congratulating Tameka Hawkins on being named the 2021 Teacher of the Year at Mackey Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1921 (By Neave, Rose, Bowers, and Crockett), Congratulating Bethany Bach on being named the 2021 Teacher of the Year at McDonald Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1922 (By Neave, Rose, Bowers, and Crockett), Congratulating Logan Cornelison on being named the 2021 Teacher of the Year at McKenzie Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1923 (By Neave, Rose, Bowers, and Crockett), Congratulating Juan Carlos Gomez-Buznego on being named the 2021 Teacher of the Year at McWhorter Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1924 (By Neave, Rose, Bowers, and Crockett), Congratulating Davitra Dewberry on being named the 2021 Teacher of the Year at Mesquite Academy in Mesquite ISD.

To Resolutions Calendars.

HR 1925 (By Neave, Rose, Bowers, and Crockett), Congratulating Wendi Swaner on being named the 2021 Teacher of the Year at Motley Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1926 (By Neave, Rose, Bowers, and Crockett), Congratulating Wendy Campbell on being named the 2021 Teacher of the Year at North Mesquite High School in Mesquite ISD.

To Resolutions Calendars.

HR 1927 (By Neave, Rose, Bowers, and Crockett), Congratulating Carolyn Daugherty on being named the 2021 Teacher of the Year at Pirrung Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1928 (By Neave, Rose, Bowers, and Crockett), Congratulating Natalie Ramirez on being named the 2021 Teacher of the Year at Porter Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1929 (By Neave, Rose, Bowers, and Crockett), Congratulating Shelby Ermis on being named the 2021 Teacher of the Year at Rugel Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1930 (By Neave, Rose, Bowers, and Crockett), Congratulating Phalisati Miller on being named the 2021 Teacher of the Year at Rutherford Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1931 (By Neave, Rose, Bowers, and Crockett), Congratulating Jasmyne Perkins on being named the 2021 Teacher of the Year at Seabourn Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1932 (By Neave, Rose, Bowers, and Crockett), Congratulating Portia Smith on being named the 2021 Teacher of the Year at Shands Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1933 (By Neave, Rose, Bowers, and Crockett), Congratulating Sandra Salazar on being named the 2021 Teacher of the Year at Shaw Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1934 (By Neave, Rose, Bowers, and Crockett), Congratulating Susan Napier on being named the 2021 Teacher of the Year at Terry Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1935 (By Neave, Rose, Bowers, and Crockett), Congratulating Kassidy Siragusa on being named the 2021 Teacher of the Year at Thompson Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1936 (By Neave, Rose, Bowers, and Crockett), Congratulating Jessica McCarty on being named the 2021 Teacher of the Year at Tisinger Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1937 (By Neave, Rose, Bowers, and Crockett), Congratulating Whitney Williams on being named the 2021 Teacher of the Year at Tosch Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1938 (By Neave, Rose, Bowers, and Crockett), Congratulating Elena Jimenez on being named the 2021 Teacher of the Year at Vanston Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1939 (By Neave, Rose, Bowers, and Crockett), Congratulating Shelly Regan on being named the 2021 Teacher of the Year at West Mesquite High School in Mesquite ISD.

To Resolutions Calendars.

HR 1940 (By Neave, Rose, Bowers, and Crockett), Congratulating Theresa McWilliams on being named the 2021 Teacher of the Year at Wilkinson Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1941 (By Neave, Rose, Bowers, and Crockett), Congratulating Rudi McKay on being named the 2021 Teacher of the Year at Woolley Middle School in Mesquite ISD.

To Resolutions Calendars.

HR 1942 (By Neave, Rose, and Bowers), Congratulating Blair Cox on being named the 2021 Teacher of the Year at Poteet High School in Mesquite ISD.

To Resolutions Calendars.

HR 1943 (By Neave, Rose, Bowers, and Crockett), Congratulating Erica Ramos on being named the 2021 Teacher of the Year at Henrie Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1944 (By Neave, Rose, Bowers, and Crockett), Congratulating Amber McBee McMillan on being named the 2021 Teacher of the Year at Moss Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1945 (By Neave, Rose, Bowers, and Crockett), Congratulating Courtney Fletcher on being named the 2021 Teacher of the Year at Range Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1946 (By Neave, Rose, Bowers, and Crockett), Congratulating Kristy White on being named the 2021 Teacher of the Year at Smith Elementary School in Mesquite ISD.

To Resolutions Calendars.

HR 1947 (By Herrero), Congratulating the Moody High School choir on winning sweepstakes honors in the 2021 UIL Concert & Sight-Reading Evaluation.

To Resolutions Calendars.

HR 1948 (By Price), Commending Golden Plains Community Hospital of Hutchinson County for its service during the COVID-19 pandemic.

To Resolutions Calendars.

HR 1949 (By Price), Commending Hal Talton for his service as chief of staff and general counsel to State Representative Four Price.

To Resolutions Calendars.

HR 1950 (By Metcalf), Honoring the Legislative Reference Library.
To Resolutions Calendars.

HR 1951 (By Price), Commemorating June 14, 2021, as Flag Day.
To Resolutions Calendars.

HR 1952 (By Price), Commemorating June 14, 2022, as Flag Day.
To Resolutions Calendars.

HR 1953 (By Guillen), In memory of Guadalupe and Elia Munoz.
To Resolutions Calendars.

HR 1954 (By Guillen), In memory of Toraldo and Josefa Perez of Rio Grande City.
To Resolutions Calendars.

HR 1955 (By Gervin-Hawkins), Commending Justin Gonzales for his service as a legislative intern in the office of State Representative Barbara Gervin-Hawkins during the 87th Legislative Session.
To Resolutions Calendars.

HR 1956 (By Campos), In memory of Patsy H. Gonzales of Bexar County.
To Resolutions Calendars.

HR 1957 (By Anchia), Commending Lorraine Garcia for her service as a legislative aide in the office of State Representative Rafael Anchía.
To Resolutions Calendars.

HR 1958 (By Anchia), Commending Any Ojeda for her service as a legislative intern in the office of State Representative Rafael Anchía.
To Resolutions Calendars.

HR 1959 (By Anchia), Commending Tessa Nemeč for her service as a legislative aide in the office of State Representative Rafael Anchía.
To Resolutions Calendars.

HR 1960 (By Anchia), Commending Tsion Amare for her service as a legislative aide in the office of State Representative Rafael Anchía.
To Resolutions Calendars.

HR 1961 (By Guillen), In memory of Gilberto Trejo of Rio Grande City.
To Resolutions Calendars.

HR 1962 (By Geren), Commemorating the 75th anniversary of the passage of the Lanham Act.
To Resolutions Calendars.

HR 1963 (By Gervin-Hawkins), Honoring Aaronetta Pierce of San Antonio for her civic leadership.
To Resolutions Calendars.

HR 1964 (By Price), Commending Hanna Lisenbe for her service as a scheduler and legislative assistant in the office of State Representative Four Price during the 87th Legislative Session.
To Resolutions Calendars.

HR 1965 (By Gervin-Hawkins), Commending Arnold Wade of Houston for his service as a legislative intern in the office of State Representative Barbara Gervin-Hawkins.

To Resolutions Calendars.

HR 1968 (By Dutton), Recognizing the importance of school nutrition programs in providing meals to children who have faced food insecurity, especially during the COVID-19 pandemic.

To Resolutions Calendars.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 30

HB 4, HB 18, HB 19, HB 39, HB 80, HB 115, HB 135, HB 368, HB 549, HB 558, HB 1400, HB 1753, HB 2827, HB 2879, HB 3215, HB 3289, HB 3363, HB 3375, HB 3510, HB 3606, HB 3682, HB 3746, HB 3800, HB 3833, HB 4048, HB 4218, HB 4356, HB 4474, HB 4578, HB 4588, HB 4589, HB 4591, HB 4592, HB 4594, HB 4605, HB 4617, HCR 67

Senate List No. 19

SB 73, SB 113, SB 123, SB 149, SB 153, SB 157, SB 160, SB 168, SB 181, SB 198, SB 199, SB 202, SB 224, SB 226, SB 239, SB 286, SB 289, SB 374, SB 474, SB 476, SB 483, SB 507, SB 600, SB 630, SB 709, SB 760, SB 763, SB 804, SB 809, SB 876, SB 877, SB 900, SB 901, SB 904, SB 906, SB 1055, SB 1056, SB 1059, SB 1063, SB 1103, SB 1113, SB 1116, SB 1418, SB 1490, SB 1642, SB 1941, SCR 22, SCR 52, SCR 53, SJR 19

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

Saturday, May 29, 2021 - 2

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 36 (31 Yeas, 0 Nays)

SB 41	(31 Yeas, 0 Nays)
SB 111	(31 Yeas, 0 Nays)
SB 225	(31 Yeas, 0 Nays)
SB 279	(31 Yeas, 0 Nays)
SB 437	(31 Yeas, 0 Nays)
SB 452	(31 Yeas, 0 Nays)
SB 462	(31 Yeas, 0 Nays)
SB 500	(31 Yeas, 0 Nays)
SB 504	(31 Yeas, 0 Nays)
SB 604	(31 Yeas, 0 Nays)
SB 799	(31 Yeas, 0 Nays)
SB 910	(31 Yeas, 0 Nays)
SB 984	(31 Yeas, 0 Nays)
SB 1071	(31 Yeas, 0 Nays)
SB 1109	(29 Yeas, 2 Nays)
SB 1232	(31 Yeas, 0 Nays)
SB 1351	(31 Yeas, 0 Nays)
SB 1365	(20 Yeas, 11 Nays)
SB 1397	(31 Yeas, 0 Nays)
SB 1458	(31 Yeas, 0 Nays)
SB 1696	(31 Yeas, 0 Nays)
SB 1716	(22 Yeas, 9 Nays)
SB 1772	(30 Yeas, 1 Nay)
SB 1856	(29 Yeas, 2 Nays)
SB 1990	(31 Yeas, 0 Nays)
SB 1997	(30 Yeas, 1 Nay)
SB 2050	(30 Yeas, 1 Nay)
SB 2230	(29 Yeas, 2 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Saturday, May 29, 2021 - 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 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 321

Senate Conferees: Huffman - Chair/Campbell/Nelson/Nichols/Taylor

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 626 (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 28 - HB 80, HB 368, HB 558, HB 999, HB 1400, HB 1753, HB 2827, HB 2879, HB 3215, HB 3289, HB 3363, HB 3375, HB 3510, HB 3606, HB 3682, HB 3746, HB 3800, HB 3833, HB 4048, HB 4218, HB 4356, HB 4474, HB 4578, HB 4588, HB 4589, HB 4591, HB 4592, HB 4594, HB 4617, HCR 67

SENT TO THE GOVERNOR

May 28 - HB 624, HB 792, HB 929, HB 1500, HB 1589, HB 1694, HB 1927, HB 2056, HB 2107, HB 2209, HB 2416, HB 2622, HB 2675, HB 2708, HB 2728, HB 3340, HB 3348, HB 3416, HB 3717, HB 3971, HB 4074, HB 4107, HB 4361, HCR 1, HCR 5, HCR 86

SIGNED BY THE GOVERNOR

May 28 - HB 773, HB 1957, HB 2390, HB 2431, HB 3399

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — SUNDAY, MAY 30, 2021

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 1729).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lemman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tindholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Coleman.

Absent — Campos; Crockett; Johnson, J.D.; Morales Shaw; Ortega; Pacheco.

The invocation was offered by Representative Moody as follows:

Lord, we thank you for having had the opportunity this session to serve our fellow Texans. Few have this chance, and we pray that we've made the most of it. I often think about the words we find in 1 Corinthians, urging us to look to faith, to hope, to love, and reminding us that love is the greatest of these. That verse was recited at my wedding, in fact, and I think probably a lot of other members' weddings, as well. But a wedding, that is an easy love—to love someone we've chosen, someone who loves us back.

Jesus stood for more complex and difficult love. Anyone can simply return love, but we have to find a higher and truer love for those who oppose us, those who might even hate us. Jesus urged that kind of radical love at the Sermon on

the Mount. He told Simon Peter to stay his sword in the garden. His first words on the cross were a prayer for the forgiveness of those who had put him there. And in the Gospel of John, we find Jesus' simple, final command to his apostles: "Love one another as I have loved you."

I was moved by Representative Thierry's prayer yesterday, where she talked about asking for forgiveness when we wrong each other. God, today we pray that you give us the strength to go one step further and not lose sight of our love for one another even in conflict. That's when we need it the most. And there will be conflict today. Many of us will passionately disagree with one another here on this floor. But as we do, Lord, help us remember our respect for each other as human beings. Help us remember who we are and who you want us to be. Help us reflect the revolutionary love that Jesus showed for all of us. Because if we do that, then love can remain between us here when the dust has settled, and Texas will be the better for it. It is in your name we pray. Amen.

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

HR 1969 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1969**, suspending the limitations on the conferees for **HB 1281**.

HR 1982 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1982**, suspending the limitations on the conferees for **SB 155**.

HR 1994 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1994**, suspending the limitations on the conferees for **HB 2658**.

HR 1997 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1997**, suspending the limitations on the conferees for **SB 15**.

HR 2005 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2005**, suspending the limitations on the conferees for **HB 2462**.

HR 2006 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2006**, suspending the limitations on the conferees for **HB 3774**.

HR 2007 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2007**, suspending the limitations on the conferees for **SB 7**.

HR 2008 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2008**, suspending the limitations on the conferees for **HB 2030**.

HR 2014 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2014**, suspending the limitations on the conferees for **SB 713**.

HR 2022 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2022**, suspending the limitations on the conferees for **HB 1987**.

HR 2027 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2027**, suspending the limitations on the conferees for **HB 3720**.

HR 2076 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2076**, suspending the limitations on the conferees for **HB 20**.

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 No. 32).

(Morales Shaw and Ortega now present)

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).

(Crockett now present)

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HCR 113 - ADOPTED
(by Shaheen)

Representative Shaheen moved to suspend all necessary rules to take up and consider at this time **HCR 113**.

The motion prevailed.

The following resolution was laid before the house:

HCR 113, Recalling **HB 1322** from the governor.

HCR 113 was adopted by (Record 1730): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Fierro; González, J.; González, M.; Johnson, A.; Johnson, J.D.; Pacheco.

SB 1588 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative C. Turner submitted the conference committee report on **SB 1588**.

SB 1588 - REMARKS

REPRESENTATIVE C. TURNER: Members, this is the conference committee report on **SB 1588**, which of course is the bill dealing with property owners' associations. The conference committee report removes the repealer clause that was added on third reading in the house relating to payments made by the Texas Real Estate Commission to the General Revenue Fund. The CCR also updates language from a second reading floor amendment by our joint sponsor, Chairman Bonnen, so that his language mirrors his standalone bill which has now already passed both chambers.

REPRESENTATIVE MORRISON: Representative Turner, I was just wondering, was Senator Johnson's amendment left on this piece of legislation?

C. TURNER: Senator Johnson's amendment?

MORRISON: Yes, sir.

C. TURNER: Can you remind me the substance of that amendment or amendments?

MORRISON: It was my understanding there was an amendment that actually talked about HOAs, that they could not accept money for maintenance as far as assessments. Is there an amendment such as that in this legislation?

C. TURNER: Representative Morrison, my understanding is there is not a Senator Johnson amendment at all in the bill, and I don't recall the provision you're speaking of.

MORRISON: Okay, so there's not anything that says that HOAs cannot collect money—assess money—and that HOAs will not be disbanded if they do so?

C. TURNER: Oh, absolutely not. No. Not at all. This bill provides for HOAs to continue to operate and function and provide the many valuable services they provide. As I mentioned before when we heard this bill previously, I live in a HOA, and I think it benefits my neighborhood. And this bill is about increasing transparency and due process for homeowners in HOAs, for buyers and sellers of properties that are in HOAs, and protecting private property rights. The bill provides for HOAs to continue to serve the vital role that they play in many of our communities around the state and certainly they have the ability to continue to assess fees or dues, as the case may be, to support their functions.

MORRISON: Okay, so there is not anything in here that would keep an HOA from assessing those fees and using it for management or maintenance for the property?

C. TURNER: Absolutely not. I think that's one of the most vital functions that HOAs provide, which is management, beautification, maintenance of common areas. So absolutely not. Those abilities that they have today are absolutely preserved 100 percent under this legislation.

REPRESENTATIVE ISRAEL: Chair Turner, thank you for carrying this legislation. I know it got more difficult, but there's a lot of forces that you're going against here. But I wanted to ask, on behalf of those of us who are involved in real estate transactions, and you may have mentioned it previously, but is there a cap? Talk about the fees that are built in now that it's coming back to the house. And I ask that on behalf of those for whom the fees have gotten horribly large and difficult and become a barrier to people buying a house, which sounds ridiculous, but it's become a barrier. So would you speak a little bit to the fees where the new homeowner just needs to get a hold of the HOA bylaws, rules, and regulations?

C. TURNER: Certainly, Representative Israel. And I know this scenario you have a lot of expertise in. And I'll tell you, we heard a lot of testimony to the effect of what you just said in the Committee on Business and Industry when we heard this bill for the first time—seems like years ago now—earlier this session. And specifically, what we tried to address in the bill is the real estate transfer fees. We heard stories that at closings, one, the parties involved may not know what those fees are until they actually get to the closing. And of course, for many home buyers, they're stretching every dollar, right, to be able to close the purchase on that home. And they've got, obviously, the cost with buying the home; they've got have moving costs; and perhaps they need to prepare to do some repairs or maintenance once they take acquisition of the new property. So to be surprised with a fee that could run into several hundreds of dollars at closing is a real barrier for a lot of people. So what the bill does, and this was extensively negotiated between various stakeholders, is it caps those fees at \$375. In the initial house bill version that I authored, we had that capped at—I believe it was \$250. But we did negotiate and we agreed to negotiate it at a \$375 fee cap.

ISRAEL: Well, thank you so much. That sounds like a reasonable amount. And I will say, it also helps with predictability. As you're entering a transaction, I know predictability is important. So to know that these fees are going north of \$1,000 was a pain point for a lot of people who, as you noted, are just scraping their pennies together to get ready to make that transaction happen. And then they get a surprise, correct?

C. TURNER: That's absolutely right. Buying a home is the American dream.

ISRAEL: It's painful.

C. TURNER: But it is a very stressful process. So we want to remove as many barriers as we can, and we think this bill accomplishes that.

ISRAEL: Well, thank you. On behalf of homeowners who are going through this, I like that we're eliminating the surprise billing part. I appreciate your work.

MORRISON: It is my understanding that the Johnson amendment—and I'm sorry, it was Representative Johnson's amendment that was put on the second reading. I just want to read you what this amendment does, and this is very concerning to me. We need to sort it out. The amendment added on second reading to **SB 1588** voids condominium associations' assessment collection ability for tens of thousands of Texas condos. Condo assessments pay for roof maintenance, exterior maintenance, utility bills, pools, parking, et cetera, and it is imperative for condo associations to be able to collect assessments to fund their mandatory obligations for maintenance. So what this says is that POAs and HOAs in condos cannot collect regular assessments unless the deed restrictions expressly authorize it. In other words, the duty to pay regular assessments has to be noted in the deed restrictions in order for an HOA or condo association to charge and collect them. So this is an issue for me. I'm a member of a condo association. I'm on the board, and if this is what this amendment does, and this is what the wording I have is, I think this will leave thousands of condo regimes—the ones with documents that don't expressly reference assessment

rights—with no ability to collect the assessments because of the way the law posed in the amendment reads. And so I just want you to know that this is what the amendment that was put on this bill did and want you to know about it before we take this vote. Mr. Speaker, I'm speaking in opposition to this bill.

C. TURNER: I want to just address the comments from my good friend Representative Morrison. One, I think there may be some confusion here. Senator Johnson does not have an amendment on this bill. In the house-passed version of **SB 1588**, there was a Representative Jarvis Johnson amendment, so I don't know if that's where the discrepancy is. But let me just address that amendment. I think there's been some confusion. No secret, because you all have gotten a lot of e-mails and phone calls on this bill over the last several weeks, there are some powerful special interests that don't want the legislature to pass this bill. And unfortunately, there's been some, I'm afraid, intentional misleading or conflating of issues and there's been a conflating of deed restrictions and dedicatory instruments. Those are two very different types of documents. And so specifically, Chapter 82 of the Property Code does give condo associations the right to collect assessments via their bylaws. However, in Chapter 202, the Property Code requires that all dedicatory instruments—which are defined as "each document governing the establishment, maintenance, or operation of a residential subdivision, planned unit development, condominium or townhouse regime, or any similar planned development"—including bylaws, shall be filed in the real property records of the county in which the property to which those instruments relate reside. So regardless of whether Chapter 82 provides condos the right to charge assessments, via their bylaws, they're still required to publicly file those bylaws with the county.

And the Johnson amendment, the Representative Jarvis Johnson amendment, which is what I think we are talking about here, merely says that if they fail to meet that current legal requirement—again, so members, listen, it's currently required in the law—Representative Johnson's amendment on this bill simply says if they fail to meet that requirement, they're unable to collect those assessments. All they have to do is comply with existing statute and there's no change. So it's simply a safeguard to better enforce compliance with existing law. That's all Representative Johnson's amendment did, and so any suggestion that they'll be unable to collect or assess fees to do maintenance is simply, simply not true. This is a good bill to protect private property rights, to protect the rights of homeowners, and it's going to help provide a needed transparency into the world of property owner associations—many of which, admittedly, do a lot of great work around our state but many of which also yield tremendous power over homeowners and their properties. And the legislature has an obligation to make sure that those powers are being used appropriately and transparently and with due process with the goal of protecting homeowners' private property rights. So I'd ask that you vote yes on the motion to adopt the conference committee report.

Representative C. Turner moved to adopt the conference committee report on **SB 1588**.

The motion to adopt the conference committee report on **SB 1588** prevailed by (Record 1731): 139 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Nays — Geren; King, P.; Morrison; White.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Johnson, J.D.; Pacheco; Romero; Rosenthal.

STATEMENTS OF VOTE

When Record No. 1731 was taken, I was shown voting no. I intended to vote yes.

Geren

When Record No. 1731 was taken, I was shown voting no. I intended to vote yes.

White

SB 383 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Perez submitted the conference committee report on **SB 383**.

Representative Perez moved to adopt the conference committee report on **SB 383**.

The motion to adopt the conference committee report on **SB 383** prevailed by (Record 1732): 111 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Canales; Capriglione; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Herrero;

Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Larson; Leach; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Sherman; Shine; Smithee; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Anderson; Bell, C.; Bell, K.; Cain; Cason; Clardy; Ellzey; Gates; Harris; Hefner; Holland; Krause; Landgraf; Leman; Metcalf; Murr; Oliverson; Patterson; Paul; Sanford; Schaefer; Shaheen; Slaton; Slawson; Smith; Spiller; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Biedermann; Campos; Dutton; Johnson, J.D.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1732 was taken, I was in the house but away from my desk. I would have voted no.

Biedermann

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Harless

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

P. King

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Morrison

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Raney

When Record No. 1732 was taken, I was shown voting yes. I intended to vote no.

Rogers

HB 3476 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Schofield submitted the following conference committee report on **HB 3476**:

Austin, Texas, May 28, 2021

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 3476** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt
Gutierrez
Perry
Springer

Schofield
Oliverson
Zwiener
Rodriguez
Moody

On the part of the senate

On the part of the house

HB 3476, A bill to be entitled An Act relating to certificates of public convenience and necessity issued to water utilities inside the boundaries or extraterritorial jurisdiction of certain municipalities.

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

SECTION 1. Section 13.245, Water Code, is amended by amending Subsections (b), (c-3), (c-4), and (c-5) and adding Subsection (c-6) to read as follows:

(b) Except as provided by Subsections (c), (c-1), and (c-2), the utility commission may not grant to a retail public utility a certificate of public convenience and necessity for a service area within the boundaries or extraterritorial jurisdiction of a municipality without the consent of the municipality. The municipality may not unreasonably withhold the consent. ~~As a condition of the consent, a municipality may require that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for facilities.~~

(c-3) The utility commission must include, as a condition of a certificate of public convenience and necessity granted under Subsection (c-1) or (c-2) for a service area within the boundaries of a municipality, that all water and sewer facilities be designed and constructed in accordance with the municipality's standards for water and sewer facilities.

(c-4) The utility commission must include, as a condition of a certificate of public convenience and necessity granted under this section for a service area within the extraterritorial jurisdiction of a municipality, that all water and sewer facilities be designed and constructed in accordance with:

(1) the commission's standards for water and sewer facilities applicable to water systems that serve greater than 250 connections; or

(2) the commission's standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections, if the utility commission determines that:

(A) standards for water and sewer facilities applicable to water systems that serve 250 or fewer connections are appropriate for the service area; and

(B) regionalization of the retail public utility or consolidation of the retail public utility with another retail public utility is not economically feasible under Section 13.241(d).

(c-5) Subsections (c-1), (c-2), ~~and~~ (c-3), and (c-4) do not apply to:

(1) a county that borders the United Mexican States and the Gulf of Mexico or a county adjacent to such a county;

(2) a county with a population of more than 30,000 and less than 35,000 that borders the Red River; or

(3) a county with a population of more than 100,000 and less than 200,000 that borders a county described by Subdivision (2).

(c-6) [~~e-5~~] Subsections (c-1), (c-2), ~~and~~ (c-3), and (c-4) do not apply to:

(1) a county with a population of 130,000 or more that is adjacent to a county with a population of 1.5 million or more that is within 200 miles of an international border; or

(2) a county with a population of more than 40,000 and less than 50,000 that contains a portion of the San Antonio River.

SECTION 2. This Act takes effect September 1, 2021.

Representative Schofield moved to adopt the conference committee report on **HB 3476**.

The motion to adopt the conference committee report on **HB 3476** prevailed by (Record 1733): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul;

Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Johnson, J.D.; Morales Shaw; Pacheco.

STATEMENT OF VOTE

When Record No. 1733 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

HB 2483 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the following conference committee report on **HB 2483**:

Austin, Texas, May 28, 2021

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 2483** 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.

Hancock
Campbell
Johnson
Nichols

P. King
Guillen
Harless
Hernandez
Paddie

On the part of the senate

On the part of the house

HB 2483, A bill to be entitled An Act relating to utility facilities for restoring electric service after a widespread power outage.

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

SECTION 1. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.918 to read as follows:

Sec. 39.918. UTILITY FACILITIES FOR POWER RESTORATION AFTER WIDESPREAD POWER OUTAGE. (a) In this section, "widespread power outage" means an event that results in:

(1) a loss of electric power that:

(A) affects a significant number of distribution customers of a transmission and distribution utility; and

(B) has lasted or is expected to last for at least eight hours; and

(2) a risk to public safety.

(b) Notwithstanding any other provision of this subtitle, a transmission and distribution utility may:

(1) lease and operate facilities that provide temporary emergency electric energy to aid in restoring power to the utility's distribution customers during a widespread power outage in which:

(A) the independent system operator has ordered the utility to shed load; or

(B) the utility's distribution facilities are not being fully served by the bulk power system under normal operations; and

(2) procure, own, and operate, or enter into a cooperative agreement with other transmission and distribution utilities to procure, own, and operate jointly, transmission and distribution facilities that have a lead time of at least six months and would aid in restoring power to the utility's distribution customers following a widespread power outage. In this section, long lead time facilities may not be electric energy storage equipment or facilities under Chapter 35, Utilities Code.

(c) A transmission and distribution utility that leases and operates facilities under Subsection (b)(1) may not sell electric energy or ancillary services from those facilities.

(d) Facilities described by Subsection (b)(1):

(1) must be operated in isolation from the bulk power system; and

(2) may not be included in independent system operator:

(A) locational marginal pricing calculations;

(B) pricing; or

(C) reliability models.

(e) A transmission and distribution utility that leases and operates facilities under Subsection (b)(1) shall ensure, to the extent reasonably practicable, that retail customer usage during operation of those facilities is adjusted out of the usage reported for billing purposes by the retail customer's retail electric provider.

(f) A transmission and distribution utility shall, when reasonably practicable, use a competitive bidding process to lease facilities under Subsection (b)(1).

(g) A transmission and distribution utility that leases and operates facilities under Subsection (b)(1) or that procures, owns, and operates facilities under Subsection (b)(2) shall include in the utility's emergency operations plan filed with the commission, as described by Section 186.007, a detailed plan on the utility's use of those facilities.

(h) The commission shall permit:

(1) a transmission and distribution utility that leases and operates facilities under Subsection (b)(1) to recover the reasonable and necessary costs of leasing and operating the facilities, including the present value of future payments required under the lease, using the rate of return on investment established in the commission's final order in the utility's most recent base rate proceeding; and

(2) a transmission and distribution utility that procures, owns, and operates facilities under Subsection (b)(2) to recover the reasonable and necessary costs of procuring, owning, and operating the facilities, using the rate of return on investment established in the commission's final order in the utility's most recent base rate proceeding.

(i) The commission shall authorize a transmission and distribution utility to defer for recovery in a future ratemaking proceeding the incremental operations and maintenance expenses and the return, not otherwise recovered in a rate proceeding, associated with the leasing or procurement, ownership, and operation of the facilities.

(j) A transmission and distribution utility may request recovery of the reasonable and necessary costs of leasing or procuring, owning, and operating facilities under this section, including any deferred expenses, through a proceeding under Section 36.210 or in another ratemaking proceeding. A lease under Subsection (b)(1) must be treated as a capital lease or finance lease for ratemaking purposes.

(k) This section expires September 1, 2029.

SECTION 2. Not later than January 1, 2029, the Public Utility Commission of Texas shall:

(1) analyze the effects of authorizing transmission and distribution utilities to lease, operate, procure, or own the facilities described by Section 39.918(b), Utilities Code, as added by this Act; and

(2) submit a report to the legislature that includes the analysis produced under Subdivision (1) of this section and a recommendation of whether the legislature should allow Section 39.918, Utilities Code, as added by this Act, to expire.

SECTION 3. This Act takes effect September 1, 2021.

Representative P. King moved to adopt the conference committee report on **HB 2483**.

The motion to adopt the conference committee report on **HB 2483** prevailed by (Record 1734): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman;

Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Huberty; Johnson, J.D.; Longoria; Pacheco.

SB 800 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 800**.

Representative Paddie moved to adopt the conference committee report on **SB 800**.

The motion to adopt the conference committee report on **SB 800** prevailed by (Record 1735): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Campos; Johnson, J.D.; Pacheco.

HB 1869 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Burrows submitted the following conference committee report on **HB 1869**:

Austin, Texas, May 28, 2021

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 1869** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bettencourt
Hall
Kolkhorst
Lucio
Springer

Burrows
Cyrier
Meyer
Middleton

On the part of the senate

On the part of the house

HB 1869, A bill to be entitled An Act relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.

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

SECTION 1. Section 26.012, Tax Code, is amended by amending Subdivision (7) and adding Subdivisions (9), (18-a), and (18-b) to read as follows:

(7) "Debt" means:

(A) a bond, warrant, certificate of obligation, or other evidence of indebtedness owed by a taxing unit that:

(i) is payable [~~solely~~] from property taxes in installments over a period of more than one year, not budgeted for payment from maintenance and operations funds, and secured by a pledge of property taxes; and

(ii) meets one of the following requirements:

(a) has been approved at an election;

(b) includes self-supporting debt;

(c) evidences a loan under a state or federal financial assistance program;

(d) is issued for designated infrastructure;

(e) is a refunding bond;

(f) is issued in response to an emergency under Section

1431.015, Government Code;

(g) is issued for renovating, improving, or equipping existing buildings or facilities;

(h) is issued for vehicles or equipment; or

(i) is issued for a project under Chapter 311, Tax Code, or Chapter 222, Transportation Code, that is located in a reinvestment zone created under one of those chapters;[;] or

(B) a payment made under contract to secure indebtedness of a similar nature issued by another political subdivision on behalf of the taxing unit.

(9) "Designated infrastructure" means infrastructure, including a facility, equipment, rights-of-way, or land, for the following purposes:

(A) streets, roads, highways, bridges, sidewalks, parks, landfills, parking structures, or airports;

(B) telecommunications, wireless communications, information technology systems, applications, hardware, or software;

(C) cybersecurity;

(D) as part of any utility system, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, or flood control and drainage project;

(E) police stations, fire stations, or other public safety facilities, jails, juvenile detention facilities, or judicial facilities, and any facilities that are physically attached to the facilities described by this paragraph;

(F) as part of any school district; or

(G) as part of any hospital district created by general or special law that includes a teaching hospital.

(18-a) "Refunding bond" means a bond or other obligation issued for refunding or refinancing purposes under Chapter 1207 or 1371, Government Code.

(18-b) "Self-supporting debt" means the portion of a bond, warrant, certificate of obligation, or other evidence of indebtedness described by Subdivision (7)(A)(i) designated by the governing body of a political subdivision as being repaid from a source other than property taxes.

SECTION 2. The changes in law made by this Act apply only to a bond, warrant, certificate of obligation, or other evidence of indebtedness for which the ordinance, order, or resolution authorizing the issuance is adopted by the governing body of a taxing unit on or after the effective date of this Act and for which the taxing unit has not entered into a binding agreement before the effective date of this Act that contemplates the issuance of the debt. The changes in law made by this Act do not apply to a bond, warrant, certificate of obligation, or other evidence of indebtedness for which the ordinance, order, or resolution authorizing the issuance was adopted by the governing body of a taxing unit before the effective date of this Act or for which the taxing unit has entered into a binding agreement before the effective date of this Act that contemplates the issuance of such debt, and the former law is continued in effect for that purpose. For the purposes of this section, "binding agreement" includes a development agreement, ordinance, order, or resolution that authorizes or delegates to an appropriate officer of a taxing unit the execution of a binding agreement at a later date.

SECTION 3. This Act takes effect September 1, 2021.

Representative Burrows moved to adopt the conference committee report on **HB 1869**.

The vote of the house was taken on the motion to adopt the conference committee report on **HB 1869** and the vote was announced yeas 71, nays 72.

A verification of the vote was requested and was granted.

(Campos now present)

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 1736): 72 Yeas, 67 Nays, 3 Present, not voting.

Yeas — Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Klick; Krause; Landgraf; Leach; Leman; Metcalf; Meyer; Middleton; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Allison; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.E.; Kacal; King, P.; King, T.; Kuempel; Lambert; Lopez; Lozano; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raney; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C); King, K.; Thierry.

Absent, Excused — Coleman.

Absent — Cortez; Herrero; Johnson, J.D.; Larson; Longoria; Lucio; Pacheco.

The chair stated that the motion to adopt the conference committee report on **HB 1869** prevailed by the above vote.

STATEMENTS OF VOTE

When Record No. 1736 was taken, I was shown voting no. I intended to vote yes.

Dean

When Record No. 1736 was taken, I was shown voting present, not voting. I intended to vote yes.

K. King

LEAVE OF ABSENCE GRANTED

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

Herrero on motion of Rodriguez.

HB 3973 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3973, A bill to be entitled An Act relating to the composition and use of money in the oil and gas regulation and cleanup fund.

Representative Walle moved to discharge the conferees and concur in the senate amendments to **HB 3973**.

The motion to discharge the conferees and concur in the senate amendments to **HB 3973** prevailed by (Record 1737): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero.

Absent — Cortez; Johnson, J.D.; Larson; Longoria; Lucio; Pacheco.

Senate Committee Substitute

CSHB 3973, A bill to be entitled An Act relating to a study on abandoned oil and gas wells in this state and the use of the oil and gas regulation and cleanup fund.

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

SECTION 1. (a) A joint interim committee is created to study abandoned oil and gas wells in this state and the use of the oil and gas regulation and cleanup fund.

(b) The committee shall be composed of:

(1) five members appointed by the lieutenant governor; and

(2) five members appointed by the speaker of the house of representatives.

(c) The committee shall convene at the call of the presiding officer.

(d) The committee has all other powers and duties provided to a special or select committee by the rules of the senate and house of representatives, by Subchapter B, Chapter 301, Government Code, and by policies of the senate and house committees on administration.

(e) Not later than the 60th day after the effective date of this Act, the lieutenant governor and the speaker of the house of representatives shall appoint the members of the interim committee created under this section.

(f) The committee shall:

(1) study matters related to abandoned oil and gas wells in this state, including the costs associated with plugging abandoned wells and bonding requirements imposed on owners or operators of oil and gas wells;

(2) identify potential solutions to reduce the need for general revenue spending to plug abandoned wells;

(3) conduct a review of the oil and gas regulation and cleanup fund, including:

(A) revenue sources of the fund;

(B) projected revenue for the fund through fiscal year 2025 based on the fund's existing fee and fine structure; and

(C) an assessment of the rules and statutory limits that determine the amount of the fees and fines that contribute to the fund; and,

(4) evaluate and identify other sources of potential revenue, including federal funds and other existing taxes and fees paid to the benefit of the state which could be utilized to meet the goals of the committee.

(g) The Railroad Commission of Texas shall provide information to the committee necessary to conduct the study under Subsection (f) of this section, including information related to:

(1) budget and performance measures of the commission and fees and fines collected by the commission; and

(2) any regulatory or statutory changes needed to assure adequate operating revenue for the commission, including revenue used to plug abandoned oil and gas wells.

(h) Not later than December 1, 2022, the joint interim committee shall report the committee's findings and recommendations to the legislature.

(i) The committee is abolished and this section expires January 1, 2023.

SECTION 2. This Act takes effect September 1, 2021.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today because of important business:

Longoria on motion of Hernandez.

Lucio on motion of Hernandez.

(J.D. Johnson now present)

HB 686 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 686, A bill to be entitled An Act relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.

HB 686 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BUCKLEY: Speaker Moody, there were quite a few changes in this bill, and I just want to clarify that I understand what this bill does now. The version that passed this chamber with a supermajority and great bipartisanship that makes me proud to be a Texan allowed children being sent to adult prisons to receive a second look parole hearing at a maximum of 20 years or one-half of the applicable time provided in the section, whichever is less. I understand the senate changed this to 30 years but kept the one-half language. I interpret that to mean that children would be considered for parole at a maximum of 30 years or one-half the time of an adult convicted for the same crime, but it's ambiguous. What was the legislative intent with that language?

REPRESENTATIVE MOODY: Representative Buckley, you are correct. This provision was intended to allow persons subject to this bill to be eligible for parole in half the time of an adult. For example, if an adult was parole eligible after 40 years, then a person subject to this bill would be eligible after 20 years and have the opportunity to present to the governor's Board of Pardons and Paroles evidence of their rehabilitation. Our intention was to recognize that children are different from adults because of their great capacity for redemption, and this provision allows them an earlier chance to prove they have been redeemed.

BUCKLEY: So Speaker Moody, to clarify, what would the eligibility be without this change?

MOODY: Current law allows those eligible under this provision, meaning those eligible under Section 2, outlined in (d-2)(1), to come up for parole after 30 years or one-half of their sentence. We always intended this to be additional considerations for youthful offenders so that they can benefit from earlier parole hearings than adults. Otherwise, this provision would not change much in the law, and, as you know, the entire statute is intended to be effective and not duplicative of existing law.

BUCKLEY: Speaker Moody, one final question. The parole board, they have the ability to look at someone who comes before them and say, hey, this guy hasn't put in the work, he isn't ready to be paroled, and then set off the next parole board hearing for up to 10 years. Is that correct?

MOODY: That is correct. The parole board maintains the discretion to set off folks who aren't ready for parole for up to 10 years for those with capital murder and five years for everyone else.

REMARKS ORDERED PRINTED

Representative Buckley moved to print remarks between Representative Moody and Representative Buckley on **HB 686**.

The motion prevailed.

Representative Moody moved to discharge the conferees and concur in the senate amendments to **HB 686**.

The motion to discharge the conferees and concur in the senate amendments to **HB 686** prevailed by (Record 1738): 134 Yeas, 6 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Sherman; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Hefner; Paul; Shaheen; Thompson, E.; Tinderholt; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Larson; Pacheco; Schofield; Smithee.

STATEMENTS OF VOTE

When Record No. 1738 was taken, I was shown voting yes. I intended to vote no.

Ellzey

When Record No. 1738 was taken, I was shown voting yes. I intended to vote no.

Holland

Senate Committee Substitute

CSHB 686, A bill to be entitled An Act relating to the release on parole of certain youthful offenders; changing parole eligibility.

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

SECTION 1. Subchapter E, Chapter 508, Government Code, is amended by adding Section 508.1415 to read as follows:

Sec. 508.1415. ADDITIONAL PAROLE CONSIDERATIONS FOR YOUTHFUL OFFENDERS. (a) This section applies only to the consideration for release on parole of an inmate who was younger than 17 years of age at the time the offense for which the inmate is eligible for release on parole was committed.

(b) In determining whether to release an inmate described by Subsection (a) on parole, a parole panel shall assess the growth and maturity of the inmate, taking into consideration:

(1) the diminished culpability of juveniles, as compared to that of adults;

(2) the hallmark features of youth; and

(3) the greater capacity of juveniles for change, as compared to that of adults.

(c) The board shall adopt a policy establishing factors for a parole panel to consider when reviewing for release on parole an inmate to whom this section applies to ensure that the inmate is provided a meaningful opportunity to obtain release. The policy must:

(1) consider the age of the inmate at the time of the commission of the offense as a mitigating factor in favor of granting release on parole;

(2) permit persons having knowledge of the inmate before the inmate committed the offense or having knowledge of the inmate's growth and maturity after the offense was committed to submit statements regarding the inmate for consideration by the parole panel; and

(3) establish a mechanism for the outcome of a comprehensive mental health evaluation conducted by an expert qualified by education and clinical training in adolescent mental health issues to be considered by the parole panel.

(d) This section does not:

(1) affect the rights granted under this chapter or Article 56A.051, Code of Criminal Procedure, to a victim, guardian of a victim, or close relative of a deceased victim; or

(2) create a legal cause of action.

SECTION 2. Section 508.145, Government Code, is amended by amending Subsection (b) and adding Subsection (d-2) to read as follows:

(b) An inmate serving a life sentence under Section 12.31(a)(1), Penal Code, for a capital felony is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 30 [40] calendar years, except that an inmate serving a life sentence under Section 12.31(a)(1), Penal Code, for a capital felony under Section 19.03(a)(1) or (7) of that code is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 40 calendar years.

(d-2)(1) This subsection applies only to an inmate who:

(A) is serving a sentence for:

(i) a first degree felony described by Article 42A.054(a), Code of Criminal Procedure;

(ii) an offense under Section 20A.03 or 71.023, Penal Code; or

(iii) a first degree felony under Section 71.02, Penal Code; and

(B) was younger than 17 years of age at the time the offense was committed.

(2) Notwithstanding any other provision of this section, an inmate described by Subdivision (1) is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals 20 calendar years or one-half of the applicable time provided by this section, whichever is less, but in no event is the inmate eligible for release on parole in less than four calendar years unless the inmate would otherwise be eligible for release on parole under another provision of this section.

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 January 1, 2022.

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

Amend **CSHB 686** (senate committee report) by striking SECTION 3 of the bill, adding transition language (page 2, lines 32-39), and substituting the following:

SECTION 3. The change in law made by this Act applies to any inmate who is confined in a facility operated by or under contract with the Texas Department of Criminal Justice on or after the effective date of this Act, regardless of whether the offense for which the inmate is confined occurred before, on, or after the effective date of this Act.

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

Amend **CSHB 686** (senate committee printing) in SECTION 2 of the bill (page 2, line 26), by striking "20" and substituting "30".

HR 2009 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2009**, suspending the limitations on the conferees for **HJR 4**.

SB 626 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Moody submitted the conference committee report on **SB 626**.

Representative Moody moved to adopt the conference committee report on **SB 626**.

The motion to adopt the conference committee report on **SB 626** prevailed by (Record 1739): 139 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman;

González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Allison.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Fierro; King, K.; Larson; Pacheco.

SB 1831 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative S. Thompson submitted the conference committee report on **SB 1831**.

Representative S. Thompson moved to adopt the conference committee report on **SB 1831**.

The motion to adopt the conference committee report on **SB 1831** prevailed by (Record 1740): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Cortez; Larson; Pacheco; Toth.

STATEMENTS OF VOTE

When Record No. 1740 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 1740 was taken, my vote failed to register. I would have voted yes.

Toth

(Larson now present)

SB 49 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Murr submitted the conference committee report on **SB 49**.

Representative Murr moved to adopt the conference committee report on **SB 49**.

The motion to adopt the conference committee report on **SB 49** prevailed by (Record 1741): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Dean; DeShotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Davis; Pacheco.

SB 1438 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Meyer submitted the conference committee report on **SB 1438**.

(Cortez now present)

Representative Meyer moved to adopt the conference committee report on **SB 1438**.

The motion to adopt the conference committee report on **SB 1438** prevailed by (Record 1742): 127 Yeas, 15 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; VanDeaver; Vo; Walle; White; Wilson; Wu.

Nays — Allen; Anchia; Beckley; Cole; Crockett; Davis; Goodwin; Leach; Minjarez; Ordaz Perez; Ramos; Reynolds; Rose; Turner, J.; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Morales Shaw; Pacheco; Vasut.

STATEMENTS OF VOTE

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Bucy

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1742 was taken, I was shown voting no. I intended to vote yes.

Leach

When Record No. 1742 was taken, I was in the house but away from my desk. I would have voted no.

Morales Shaw

When Record No. 1742 was taken, I was shown voting yes. I intended to vote no.

Rodriguez

When Record No. 1742 was taken, I was in the house but away from my desk. I would have voted yes.

Vasut

SB 2124 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Canales submitted the conference committee report on **SB 2124**.

Representative Canales moved to adopt the conference committee report on **SB 2124**.

The motion to adopt the conference committee report on **SB 2124** prevailed by (Record 1743): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cason; Huberty; Murphy; Pacheco.

STATEMENT OF VOTE

When Record No. 1743 was taken, my vote failed to register. I would have voted yes.

Cason

HOUSE AT EASE

At 3:04 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 3:28 p.m.

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 No. 33).

REMARKS ORDERED PRINTED

Representative Ashby moved to print all remarks on **SB 1588**.

The motion prevailed.

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. 2).

SB 204 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the conference committee report on **SB 204**.

SB 204 - REMARKS

REPRESENTATIVE K. KING: Representative Huberty, just so everybody's clear, the amendment you put on this bill when it passed off the house floor is still intact?

REPRESENTATIVE HUBERTY: That's correct.

K. KING: And I know I'm paraphrasing some, but does your amendment continue the practice that TEA was using during the waiver system?

HUBERTY: That is correct.

K. KING: So we are not going to be cherry-picking kids.

HUBERTY: That's correct.

K. KING: We're not going to allow districts to go in and poach kids from other districts to improve their rating while making the district they took from's rating go down.

HUBERTY: That is correct. In fact, on page 1, Section (A), it's very specific about they have to have "an active policy adopted by the board that prohibits screening transfer students who reside outside the district based on the student's academic performance, disciplinary history, or attendance record, regardless of any relevant district or innovation plan." That is correct.

REMARKS ORDERED PRINTED

Representative K. King moved to print remarks between Representative Huberty and Representative K. King on **SB 204**.

The motion prevailed.

Representative Huberty moved to adopt the conference committee report on **SB 204**.

The motion to adopt the conference committee report on **SB 204** prevailed by (Record 1744): 138 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Baiies; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Allen; Crockett; Morales Shaw; Ramos.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, A.; Middleton; Pacheco.

STATEMENTS OF VOTE

When Record No. 1744 was taken, I was shown voting yes. I intended to vote no.

Beckley

When Record No. 1744 was taken, I was shown voting yes. I intended to vote no.

Bowers

When Record No. 1744 was taken, I was in the house but away from my desk. I would have voted yes.

Middleton

HB 4124 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Hinojosa submitted the following conference committee report on **HB 4124**:

Austin, Texas, May 29, 2021

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 4124** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Perry	Hinojosa
Bettencourt	Hernandez
Powell	Ortega
Schwertner	Raymond
Taylor	Price
On the part of the senate	On the part of the house

HB 4124, A bill to be entitled An Act relating to student enrollment in certain special-purpose districts and the allotment under the public school finance system for those districts.

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

SECTION 1. Section 11.351, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A special-purpose school district established under this section that is operated by a general academic teaching institution, as that term is defined by Section 61.003, may:

(1) in enrolling students or creating a waitlist for student enrollment, prioritize military-connected students, as that term is defined by Section 25.006(d); and

(2) enroll a student who:

(A) is a dependent of a member of the United States military;

(B) was previously enrolled in school in this state; and

(C) does not reside in this state due to a military deployment or

transfer.

SECTION 2. Section 48.053(b), Education Code, is amended to read as follows:

(b) A ~~[For each student who resides in this state and is enrolled in the district, a]~~ school district to which this section applies is entitled to funding under this chapter as if the district had no tier one local share for purposes of Section 48.256 for each student enrolled in the district:

(1) who resides in this state; or

(2) who:

(A) is a dependent of a member of the United States military;

(B) was previously enrolled in school in this state; and

(C) does not reside in this state due to a military deployment or

transfer.

SECTION 3. This Act takes effect September 1, 2021.

Representative Hinojosa moved to adopt the conference committee report on **HB 4124**.

The motion to adopt the conference committee report on **HB 4124** prevailed by (Record 1745): 110 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Caprignione; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Landgraf; Larson; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Slaton; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Buckley; Cain; Craddick; Cyrier; Ellzey; Gates; Harless; Harris; Hefner; Holland; Krause; Lambert; Leach; Leman; Metcalf; Middleton; Noble; Patterson; Paul; Sanford; Schaefer; Schofield; Shaheen; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, A.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Cason

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Oliverson

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Slaton

When Record No. 1745 was taken, I was shown voting yes. I intended to vote no.

Stucky

SB 1267 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Lozano submitted the conference committee report on **SB 1267**.

Representative Lozano moved to adopt the conference committee report on **SB 1267**.

The motion to adopt the conference committee report on **SB 1267** prevailed by (Record 1746): 138 Yeas, 5 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Patterson; Slaton; Toth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Gervin-Hawkins; Pacheco.

STATEMENTS OF VOTE

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Leach

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Leman

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Paul

When Record No. 1746 was taken, I was shown voting yes. I intended to vote no.

Vasut

SB 766 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the conference committee report on **SB 766**.

Representative Leach moved to adopt the conference committee report on **SB 766**.

The motion to adopt the conference committee report on **SB 766** prevailed by (Record 1747): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tindholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, A.; Pacheco.

HB 1758 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the following conference committee report on **HB 1758**:

Austin, Texas, May 29, 2021

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 1758** 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.

Birdwell
Creighton
Huffman
Hughes
Johnson

Krause
Martinez
Tinderholt
Patterson

On the part of the senate

On the part of the house

HB 1758, A bill to be entitled An Act relating to law enforcement's use of force by means of a drone.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE. (a) In this article:

(1) "Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

(A) is controlled remotely by a human operator; or

(B) operates autonomously through computer software or other programming.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

(1) adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and

(2) not later than January 1 of each even-numbered year, submit the policy to the Texas Commission on Law Enforcement in the manner prescribed by the commission.

SECTION 2. Subchapter E, Chapter 9, Penal Code, is amended by adding Section 9.54 to read as follows:

Sec. 9.54. LIMITATION ON USE OF FORCE BY DRONE. (a) In this section:

(1) "Autonomous drone" means a drone that operates autonomously through computer software or other programming.

(2) "Drone" and "law enforcement agency" have the meanings assigned by Article 2.33, Code of Criminal Procedure.

(b) Notwithstanding any other law, the use of force, including deadly force, involving a drone is justified under this subchapter only if:

(1) at the time the use of force occurred, the actor was employed by a law enforcement agency;

(2) the use of force:

(A) would have been justified under another provision of this subchapter; and

(B) did not involve the use of deadly force by means of an autonomous drone; and

(3) before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to the Texas Commission on Law Enforcement a policy on the agency's use of force by means of a drone, as required by Article 2.33, Code of Criminal Procedure, and the use of force conformed to the requirements of that policy.

SECTION 3. Not later than January 1, 2022, each law enforcement agency in this state that uses or intends to use a drone, as defined by Article 2.33, Code of Criminal Procedure, as added by this Act, for law enforcement purposes shall:

(1) adopt the policy required by Article 2.33, Code of Criminal Procedure, as added by this Act; and

(2) submit the policy to the Texas Commission on Law Enforcement as required by that article.

SECTION 4. Section 9.54, Penal Code, as added by this Act, applies only to an offense committed on or after January 1, 2022. An offense committed before January 1, 2022, 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 January 1, 2022, if any element of the offense occurred before that date.

SECTION 5. This Act takes effect September 1, 2021.

Representative Krause moved to adopt the conference committee report on **HB 1758**.

The motion to adopt the conference committee report on **HB 1758** prevailed by (Record 1748): 103 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Deshotel; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Goldman; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Martinez; Martinez Fischer;

Metcalf; Meyer; Middleton; Moody; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Price; Ramos; Raney; Raymond; Rodriguez; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Zwiener.

Nays — Anchia; Beckley; Bernal; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Dominguez; Dutton; Gervin-Hawkins; González, J.; González, M.; Hinojosa; Howard; Israel; Johnson, J.E.; Lopez; Meza; Minjarez; Morales, C.; Morales, E.; Murr; Ordaz Perez; Perez; Reynolds; Romero; Rose; Rosenthal; Sherman; Slaton; Talarico; Thierry; Thompson, S.; Turner, C.; Vo; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hernandez; Pacheco.

STATEMENTS OF VOTE

When Record No. 1748 was taken, I was shown voting no. I intended to vote yes.

E. Morales

When Record No. 1748 was taken, I was shown voting no. I intended to vote yes.

Ordaz Perez

HR 2084 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2084**, suspending the limitations on the conferees for **HB 1281**.

HR 2085 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2085**, suspending the limitations on the conferees for **SB 3**.

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. 3).

(Goldman in the chair)

SB 1123 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the conference committee report on **SB 1123**.

Representative Krause moved to adopt the conference committee report on **SB 1123**.

The motion to adopt the conference committee report on **SB 1123** prevailed by (Record 1749): 134 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Lemam; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

Nays — Cason; Slaton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bernal; Gervin-Hawkins; Hefner; Leach; Minjarez; Pacheco; Rosenthal; Vo.

HB 671 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Martinez submitted the following conference committee report on **HB 671**:

Austin, Texas, May 29, 2021

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 671** 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.

Lucio
Bettencourt
Hinojosa
Perry
Springer
On the part of the senate

Martinez
Canales
Guillen
Hull
Sanford
On the part of the house

HB 671, A bill to be entitled An Act relating to establishment of the disaster identification system for a declared state of disaster.

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

SECTION 1. Section 418.004, Government Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Illuminated display" means a device that is capable of displaying a flashing light and a continuous light in either the color white or the colors blue, green, red, and yellow.

SECTION 2. Section 418.015(a), Government Code, is amended to read as follows:

(a) An executive order or proclamation declaring a state of disaster:

(1) activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; ~~and~~

(2) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies, equipment, and materials or facilities assembled, stockpiled, or arranged to be made available under this chapter or other law relating to disasters; and

(3) activates for the area subject to the declaration the disaster identification system described by Section 418.0151.

SECTION 3. Subchapter B, Chapter 418, Government Code, is amended by adding Section 418.0151 to read as follows:

Sec. 418.0151. DISASTER IDENTIFICATION SYSTEM. (a) In an area subject to a state of disaster declaration, a person may elect to participate in the disaster identification system activated for the area. The system must authorize the use of an illuminated display to communicate with disaster relief personnel.

(b) A person participating in the disaster identification system shall:

(1) affix to each individual and domesticated animal in the person's household an illuminated display of the following colors:

(A) if the person has a monochromatic illuminated display, the color white for each individual and animal; or

(B) if the person has a multicolored illuminated display:

(i) blue for each individual 18 years of age or older;

(ii) green for each individual with a disability;

(iii) red for each individual younger than 18 years of age; and

(iv) yellow for each animal; and

(2) using the illuminated display, signal to disaster relief personnel responding to the area after the disaster with:

(A) a continuous light on the display of each household member who does not need medical assistance; or

(B) a flashing light on the display of each household member who needs medical assistance.

(c) Disaster relief personnel may patrol the designated disaster area by air or ground at night to locate individuals or animals with activated illuminated displays.

SECTION 4. Section 418.042(a), Government Code, is amended to read as follows:

(a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:

(1) provisions for prevention and minimization of injury and damage caused by disaster;

(2) provisions for prompt and effective response to disaster;

(3) provisions for emergency relief;

(4) provisions for energy emergencies;

(5) identification of areas particularly vulnerable to disasters;

(6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(7) provisions for assistance to local officials in designing local emergency management plans;

(8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;

(9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;

(10) organization of manpower and channels of assistance;

(11) coordination of federal, state, and local emergency management activities;

(12) coordination of the state emergency management plan with the emergency management plans of the federal government;

(13) coordination of federal and state energy emergency plans;

(14) provisions for providing information to local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11;

(15) a database of public facilities that may be used under Section 418.017 to shelter individuals during a disaster, including air-conditioned facilities for shelter during an extreme heat disaster and fortified structures for shelter during a wind disaster;

(16) provisions for quickly replenishing the food supplies of area food banks or food pantries following a disaster;

(17) provisions for the use of the disaster identification system described by Section 418.0151; and

(18) [(17)] other necessary matters relating to disasters.

SECTION 5. This Act takes effect September 1, 2021.

Representative Martinez moved to adopt the conference committee report on **HB 671**.

The motion to adopt the conference committee report on **HB 671** prevailed by (Record 1750): 109 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bernal; Bonnen; Bowers; Bucy; Burrows; Campos; Canales; Cason; Clardy; Cole; Collier; Cook; Cortez; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Leach; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Paddie; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; Vo; Walle; White; Wu; Zwiener.

Nays — Bell, C.; Bell, K.; Biedermann; Buckley; Burns; Cain; Capriglione; Craddick; Dean; Harris; Hefner; Holland; Landgraf; Leman; Middleton; Murr; Oliverson; Parker; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Swanson; Toth; VanDeaver; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Button; Pacheco.

STATEMENT OF VOTE

When Record No. 1750 was taken, I was shown voting yes. I intended to vote no.

Anderson

SB 696 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guillen submitted the conference committee report on **SB 696**.

Representative Guillen moved to adopt the conference committee report on **SB 696**.

The motion to adopt the conference committee report on **SB 696** prevailed by (Record 1751): 83 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bernal; Bonnen; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Crockett; Davis; Dominguez; Dutton; Fierro; Frank; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Kuempel; Larson; Lopez; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Paddie;

Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Allison; Ashby; Bell, K.; Biedermann; Buckley; Burns; Cain; Capriglione; Cason; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Gates; Geren; Harless; Harris; Hefner; Holland; Hull; Jetton; King, K.; Klick; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Middleton; Murr; Oliverson; Parker; Patterson; Paul; Price; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bowers; Deshotel; Hernandez; Pacheco.

STATEMENTS OF VOTE

When Record No. 1751 was taken, my vote failed to register. I would have voted yes.

Bowers

When Record No. 1751 was taken, I was shown voting yes. I intended to vote no.

Noble

When Record No. 1751 was taken, I was shown voting yes. I intended to vote no.

Rogers

HB 2315 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative J. Turner submitted the following conference committee report on **HB 2315**:

Austin, Texas, May 29, 2021

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 2315** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Huffman
Bettencourt
Johnson
Nelson
Nichols

J. Turner
Rose
Meyer
Collier
Murr

On the part of the senate

On the part of the house

HB 2315, A bill to be entitled An Act relating to the forfeiture of contraband relating to the criminal offense of racing on a highway.

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

SECTION 1. (a) Article 59.01(2), Code of Criminal Procedure, as effective until January 1, 2022, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);

(iv) any felony under The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes); or

(v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 151, Finance Code;

(iv) any felony under Chapter 20A or 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;

(vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(ix) any offense under Section 42.10, Penal Code;

(x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi) any offense under Chapter 71, Penal Code;

(xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~or~~

(xiii) an offense under Section 326.002, Business & Commerce Code; or

(xiv) a Class A misdemeanor or any felony under Section 545.420, Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.

(b) Article 59.01(2), Code of Criminal Procedure, as effective on January 1, 2022, is amended to read as follows:

(2) "Contraband" means property of any nature, including real, personal, tangible, or intangible, that is:

(A) used in the commission of:

(i) any first or second degree felony under the Penal Code;

(ii) any felony under Section 15.031(b), 21.11, or 38.04 or Chapter 29, 30, 31, 32, 33, 33A, or 35, Penal Code;

(iii) any felony under Chapter 43, Penal Code, except as provided by Paragraph (B);

(iv) any felony under The Securities Act (Title 12, Government Code); or

(v) any offense under Chapter 49, Penal Code, that is punishable as a felony of the third degree or state jail felony, if the defendant has been previously convicted three times of an offense under that chapter;

(B) used or intended to be used in the commission of:

(i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);

(ii) any felony under Chapter 483, Health and Safety Code;

(iii) a felony under Chapter 151, Finance Code;

(iv) any felony under Chapter 20A or 34, Penal Code;

(v) a Class A misdemeanor under Subchapter B, Chapter 365, Health and Safety Code, if the defendant has been previously convicted twice of an offense under that subchapter;

(vi) any felony under Chapter 32, Human Resources Code, or Chapter 31, 32, 35A, or 37, Penal Code, that involves a health care program, as defined by Section 35A.01, Penal Code;

(vii) a Class B misdemeanor under Chapter 522, Business & Commerce Code;

(viii) a Class A misdemeanor under Section 306.051, Business & Commerce Code;

(ix) any offense under Section 42.10, Penal Code;

(x) any offense under Section 46.06(a)(1) or 46.14, Penal Code;

(xi) any offense under Chapter 71, Penal Code;
 (xii) any offense under Section 20.05, 20.06, 20.07, 43.04, or 43.05, Penal Code; ~~[or]~~

(xiii) an offense under Section 326.002, Business & Commerce Code; or

(xiv) a Class A misdemeanor or any felony under Section 545.420, Transportation Code, other than a Class A misdemeanor that is classified as a Class A misdemeanor based solely on conduct constituting a violation of Subsection (e)(2)(B) of that section;

(C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision, a misdemeanor listed in Paragraph (B)(vii), (ix), (x), (xi), or (xii) of this subdivision, or a crime of violence;

(E) used to facilitate or intended to be used to facilitate the commission of a felony under Section 15.031 or Chapter 43, Penal Code; or

(F) used to facilitate or intended to be used to facilitate the commission of an offense under Section 20.05, 20.06, or 20.07 or Chapter 20A, Penal Code.

SECTION 2. The change in law made by this Act applies only to property or proceeds seized on or after the effective date of this Act. Property or proceeds seized before the effective date of this Act are governed by the law in effect on the date the property or proceeds were seized, and the former law is continued in effect for that purpose. For purposes of this section, property or proceeds were seized before the effective date of this Act if any portion of the property or proceeds were seized before that date.

SECTION 3. This Act takes effect September 1, 2021.

Representative J. Turner moved to adopt the conference committee report on **HB 2315**.

The motion to adopt the conference committee report on **HB 2315** prevailed by (Record 1752): 103 Yeas, 40 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Beckley; Bernal; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, T.; Klick; Kuempel; Larson; Lopez; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Ordaz Perez; Ortega; Paddie; Parker; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez;

Rogers; Romero; Rose; Rosenthal; Sanford; Sherman; Shine; Smithee; Spiller; Stephenson; Stucky; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bailes; Bell, C.; Bell, K.; Biedermann; Buckley; Cain; Cason; Dean; Ellzey; Gates; Harless; Harris; Hefner; Holland; Hull; Jetton; King, P.; Krause; Lambert; Landgraf; Leach; Leman; Lozano; Middleton; Noble; Oliverson; Patterson; Paul; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENT OF VOTE

When Record No. 1752 was taken, I was shown voting yes. I intended to vote no.

Anderson

HB 1493 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Walle submitted the following conference committee report on **HB 1493**:

Austin, Texas, May 29, 2021

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 1493** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Hinojosa
Campbell
Hughes
Nelson
Zaffirini

On the part of the senate

Herrero
Leach
Martinez Fischer
Rodriguez
Walle

On the part of the house

HB 1493, A bill to be entitled An Act relating to the use of an entity name that falsely implies governmental affiliation.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150C to read as follows:

CHAPTER 150C. ENTITY NAME FALSELY IMPLYING GOVERNMENTAL AFFILIATION

Sec. 150C.001. DEFINITION. In this chapter, "governmental unit" has the meaning assigned by Section 101.001.

Sec. 150C.002. FALSELY IMPLYING GOVERNMENTAL AFFILIATION. (a) A governmental unit is entitled to enjoin another person's use of an entity name that falsely implies governmental affiliation with the governmental unit.

(b) In an action brought under this section, the governmental unit is entitled to injunctive relief throughout the state.

(c) If the court finds that the person against whom the injunctive relief is sought willfully intended to imply governmental affiliation with the governmental unit, the court, in the court's discretion, may award reasonable attorney's fees and court costs to the governmental unit.

SECTION 2. Subchapter B, Chapter 5, Business Organizations Code, is amended by adding Sections 5.064 and 5.065 to read as follows:

Sec. 5.064. NAME FALSELY IMPLYING GOVERNMENTAL AFFILIATION PROHIBITED. (a) A filing entity or a foreign filing entity may not use a name in this state that falsely implies an affiliation with a governmental entity.

(b) The submission of a filing instrument is an affirmation by the organizer or by a managerial official named in the filing instrument that the name provided as the name of the filing entity does not falsely imply an affiliation with a governmental entity.

(c) The addition of a word, phrase, or abbreviation that is required to be included in the name of a domestic or foreign filing entity under the provisions of this chapter is not a factor when determining whether a name violates Subsection (a).

(d) For purposes of this section, an entity name means:

(1) the name of a domestic filing entity, as evidenced by its certificate of formation, as amended or restated; or

(2) in the case of a foreign filing entity, the name of the foreign filing entity or the fictitious name of a foreign filing entity, as evidenced by its application for registration or its most recent amended registration.

(e) The secretary of state shall adopt rules and prescribe procedures to implement this section.

Sec. 5.065. FALSE IMPLICATION OF GOVERNMENTAL AFFILIATION; AUTHORITY OF SECRETARY OF STATE AND ATTORNEY GENERAL. (a) On the written request of a governmental entity specifying the basis on which a filing entity's or foreign filing entity's name falsely implies affiliation with the governmental entity, the secretary of state may, in the secretary's reasonable discretion and after consultation with the attorney general, determine not later than the 30th day after the date of the secretary's acceptance of a filing instrument that a filing entity's or a foreign filing entity's name falsely implies an affiliation with a governmental entity in violation of Section 5.064.

(b) If the secretary of state determines under Subsection (a) that a filing entity's or foreign filing entity's name falsely implies an affiliation with a governmental entity, the secretary of state shall notify the entity in writing of the determination. The secretary of state shall provide the filing entity or foreign filing entity an opportunity to respond to the notice not later than the 60th day after the date of the notice, including through the submission of documentation verifying that the entity is affiliated with the governmental entity or by demonstrating that the entity's name does not falsely imply affiliation with the governmental entity. The secretary of state shall make a final determination, based on the filing entity's or foreign filing entity's response, as to whether or not the entity's name falsely implies an affiliation with a governmental entity.

(c) After making a final determination based on the filing entity's or foreign filing entity's response under Subsection (b), the secretary of state shall notify the filing entity or foreign filing entity of the secretary's final determination. If the entity does not timely respond to notice provided to the entity under Subsection (b), the secretary's initial determination becomes final. If the secretary of state finally determines that the filing entity's or foreign filing entity's name falsely implies an affiliation with a governmental entity, not later than the 90th day after the date the secretary of state sends the notification required by Subsection (b), the entity shall:

(1) cease transacting business or operating under that name in this state;
and

(2) file with the secretary of state the applicable instrument to amend the entity's name as shown in the records of the secretary of state.

(d) If a filing entity or a foreign filing entity fails to take the action required by Subsection (c)(2), the secretary of state shall notify the attorney general of the entity's failure to file the applicable filing instrument.

(e) The attorney general may bring an action in the name of the state for injunctive relief to require compliance with this section.

(f) An action under this section may be brought in a district court in Travis County.

(g) The attorney general may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney's fees, and investigatory costs.

(h) The secretary of state shall adopt rules and prescribe procedures to implement this section.

(i) Notwithstanding Subsection (a), on the written request of a governmental entity specifying the basis on which a filing entity's or foreign filing entity's name falsely implies affiliation with the governmental entity, the secretary of state may, in the secretary's reasonable discretion and after consultation with the attorney general, determine within eight years after the secretary's acceptance of a filing instrument that a filing entity's or a foreign filing entity's name falsely implies an affiliation with a governmental entity in violation of Section 5.064. A determination made under this subsection is subject to Subsections (b)-(g) to the same extent as a determination made under Subsection (a). This subsection expires December 31, 2021.

SECTION 3. Not later than December 1, 2021, the secretary of state shall adopt rules and prescribe procedures under Section 5.065(h), Business Organizations Code, as added by this Act.

SECTION 4. The secretary of state and the attorney general retain the authority under Section 5.065, Business Organizations Code, as added by this Act, to act on a written request by a governmental entity under Section 5.065(i), Business Organizations Code, as added by this Act, that is made before December 31, 2021.

SECTION 5. This Act takes effect September 1, 2021.

Representative Walle moved to adopt the conference committee report on **HB 1493**.

The motion to adopt the conference committee report on **HB 1493** prevailed by (Record 1753): 134 Yeas, 8 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cain; Cason; Middleton; Murr; Oliverson; Paul; Slaton; Vasut.

Present, not voting — Mr. Speaker; Capriglione; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1753 was taken, I was shown voting present, not voting. I intended to vote yes.

Capriglione

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Dean

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 1753 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 1315 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dominguez submitted the conference committee report on **SB 1315**.

Representative Dominguez moved to adopt the conference committee report on **SB 1315**.

The motion to adopt the conference committee report on **SB 1315** prevailed by (Record 1754): 106 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Cason; Cole; Collier; Cortez; Craddick; Crockett; Darby; Davis; Deshotel; Dominguez; Dutton; Fierro; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris; Hernandez; Hinojosa; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Landgraf; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sherman; Shine; Slawson; Smithee; Spiller; Stephenson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Cain; Clardy; Cook; Cyrier; Dean; Ellzey; Harless; Hefner; Holland; Hull; Krause; Kuempel; Lambert; Leach; Murr; Noble; Oliverson; Patterson; Price; Sanford; Schaefer; Schofield; Shaheen; Slaton; Smith; Stucky; Swanson; Tinderholt; Toth; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Frank; Gates; Klick; Larson; Pacheco.

STATEMENTS OF VOTE

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Middleton

When Record No. 1754 was taken, I was shown voting yes. I intended to vote no.

Slawson

HB 1929 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Wilson submitted the following conference committee report on **HB 1929**:

Austin, Texas, May 29, 2021

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 1929** 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.

Buckingham
Bettencourt
Hall
Paxton
Springer

Wilson
Bucy
Cyrier
Darby
Rodriguez
On the part of the house

HB 1929, A bill to be entitled An Act relating to the breach of development agreement contracts governing land in the extraterritorial jurisdiction of certain municipalities.

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

SECTION 1. Section 212.172, Local Government Code, is amended by amending Subsections (a), (c), (e), (f), (g), and (h) and adding Subsections (i), (j), and (k) to read as follows:

(a) In this subchapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an authorized arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract agreement for the arbitration proceedings.

(2) "Contract" means a contract for a development agreement authorized by this subchapter.

(3) "Extraterritorial [~~,"extraterritorial]~~ jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42.

(c) A contract [~~An agreement under this subchapter]~~ must:

(1) be in writing;

(2) contain an adequate legal description of the land;

(3) be approved by the governing body of the municipality and the landowner; and

(4) be recorded in the real property records of each county in which any part of the land that is subject to the contract [agreement] is located.

(e) A municipality in an affected county, as defined by Section 16.341, Water Code, may not enter into a contract [an agreement under this subchapter] that is inconsistent with the model rules adopted under Section 16.343, Water Code.

(f) The contract [agreement] between the governing body of the municipality and the landowner is binding on the municipality and the landowner and on their respective successors and assigns for the term of the contract [agreement]. The contract [agreement] is not binding on, and does not create any encumbrance to title as to, any end-buyer of a fully developed and improved lot within the development, except for land use and development regulations that may apply to a specific lot. Annexation by a municipality of land subject to a contract does not invalidate the enforceability of the contract or infringe on the rights of a party to adjudicate a claim arising under the contract.

(g) A contract:

(1) [~~An agreement under this subchapter]~~ constitutes a permit under Chapter 245; and

(2) is a program authorized by the legislature under Section 52-a, Article III, Texas Constitution.

(h) A contract [An agreement] between a municipality and a landowner entered into prior to the effective date of this section, or any amendment to this section, and that complies with this section is validated, enforceable, and may be adjudicated subject to the terms and conditions of this subchapter, as amended.

(i) A municipality that enters into a contract waives immunity from suit for the purpose of adjudicating a claim for breach of the contract.

(j) Except as provided by Subsection (k), actual damages, specific performance, or injunctive relief may be granted in an adjudication brought against a municipality for breach of a contract. The total amount of money awarded in an adjudication brought against a municipality for breach of a contract is limited to the following:

(1) the balance due and owed by the municipality under the contract as it may have been amended;

(2) any amount owed by the landowner as a result of the municipality's failure to perform under the contract, including compensation for the increased cost of infrastructure as a result of delays or accelerations caused by the municipality;

(3) reasonable attorney's fees; and

(4) interest as allowed by law, including interest as calculated under Chapter 2251, Government Code.

(k) Damages awarded in an adjudication brought against a municipality for breach of a contract may not include:

(1) consequential damages, except as expressly allowed under Subsection (j)(2); or

(2) exemplary damages.

SECTION 2. Section 212.174, Local Government Code, is amended to read as follows:

Sec. 212.174. MUNICIPAL UTILITIES. A municipality may not require a contract ~~[an agreement under this subchapter]~~ as a condition for providing water, sewer, electricity, gas, or other utility service from a municipally owned or municipally operated utility that provides any of those services.

SECTION 3. This Act takes effect September 1, 2021.

Representative Wilson moved to adopt the conference committee report on **HB 1929**.

The motion to adopt the conference committee report on **HB 1929** prevailed by (Record 1755): 110 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Guerra; Guillen; Harless; Harris; Hefner; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Moody; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Nays — Allen; Beckley; Bowers; Campos; Collier; Crockett; Davis; Dominguez; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Johnson, A.; Johnson, J.D.; Larson; Meza; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Neave; Ordaz Perez; Ramos; Reynolds; Romero; Rose; Sherman; Thompson, S.; Toth; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1755 was taken, I was shown voting no. I intended to vote yes.

E. Morales

When Record No. 1755 was taken, I was shown voting no. I intended to vote yes.

Ordaz Perez

When Record No. 1755 was taken, I was shown voting yes. I intended to vote no.

Perez

HB 3578 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Guerra submitted the following conference committee report on **HB 3578**:

Austin, Texas, May 28, 2021

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 3578** 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.

Johnson
Kolkhorst
Perry
Powell

Guerra
Meyer
Noble
Thierry
Sanford

On the part of the senate

On the part of the house

HB 3578, A bill to be entitled An Act relating to the payment methods for cigarette and tobacco products permit fees.

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

SECTION 1. Section 154.1135(b), Tax Code, is amended to read as follows:

(b) The payment must be made in cash or by money order, ~~[or]~~ check, or credit card.

SECTION 2. Section 155.050(b), Tax Code, is amended to read as follows:

(b) The payment must be made in cash or by money order, ~~[or]~~ check, or credit card.

SECTION 3. This Act takes effect September 1, 2021.

Representative Guerra moved to adopt the conference committee report on **HB 3578**.

The motion to adopt the conference committee report on **HB 3578** prevailed by (Record 1756): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

SB 2154 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 2154**.

Representative Paddie moved to adopt the conference committee report on **SB 2154**.

The motion to adopt the conference committee report on **SB 2154** prevailed by (Record 1757): 109 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Crockett; Cyrier; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; Goodwin; Guerra; Guillen; Harless; Hefner; Huberty; Hull; Hunter; Jetton; Johnson, A.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen;

Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; Wu; Zwiener.

Nays — Ashby; Bailes; Burns; Cain; Craddick; Darby; González, M.; Harris; Hinojosa; Holland; Howard; Israel; Lambert; Landgraf; Larson; Martinez Fischer; Middleton; Murr; Parker; Rogers; Sherman; Smithee; Stucky; Talarico; Toth; Vasut.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cortez; Hernandez; Johnson, J.D.; Johnson, J.E.; Meza; Pacheco; Thierry; White; Wilson.

STATEMENTS OF VOTE

When Record No. 1757 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1757 was taken, I was shown voting yes. I intended to vote no.

Bucy

When Record No. 1757 was taken, I was shown voting yes. I intended to vote no.

Hefner

When Record No. 1757 was taken, I was in the house but away from my desk. I would have voted no.

White

When Record No. 1757 was taken, I was temporarily out of the house chamber. I would have voted no.

Wilson

SB 794 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Meyer submitted the conference committee report on **SB 794**.

Representative Meyer moved to adopt the conference committee report on **SB 794**.

The motion to adopt the conference committee report on **SB 794** prevailed by (Record 1758): 138 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Bucy; Burns; Burrows; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.;

González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Buckley.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Button; Holland; Johnson, J.E.; Meza; Pacheco.

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. 4).

HB 2593 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Moody submitted the following conference committee report on **HB 2593**:

Austin, Texas, May 29, 2021

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 2593** 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.

Johnson	Moody
Hughes	Biedermann
Kolkhorst	Dutton
Perry	Krause
Schwertner	Slaton
On the part of the senate	On the part of the house

HB 2593, A bill to be entitled An Act relating to the criminal penalties for the possession of certain tetrahydrocannabinols under the Texas Controlled Substances Act.

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

SECTION 1. Sections 481.002(5) and (6), Health and Safety Code, are amended to read as follows:

(5) "Controlled substance" means a substance, including a drug, an adulterant, and a dilutant, listed in Schedules I through V or Penalty Group 1, 1-A, 2, 2-A, 2-B, 3, or 4. The term includes the aggregate weight of any mixture, solution, or other substance containing a controlled substance. The term does not include hemp, as defined by Section 121.001, Agriculture Code, or the tetrahydrocannabinols in hemp.

(6) "Controlled substance analogue" means:

(A) a substance with a chemical structure substantially similar to the chemical structure of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, 2, [ø] 2-A, or 2-B; or

(B) a substance specifically designed to produce an effect substantially similar to, or greater than, the effect of a controlled substance in Schedule I or II or Penalty Group 1, 1-A, 2, [ø] 2-A, or 2-B.

SECTION 2. Section 481.103(a), Health and Safety Code, is amended to read as follows:

(a) Penalty Group 2 consists of:

(1) any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

5-(2-aminopropyl)benzofuran (5-APB);

6-(2-aminopropyl)benzofuran (6-APB);

5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

5-(2-aminopropyl)indole (5-IT,5-API);

6-(2-aminopropyl)indole (6-IT,6-API);

1-(benzofuran-5-yl)-N-methylpropan-2-amine (5-MAPB);

1-(benzofuran-6-yl)-N-methylpropan-2-amine (6-MAPB);

Benzothiophenylcyclohexylpiperidine (BTCP);

8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran- 4-ethanamine
(trade or other name: Bromo-DragonFLY);

Desoxypradrol (2-benzhydrylpiperidine);

2, 5-dimethoxyamphetamine (some trade or other names: 2, 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

Diphenylprolinol (diphenyl(pyrrolidin-2-yl) methanol, D2PM);

Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product (some trade or other names for Dronabinol: (a6aR-trans)-6a,7,8,10a-tetrahydro-6,6, 9- trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9- (trans)-tetrahydrocannabinol);

Ethylamine Analog of Phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1- phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (trade or other name: methoxetamine);

Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1', 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);

5-iodo-2-aminoindane (5-IAI);

Mescaline;

5-methoxy-3, 4-methylenedioxy amphetamine;

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);

4-methoxymethamphetamine (PMMA);

2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone (some trade and other names: 2-MeO-ketamine; methoxyketamine);

1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP, PPMP);

4-methyl-2, 5-dimethoxyamphetamine (some trade and other names: 4-methyl-2, 5-dimethoxy-alpha- methylphenethylamine; "DOM"; "STP");

3,4-methylenedioxy methamphetamine (MDMA, MDM);

3,4-methylenedioxy amphetamine;

3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl MDA);

5,6-methylenedioxy-2-aminoindane (MDAI);

Nabilone (Another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6, 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;

N-benzylpiperazine (some trade or other names: BZP; 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);

4-methylaminorex;

N-methyl-3-piperidyl benzilate;

Parahexyl (some trade or other names: 3-Hexyl-1- hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran; Synhexyl);

1-Phenylcyclohexylamine;

1-Piperidinocyclohexanecarbonitrile (PCC);

Pyrrolidine Analog of Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

~~[Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:~~

~~[delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;~~

~~[delta 6 cis or trans tetrahydrocannabinol, and their optical isomers;~~

~~[delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers; or~~

~~[compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized;]~~

Thiophene Analog of Phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP);

1-pyrrolidine (some trade or other name: TCPy);

1-(3-trifluoromethylphenyl)piperazine (trade or other name: TFMPP); and

3,4,5-trimethoxy amphetamine;

(2) Phenylacetone (some trade or other names: Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl ketone);

(3) unless specifically excepted or unless listed in another Penalty Group, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant or stimulant effect on the central nervous system:

Aminorex (some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);

Amphetamine, its salts, optical isomers, and salts of optical isomers;

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone);

Etqualone and its salts;

Etorphine Hydrochloride;

Fenethylamine and its salts;

Lisdexamfetamine, including its salts, isomers, and salts of isomers;

Mecloqualone and its salts;

Methaqualone and its salts;

Methcathinone (some trade or other names: 2-methylamino-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone; monomethylpropion; ephedrone, N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR 1431);

N-Ethylamphetamine, its salts, optical isomers, and salts of optical isomers; and

N,N-dimethylamphetamine (some trade or other names: N,N,alpha-trimethylbenzeneethanamine; N,N,alpha-trimethylphenethylamine), its salts, optical isomers, and salts of optical isomers;

(4) any compound structurally derived from 2-aminopropanal by substitution at the 1-position with any monocyclic or fused-polycyclic ring system, including:

(A) compounds further modified by:

(i) substitution in the ring system to any extent (including alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents), whether or not further substituted in the ring system by other substituents;

(ii) substitution at the 3-position with an alkyl substituent; or

(iii) substitution at the 2-amino nitrogen atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or inclusion of the 2-amino nitrogen atom in a cyclic structure; and

(B) by example, compounds such as:

4-Methylmethcathinone (Also known as Mephedrone);

3,4-Dimethylmethcathinone (Also known as 3,4-DMMC);

3-Fluoromethcathinone (Also known as 3-FMC);

4-Fluoromethcathinone (Also known as Flephedrone);

3,4-Methylenedioxy-N-methylcathinone (Also known as

Methylone);

3,4-Methylenedioxypropylvalerone (Also known as MDPV);

alpha-Pyrrolidinopentiophenone (Also known as alpha-PVP);

Naphthylpyrovalerone (Also known as Naphyrone);

alpha-Methylamino-valerophenone (Also known as

Pentadrone);

beta-Keto-N-methylbenzodioxolylpropylamine (Also known as

Butylone);

beta-Keto-N-methylbenzodioxolylpentanamine (Also known as

Pentylone);

beta-Keto-Ethylbenzodioxolylbutanamine (Also known as

Eutylone); and

3,4-methylenedioxy-N-ethylcathinone (Also known as

Ethylone);

(5) any compound structurally derived from tryptamine (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

(A) by modification in any of the following ways:

(i) by substitution at the amine nitrogen atom of the sidechain to any extent with alkyl or alkenyl groups or by inclusion of the amine nitrogen atom of the side chain (and no other atoms of the side chain) in a cyclic structure;

(ii) by substitution at the carbon atom adjacent to the nitrogen atom of the side chain (alpha-position) with an alkyl or alkenyl group;

(iii) by substitution in the 6-membered ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl, alkylenedioxy, or halide substituents; or

(iv) by substitution at the 2-position of the tryptamine ring system with an alkyl substituent; and

(B) including:

(i) ethers and esters of the controlled substances listed in this subdivision; and

(ii) by example, compounds such as:

alpha-ethyltryptamine;

alpha-methyltryptamine;

Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

Diethyltryptamine (some trade and other names: N, N-Diethyltryptamine, DET);

Dimethyltryptamine (trade or other name: DMT);

5-methoxy-N, N-diisopropyltryptamine (5-MeO-DiPT);

O-Acetylpsilocin (Trade or other name: 4-Aco-DMT);

Psilocin; and

Psilocybin;

(6) 2,5-Dimethoxyphenethylamine and any compound structurally derived from 2,5-Dimethoxyphenethylamine by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), including, by example, compounds such as:

4-Bromo-2,5-dimethoxyphenethylamine (trade or other name: 2C-B);

4-Chloro-2,5-dimethoxyphenethylamine (trade or other name: 2C-C);

2,5-Dimethoxy-4-methylphenethylamine (trade or other name: 2C-D);

4-Ethyl-2,5-dimethoxyphenethylamine (trade or other name: 2C-E);

4-Iodo-2,5-dimethoxyphenethylamine (trade or other name: 2C-I);

2,5-Dimethoxy-4-nitrophenethylamine (trade or other name: 2C-N);

2,5-Dimethoxy-4-(n)-propylphenethylamine (trade or other name: 2C-P);

4-Ethylthio-2,5-dimethoxyphenethylamine (trade or other name: 2C-T-2);

4-Isopropylthio-2,5-dimethoxyphenethylamine (trade or other name: 2C-T-4); and

2,5-Dimethoxy-4-(n)-propylthiophenethylamine (trade or other name: 2C-T-7); and

(7) 2,5-Dimethoxyamphetamine and any compound structurally derived from 2,5-Dimethoxyamphetamine by substitution at the 4-position of the phenyl ring to any extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents), including, by example, compounds such as:

4-Ethylthio-2,5-dimethoxyamphetamine (trade or other name: Aleph-2);

4-Isopropylthio-2,5-dimethoxyamphetamine (trade or other name: Aleph-4);

4-Bromo-2,5-dimethoxyamphetamine (trade or other name: DOB);

4-Chloro-2,5-dimethoxyamphetamine (trade or other name: DOC);

2,5-Dimethoxy-4-ethylamphetamine (trade or other name: DOET);

4-Iodo-2,5-dimethoxyamphetamine (trade or other name: DOI);

2,5-Dimethoxy-4-methylamphetamine (trade or other name: DOM);

2,5-Dimethoxy-4-nitroamphetamine (trade or other name: DON);

4-Isopropyl-2,5-dimethoxyamphetamine (trade or other name: DOIP); and
 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or other name: DOPR).

SECTION 3. Subchapter D, Chapter 481, Health and Safety Code, is amended by adding Section 481.1032 to read as follows:

Sec. 481.1032. PENALTY GROUP 2-B. (a) Penalty Group 2-B consists of any quantity of the following substances, their salts, isomers, and salts of isomers, unless specifically excepted, if the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Tetrahydrocannabinols, other than marihuana, and synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

delta-1 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-6 cis or trans tetrahydrocannabinol, and their optical isomers;

delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

or

compounds of these structures, regardless of numerical designation of atomic positions, since nomenclature of these substances is not internationally standardized.

(b) For the purposes of this section, the term "isomer" includes an optical, position, or geometric isomer.

SECTION 4. Section 481.106, Health and Safety Code, is amended to read as follows:

Sec. 481.106. CLASSIFICATION OF CONTROLLED SUBSTANCE ANALOGUE. For the purposes of the prosecution of an offense under this subchapter involving the manufacture, delivery, or possession of a controlled substance, Penalty Groups 1, 1-A, 2, [~~and~~] 2-A, and 2-B include a controlled substance analogue that:

(1) has a chemical structure substantially similar to the chemical structure of a controlled substance listed in the applicable penalty group; or

(2) is specifically designed to produce an effect substantially similar to, or greater than, a controlled substance listed in the applicable penalty group.

SECTION 5. The heading to Section 481.113, Health and Safety Code, is amended to read as follows:

Sec. 481.113. OFFENSE: MANUFACTURE OR DELIVERY OF SUBSTANCE IN PENALTY GROUP 2, [~~OR~~] 2-A, OR 2-B.

SECTION 6. Section 481.113(a), Health and Safety Code, is amended to read as follows:

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly manufactures, delivers, or possesses with intent to deliver a controlled substance listed in Penalty Group 2, [~~or~~] 2-A, or 2-B.

SECTION 7. The heading to Section 481.1161, Health and Safety Code, is amended to read as follows:

Sec. 481.1161. OFFENSE: POSSESSION OF SUBSTANCE IN PENALTY GROUP 2-A OR 2-B.

SECTION 8. Section 481.1161(a), Health and Safety Code, is amended to read as follows:

(a) Except as authorized by this chapter, a person commits an offense if the person knowingly possesses a controlled substance listed in Penalty Group 2-A or 2-B, unless the person obtained the substance directly from or under a valid prescription or order of a practitioner acting in the course of professional practice.

SECTION 9. Section 481.122(a), Health and Safety Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly delivers a controlled substance listed in Penalty Group 1, 1-A, 2, 2-B, or 3 or knowingly delivers marihuana and the person delivers the controlled substance or marihuana to a person:

- (1) who is a child;
- (2) who is enrolled in a public or private primary or secondary school;

or

(3) who the actor knows or believes intends to deliver the controlled substance or marihuana to a person described by Subdivision (1) or (2).

SECTION 10. Sections 551.003(11) and (12), Occupations Code, are amended to read as follows:

(11) "Controlled substance" means a substance, including a drug:

(A) listed in Schedule I, II, III, IV, or V, as established by the commissioner of public health under Chapter 481, Health and Safety Code, or in Penalty Group 1, 1-A, 2, 2-B, 3, or 4, Chapter 481; or

(B) included in Schedule I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

(12) "Dangerous drug" means a drug or device that:

(A) is not included in Penalty Group 1, 2, 2-B, 3, or 4, Chapter 481, Health and Safety Code, and is unsafe for self-medication; or

(B) bears or is required to bear the legend:

(i) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(ii) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

SECTION 11. 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 when 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 12. This Act takes effect September 1, 2021.

Representative Moody moved to adopt the conference committee report on **HB 2593**.

The motion to adopt the conference committee report on **HB 2593** prevailed by (Record 1759): 95 Yeas, 44 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bernal; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Cason; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Davis; Deshotel; Dominguez; Dutton; Fierro; Frank; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Krause; Lambert; Landgraf; Larson; Leach; Lopez; Lozano; Martinez; Martinez Fischer; Meyer; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Neave; Ordaz Perez; Ortega; Patterson; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Schaefer; Sherman; Shine; Spiller; Stephenson; Talarico; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Cain; Capriglione; Clardy; Darby; Dean; Ellzey; Frullo; Gates; Harless; Harris; Hefner; King, K.; King, P.; Klick; Kuempel; Leman; Metcalf; Morrison; Murr; Noble; Oliverson; Paddie; Paul; Price; Raney; Rogers; Sanford; Shaheen; Slaton; Slawson; Smith; Smithee; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Meza; Pacheco; Parker; Schofield; Thierry.

STATEMENTS OF VOTE

When Record No. 1759 was taken, I was shown voting yes. I intended to vote no.

Craddick

When Record No. 1759 was taken, I was shown voting yes. I intended to vote no.

Holland

When Record No. 1759 was taken, I was shown voting yes. I intended to vote no.

Lambert

SB 248 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Thierry submitted the conference committee report on **SB 248**.

Representative Thierry moved to adopt the conference committee report on **SB 248**.

The motion to adopt the conference committee report on **SB 248** prevailed by (Record 1760): 81 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Bowers; Bucy; Burrows; Button; Campos; Canales; Clardy; Cole; Collier; Cortez; Craddick; Crockett; Davis; Deshotel; Dutton; Fierro; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, T.; Leach; Lopez; Martinez; Martinez Fischer; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Murphy; Neave; Noble; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Swanson; Talarico; Thierry; Thompson, E.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Nays — Bell, C.; Biedermann; Bonnen; Buckley; Burns; Cain; Capriglione; Cason; Cook; Cyrier; Darby; Dean; Dominguez; Ellzey; Frank; Frullo; Gates; Harless; Harris; Hefner; Hull; Jetton; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Lozano; Metcalf; Middleton; Morrison; Murr; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Thompson, S.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

STATEMENTS OF VOTE

When Record No. 1760 was taken, I was shown voting no. I intended to vote yes.

Dominguez

When Record No. 1760 was taken, I was shown voting yes. I intended to vote no.

Geren

When Record No. 1760 was taken, I was shown voting no. I intended to vote yes.

S. Thompson

HB 900 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 900**:

Austin, Texas, May 28, 2021

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 900** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Springer	Huberty
Buckingham	Murphy
Schwertner	J.E. Johnson
Hinojosa	Leach
Hancock	Walle
On the part of the senate	On the part of the house

HB 900, A bill to be entitled An Act relating to the liability of a landlord for damages resulting from the execution of a writ of possession in an eviction suit.

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

SECTION 1. Section 24.0061, Property Code, is amended by adding Subsection (i) to read as follows:

(i) A landlord is not liable for damages to the tenant resulting from the execution of a writ of possession by an officer under this section.

SECTION 2. Section 24.0061(i), Property Code, as added by this Act, applies only to the execution of a writ of possession issued in an eviction suit filed on or after the effective date of this Act. Execution of a writ of possession issued in an eviction suit filed before the effective date of this Act is governed by the law in effect 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, 2021.

Representative Huberty moved to adopt the conference committee report on **HB 900**.

The motion to adopt the conference committee report on **HB 900** prevailed by (Record 1761): 134 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; White; Wilson; Wu; Zwiener.

Nays — Dutton; Paul; Ramos; Reynolds; Toth; Vasut; Walle.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — González, J.; González, M.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1761 was taken, I was shown voting yes. I intended to vote no.

Crockett

When Record No. 1761 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

When Record No. 1761 was taken, I was shown voting no. I intended to vote yes.

Toth

HR 1969 - ADOPTED (by Wilson)

The following privileged resolution was laid before the house:

HR 1969

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 1281** (relating to the operation of golf carts in certain areas) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3 of the bill by amending Section 551.404(c), Transportation Code, to read as follows:

(c) Subsection (b) applies only to a county that:

(1) borders or contains a portion of the Red River; or

(2) ~~[borders or contains a portion of the Guadalupe River and contains a part of a barrier island that]~~ borders the Gulf of Mexico and has a population of less than 500,000; ~~or~~

~~[(3) is adjacent to a county described by Subdivision (2) and:~~

~~[(A) has a population of less than 37,000; and~~

~~[(B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico].~~

Explanation: This change is necessary to authorize certain counties to allow the operation of a golf cart on certain highways.

HR 1969 was adopted by (Record 1762): 135 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Cole; Minjarez.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bell, C.; González, J.; González, M.; Hernandez; King, K.; Meza; Pacheco.

HB 1281 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Wilson submitted the following conference committee report on **HB 1281**:

Austin, Texas, May 28, 2021

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 1281** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Schwertner	Wilson
Hancock	Canales
Huffman	Middleton
Nichols	Moody
	Reynolds

On the part of the senate	On the part of the house
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HB 1281, A bill to be entitled An Act relating to the operation of golf carts in certain areas.

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

SECTION 1. Section 551.403, Transportation Code, is amended to read as follows:

Sec. 551.403. OPERATION AUTHORIZED IN CERTAIN AREAS. (a) An operator may operate a golf cart:

(1) in a master planned community:

(A) that is a residential subdivision as defined by Section 209.002(9), Property Code, or has in place a uniform set of restrictive covenants; and

(B) for which a county or municipality has approved one or more ~~plats~~ plats [a plat];

(2) on a public or private beach that is open to vehicular traffic; or

(3) on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than five [two] miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

(b) Notwithstanding Section 551.402(b), a person may operate a golf cart in a master planned community described by Subsection (a) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour.

SECTION 2. Section 551.4031, Transportation Code, is amended to read as follows:

Sec. 551.4031. PROHIBITION OF OPERATION ON HIGHWAY BY MUNICIPALITY, COUNTY, OR DEPARTMENT. (a) A county or municipality may prohibit the operation of a golf cart on a highway under Section 551.403 [~~551.404~~] if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(b) The Texas Department of Transportation may prohibit the operation of a golf cart on a highway under Section 551.403 [~~551.404~~] if the department determines that the prohibition is necessary in the interest of safety.

SECTION 3. Section 551.404(c), Transportation Code, is amended to read as follows:

(c) Subsection (b) applies only to a county that:

(1) borders or contains a portion of the Red River; or

(2) [~~borders or contains a portion of the Guadalupe River and contains a part of a barrier island that~~] borders the Gulf of Mexico and has a population of less than 500,000[; or

~~(3) is adjacent to a county described by Subdivision (2) and:~~

~~[(A) has a population of less than 37,000; and~~

~~[(B) contains a part of a barrier island or peninsula that borders the Gulf of Mexico].~~

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, 2021.

Representative Wilson moved to adopt the conference committee report on **HB 1281**.

The motion to adopt the conference committee report on **HB 1281** prevailed by (Record 1763): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco.

SB 23 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Oliverson submitted the conference committee report on **SB 23**.

Representative Oliverson moved to adopt the conference committee report on **SB 23**.

The motion to adopt the conference committee report on **SB 23** prevailed by (Record 1764): 112 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Button; Campos; Capriglione; Cason; Clardy; Collier; Cook; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; González, J.; González, M.; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Price; Raney; Raymond; Rodriguez; Rogers; Rosenthal; Sanford; Schaefer; Schofield;

Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; Vo; Walle; White; Wilson.

Nays — Allen; Beckley; Bowers; Canales; Cole; Fierro; Gervin-Hawkins; Goodwin; Johnson, J.D.; Martinez; Minjarez; Moody; Morales, C.; Neave; Perez; Ramos; Reynolds; Romero; Rose; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Burrows; Cortez; Hernandez; Johnson, J.E.; Pacheco.

STATEMENTS OF VOTE

When Record No. 1764 was taken, my vote failed to register. I would have voted no.

Anchia

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Bernal

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Bucy

When Record No. 1764 was taken, I was in the house but away from my desk. I would have voted yes.

Burrows

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Campos

When Record No. 1764 was taken, I was in the house but away from my desk. I would have voted no.

Cortez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Crockett

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Deshotel

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Dominguez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

J. González

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Hinojosa

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Howard

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Israel

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Lopez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Meza

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Ordaz Perez

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Ortega

When Record No. 1764 was taken, I was shown voting yes. I intended to vote no.

Rosenthal

HR 2005 - ADOPTED
(by Neave)

The following privileged resolution was laid before the house:

HR 2005

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2462** (the

reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 11. Section 420.003(1-a), Government Code, is amended to read as follows:

(1-a) "Active criminal case" means a case:

(A) in which:

(i) a sexual assault or other sex offense has been reported to a law enforcement agency; ~~and~~

(ii) physical evidence of the offense has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(iii) the agency documents that an offense has been committed and reported; and

(B) for which:

(i) the statute of limitations has not run with respect to the prosecution of the offense; or

(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

SECTION 12. Sections 420.034(a) and (c), Government Code, are amended to read as follows:

(a) For purposes of this section, "evidence" means evidence collected during the investigation of a [an alleged] sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(c) The tracking system must:

(1) include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2) track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;

(3) [(2)] allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and

(4) ~~(3)~~ allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

SECTION 13. Section 420.045, Government Code, is transferred to Section 420.034, Government Code, redesignated as Subsection (h), Section 420.034, Government Code, and amended to read as follows:

(h) Not later than December 1 of each year, the department [Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory] shall submit a [quarterly] report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature [department] identifying the number of evidence collection kits that have [the law enforcement agency has] not yet been submitted for laboratory analysis or for which the [crime] laboratory analysis has not yet been completed [an analysis], as applicable. The annual report must be titled "Statewide Electronic Tracking System Report" and must be posted on the department's publicly accessible Internet website.

SECTION 14. Section 420.035(a), Government Code, as added by Chapter 408 (HB 8), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a) If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall:

(1) promptly notify any law enforcement agency investigating the [alleged] offense; and

(2) not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034.

SECTION 15. Section 420.042, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by this section shall provide to the department written documentation of the failure, including a detailed explanation for the failure. The agency shall submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by this section.

SECTION 16. Section 420.046, Government Code, is amended to read as follows:

Sec. 420.046. NONCOMPLIANCE. Failure to comply with the requirements of Subchapter B or this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

SECTION 17. Section 420.042(b), Government Code, is repealed.

SECTION 20. The changes in law made by this Act to Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (**HB 8**), Acts of the 86th Legislature, Regular Session, 2019, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

SECTION 21. Section 420.042(g), Government Code, as added by this Act, applies to evidence of a sexual assault or other sex offense in possession of a law enforcement agency on or after the effective date of this Act.

Explanation: The addition is necessary to improve the tracking and analysis of evidence of a sexual assault or other sex offense and to ensure compliance with certain requirements imposed with respect to a sex offense or evidence of a sex offense.

(2) House Rule 13, Sections 9(a)(1) and (3), are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement in proposed SECTION 19 of the bill, a transition provision for the bill, to read as follows:

SECTION 19. The changes in law made by this Act to Chapters 56A and 56B, Code of Criminal Procedure, apply only to a sexual assault reported on or after the effective date of this Act. A sexual assault reported before the effective date of this Act is governed by the law in effect on the date the sexual assault was reported, and the former law is continued in effect for that purpose.

Explanation: The change in the provision is necessary to specify a transition for amended Articles 56A.052, 56A.251, 56A.252, 56A.302, 56A.303, 56A.304, 56A.307, and 56B.453, Code of Criminal Procedure, and added Articles 56A.2505 and 56A.2506, Code of Criminal Procedure, in the bill.

HR 2005 was adopted by (Record 1765): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Clardy; Fierro; Hefner; Johnson, A.; Pacheco; Vo.

HB 2462 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Neave submitted the following conference committee report on **HB 2462**:

Austin, Texas, May 29, 2021

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 2462** 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.

Paxton
Nichols
Huffman
Campbell

Neave
Ramos
Button
Campos

On the part of the senate

On the part of the house

HB 2462, A bill to be entitled An Act relating to the reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense.

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

SECTION 1. Article 56A.052(a), Code of Criminal Procedure, is amended to conform to Section 2, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(a) If the offense is a sexual assault, a victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding:

(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and

(B) the status of any analysis being performed of any evidence described by Paragraph (A);

(2) if requested, the right to be notified:

(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;

(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and

(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;

(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; and

(4) for the victim, the right to:

(A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and

(B) a forensic medical examination to the extent provided by Subchapters F and G if, within 120 [96] hours of the offense:

(i) the offense is reported to a law enforcement agency; or

(ii) a forensic medical examination is otherwise conducted at a health care provider [facility].

SECTION 2. Subchapter F, Chapter 56A, Code of Criminal Procedure, is amended to conform to Section 3, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, by adding Article 56A.2505 and further amending that article to read as follows:

Art. 56A.2505. APPLICABILITY. This subchapter applies to health care providers described by Article 56A.302.

SECTION 3. Subchapter F, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.2506 to read as follows:

Art. 56A.2506. DEFINITION. In this subchapter, "reported sexual assault" means a sexual assault that has been reported to a law enforcement agency.

SECTION 4. Article 56A.251, Code of Criminal Procedure, is amended to conform to Section 3, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION.

(a) If [~~Except as provided by Subsection (b), if~~] a sexual assault is reported to a law enforcement agency within 120 [96] hours after the assault, the law enforcement agency, with the consent of the victim of the reported [alleged] assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.

(b) If a sexual assault is not reported within the period described by Subsection (a) and the victim is a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a) or the consent described by Section 32.003 or 32.005, Family Code, a law enforcement agency

shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense ~~[A law enforcement agency may decline to request a forensic medical examination under Subsection (a) only if:~~

~~[(1) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and~~

~~[(2) there is no other evidence to corroborate the current allegations of sexual assault].~~

(c) If a sexual assault is not reported within the period described by Subsection (a) and the victim is not a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a), ~~[that subsection]~~ a law enforcement agency may request a forensic medical examination of a victim of a reported ~~[an alleged]~~ sexual assault for use in the investigation or prosecution of the offense if:

~~(1) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or~~

~~(2) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted [as considered appropriate by the agency].~~

(d) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a), (b), or (c), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination. The law enforcement agency shall:

~~(1) provide the documentation of the agency's decision regarding a request for a forensic medical examination to:~~

~~(A) the health care provider and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and~~

~~(B) the victim or the person who consented to the forensic medical examination on behalf of the victim; and~~

~~(2) maintain the documentation of the agency's decision in accordance with the agency's record retention policies.~~

SECTION 5. Article 56A.252, Code of Criminal Procedure, is amended to conform to Sections 3 and 8, Chapter 1037 (HB 616), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION. (a) ~~[A law enforcement agency that requests a forensic medical examination under Article 56A.251 shall pay all costs of the examination.]~~ On application to the attorney general, a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the [law enforcement agency is entitled to be reimbursed for the reasonable costs of the examination if the examination was performed by a physician or by a] sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and
(2) the evidence collection kit [~~defined by Section 420.003,~~
Government Code].

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) the documentation that the law enforcement agency requested the forensic medical examination, as required under Article 56A.251(d); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

(c) A health care provider or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care provider or the sexual assault examiner or sexual assault nurse examiner, as applicable:

(A) requests, in writing, additional reimbursement from the attorney general; and

(B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and

(2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(d) A health care provider is not entitled to reimbursement under this article unless the forensic medical examination was conducted by a physician, sexual assault examiner, or sexual assault nurse examiner.

(e) On request, the attorney general may provide training to a health care provider regarding the process for applying for reimbursement under this article.

SECTION 6. Article 56A.302, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.302. APPLICABILITY. This subchapter applies to the following health care providers [~~facilities~~] that provide diagnosis or treatment services to victims of sexual assault:

(1) a general or special hospital licensed under Chapter 241, Health and Safety Code;

(2) a general or special hospital owned by this state;

(3) an outpatient clinic; and

(4) a private physician's office.

SECTION 7. Article 56A.303, Code of Criminal Procedure, is amended to conform to Section 4, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (b), a health care provider [~~facility~~] shall conduct a forensic medical examination of a victim of a [~~an alleged~~] sexual assault if:

(1) the victim arrives at the provider [~~facility~~] within 120 [~~96~~] hours after the assault occurred;

(2) the victim consents to the examination; and

(3) at the time of the examination the victim has not reported the assault to a law enforcement agency.

(b) If a health care provider [facility] does not provide diagnosis or treatment services to victims of sexual assault, the provider [facility] shall refer a victim of a [an-alleged] sexual assault who seeks a forensic medical examination under Subsection (a) to a health care provider [facility] that provides services to those victims.

(c) A victim of a [an-alleged] sexual assault may not be required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article.

SECTION 8. Article 56A.304, Code of Criminal Procedure, is amended to conform to Sections 4 and 8, Chapter 1037 (HB 616), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a) On application to the [The department shall pay the appropriate fees, as set by] attorney general [rule], a health care provider that provides [for the forensic portion of] a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the [conducted under Article 56A.303(a) and for the evidence collection kit if a physician,] sexual assault examiner [;] or sexual assault nurse examiner who conducts that [the forensic portion of the] examination, as applicable, within 120 [96] hours after the [alleged] sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for:

- (1) the reasonable costs of the forensic portion of that examination; and
- (2) the evidence collection kit.

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

- (1) certification that the examination was conducted in accordance with the requirements of Article 56A.303(a); and
- (2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination [attorney general shall reimburse the department for fees paid under Subsection (a)].

(c) A health care provider or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

- (1) the health care provider or sexual assault examiner or sexual assault nurse examiner, as applicable:
 - (A) requests, in writing, additional reimbursement from the attorney general; and
 - (B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and
- (2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(d) A health care provider is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the provider by a physician, sexual assault examiner, or sexual assault nurse examiner.

(e) On request, the attorney general may provide training to a health care provider regarding the process for applying for reimbursement under this article.

(f) A victim of a [an-alleged] sexual assault may not be required to pay for:

- (1) the forensic portion of the forensic medical examination; or
- (2) the evidence collection kit.

SECTION 9. Article 56A.307, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF ADDITIONAL EVIDENCE. The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of a [an-alleged] sexual assault other than through a forensic medical examination as described by Article 56A.303(a).

SECTION 10. Article 56B.453(d), Code of Criminal Procedure, is amended to conform to Section 5, Chapter 1037 (**HB 616**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(d) The attorney general may use the fund to:

(1) reimburse a health care provider or a sexual assault examiner or sexual assault nurse examiner for certain costs of a forensic medical examination that are incurred by the provider or the examiner [law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency] under Subchapter F or G, Chapter 56A, as provided by those subchapters; and

(2) make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Subchapter F or G, Chapter 56A, in accordance with Section 323.004, Health and Safety Code.

SECTION 11. Section 420.003(1-a), Government Code, is amended to read as follows:

(1-a) "Active criminal case" means a case:

(A) in which:

(i) a sexual assault or other sex offense has been reported to a law enforcement agency; ~~and~~

(ii) physical evidence of the offense has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and

(iii) the agency documents that an offense has been committed and reported; and

(B) for which:

(i) the statute of limitations has not run with respect to the prosecution of the offense; or

(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.

SECTION 12. Sections 420.034(a) and (c), Government Code, are amended to read as follows:

(a) For purposes of this section, "evidence" means evidence collected during the investigation of a ~~[an alleged]~~ sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(c) The tracking system must:

(1) include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2) track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;

(3) ~~[(2)]~~ allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and

(4) ~~[(3)]~~ allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

SECTION 13. Section 420.045, Government Code, is transferred to Section 420.034, Government Code, redesignated as Subsection (h), Section 420.034, Government Code, and amended to read as follows:

(h) ~~Not later than December 1 of each year, the department [See 420.045-REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory]~~ shall submit a ~~[quarterly]~~ report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature [department] identifying the number of evidence collection kits that have [the law enforcement agency has] not yet been submitted for laboratory analysis or for which the ~~[crime]~~ laboratory analysis has not yet been completed ~~[an analysis]~~, as applicable. The annual report must be titled "Statewide Electronic Tracking System Report" and must be posted on the department's publicly accessible Internet website.

SECTION 14. Section 420.035(a), Government Code, as added by Chapter 408 (HB 8), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a) If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall:

(1) promptly notify any law enforcement agency investigating the [alleged] offense; and

(2) not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034.

SECTION 15. Section 420.042, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by this section shall provide to the department written documentation of the failure, including a detailed explanation for the failure. The agency shall submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by this section.

SECTION 16. Section 420.046, Government Code, is amended to read as follows:

Sec. 420.046. NONCOMPLIANCE. Failure to comply with the requirements of Subchapter B or this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

SECTION 17. Section 420.042(b), Government Code, is repealed.

SECTION 18. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 19. The changes in law made by this Act to Chapters 56A and 56B, Code of Criminal Procedure, apply only to a sexual assault reported on or after the effective date of this Act. A sexual assault reported before the effective date of this Act is governed by the law in effect on the date the sexual assault was reported, and the former law is continued in effect for that purpose.

SECTION 20. The changes in law made by this Act to Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (HB 8), Acts of the 86th Legislature, Regular Session, 2019, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

SECTION 21. Section 420.042(g), Government Code, as added by this Act, applies to evidence of a sexual assault or other sex offense in possession of a law enforcement agency on or after the effective date of this Act.

SECTION 22. This Act takes effect September 1, 2021.

Representative Neave moved to adopt the conference committee report on **HB 2462**.

The motion to adopt the conference committee report on **HB 2462** prevailed by (Record 1766): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Fierro; Johnson, A.; Pacheco.

STATEMENT OF VOTE

When Record No. 1766 was taken, my vote failed to register. I would have voted yes.

Anchia

HR 2086 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2086**, suspending the limitations on the conferees for **HB 4305**.

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. 5).

HR 1997 - ADOPTED

(by P. King)

The following privileged resolution was laid before the house:

HR 1997

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 15** (the Texas

Consumer Privacy Act Phase I; creating criminal offenses; increasing the punishment for an existing criminal offense) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8 of the bill by adding Section 730.007(a-2), Transportation Code, to read as follows:

(a-2) Subsection (a)(2)(C) does not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a government agency.

Explanation: The addition is necessary to clarify that certain provisions of the Act do not authorize the disclosure of personal information to a natural person who is not a business licensed by, registered with, or subject to regulatory oversight by a governmental agency.

HR 1997 was adopted by (Record 1767): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Dutton; Fierro; Pacheco; Stephenson.

SB 15 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the conference committee report on **SB 15**.

Representative P. King moved to adopt the conference committee report on **SB 15**.

The motion to adopt the conference committee report on **SB 15** prevailed by (Record 1768): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Gates; Morales, E.; Ordaz Perez; Pacheco.

STATEMENT OF VOTE

When Record No. 1768 was taken, I was in the house but away from my desk. I would have voted yes.

E. Morales

SB 1164 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Collier submitted the conference committee report on **SB 1164**.

Representative Collier moved to adopt the conference committee report on **SB 1164**.

The motion to adopt the conference committee report on **SB 1164** prevailed by (Record 1769): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Deshotel; Dominguez; Dutton; Ellzey; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble;

Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Clardy; Dean; Fierro; Gates; Pacheco; Shine; Slaton.

STATEMENTS OF VOTE

When Record No. 1769 was taken, I was in the house but away from my desk. I would have voted yes.

Clardy

When Record No. 1769 was taken, I was in the house but away from my desk. I would have voted yes.

Dean

SB 22 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Patterson submitted the conference committee report on **SB 22**.

Representative Patterson moved to adopt the conference committee report on **SB 22**.

The motion to adopt the conference committee report on **SB 22** prevailed by (Record 1770): 139 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lemans; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; White; Wilson; Wu; Zwiener.

Nays — Allen; Cason; Oliverson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Pacheco; Vo.

STATEMENT OF VOTE

When Record No. 1770 was taken, I was shown voting yes. I intended to vote no.

Slaton

SB 2038 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dean submitted the conference committee report on **SB 2038**.

Representative Dean moved to adopt the conference committee report on **SB 2038**.

The motion to adopt the conference committee report on **SB 2038** prevailed by (Record 1771): 127 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Fierro; Frank; Frullo; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Cason; Gates; Hefner; Krause; Middleton; Patterson; Schaefer; Slaton; Slawson; Tinderholt; Toth; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anderson; Dutton; Pacheco.

STATEMENTS OF VOTE

When Record No. 1771 was taken, I was shown voting yes. I intended to vote no.

Schofield

When Record No. 1771 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1771 was taken, I was shown voting yes. I intended to vote no.

Vasut

SB 1704 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Krause submitted the conference committee report on **SB 1704**.

Representative Krause moved to adopt the conference committee report on **SB 1704**.

The motion to adopt the conference committee report on **SB 1704** prevailed by (Record 1772): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Campos; Deshotel; Pacheco.

STATEMENTS OF VOTE

When Record No. 1772 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 1772 was taken, I was in the house but away from my desk. I would have voted yes.

Campos

HR 2014 - ADOPTED
(by Cyrier)

The following privileged resolution was laid before the house:

HR 2014

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 713** (the sunset review process and certain governmental entities subject to that process) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on matters not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 1.03. ANATOMICAL BOARD OF THE STATE OF TEXAS. Section 691.003, Health and Safety Code, is amended to read as follows:

Sec. 691.003. **SUNSET PROVISION.** The Anatomical Board of the State of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2023 [2024].

SECTION 1.04. TEXAS COMMISSION OF LICENSING AND REGULATION; TEXAS DEPARTMENT OF LICENSING AND REGULATION. Section 51.002(a), Occupations Code, is amended to read as follows:

(a) The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2023 [2024].

SECTION 1.05. TEXAS COMMISSION ON LAW ENFORCEMENT. (a) Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. **APPLICATION OF SUNSET ACT.** The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2023 [2024].

(b) For purposes of Section 1701.002, Occupations Code, as amended by this Act, the Sunset Advisory Commission shall conduct a limited-scope review of the Texas Commission on Law Enforcement for the 88th Legislature.

(c) In conducting the limited-scope review under this section, the Sunset Advisory Commission staff evaluation and report must be limited to reviewing the appropriateness of the Sunset Advisory Commission's recommendations for the Texas Commission on Law Enforcement made to the 87th Legislature.

(d) The Sunset Advisory Commission's recommendations to the 88th Legislature may include any recommendation the commission considers appropriate based on the limited-scope review conducted under this section.

SECTION 3.04. TEXAS RACING COMMISSION. (a) Section 2021.008(a), Occupations Code, is amended to read as follows:

(a) The commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, and except as provided by Subsections (b) and (c), the commission is abolished and this subtitle expires September 1, 2027 [2021].

(b) Not later than December 1, 2021, the Texas Racing Commission shall replace all employees who were employed by the Texas Racing Commission on August 31, 2021, in:

(1) an exempt position; or

(2) a position at or above salary group B27 in the Texas Position Classification Plan, 1961.

(c) The Texas Racing Commission may not hire or rehire an individual to fill a position described by Subsection (b) of this section if the individual was employed by the commission in a position described by Subsection (b) of this section during the six months preceding the effective date of this Act.

Explanation: This addition is necessary to limit the scope of the next sunset review of the Texas Commission on Law Enforcement, to replace certain employees of the Texas Racing Commission, and to change the sunset review date for various state agencies.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

ARTICLE 9. TRANSITION

SECTION 9.01. CONFLICT WITH OTHER LAWS. If a conflict exists between this Act and another Act of the 87th Legislature, Regular Session, 2021, that amends or repeals the sunset date of a governmental entity, the provisions of the other Act control without regard to the relative dates of enactment.

Explanation: This addition is necessary to address any conflicts with other legislation enacted by the 87th Legislature, Regular Session, 2021.

HR 2014 was adopted by (Record 1773): 139 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee;

Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Middleton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Cason; Pacheco; Price; Sanford.

STATEMENTS OF VOTE

When Record No. 1773 was taken, my vote failed to register. I would have voted yes.

Cason

When Record No. 1773 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 713 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Cyrier submitted the conference committee report on **SB 713**.

Representative Cyrier moved to adopt the conference committee report on **SB 713**.

The motion to adopt the conference committee report on **SB 713** prevailed by (Record 1774): 133 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Cain; Cason; Middleton; Slaton; Tinderholt; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hernandez; Lozano; Pacheco; Schofield.

STATEMENTS OF VOTE

When Record No. 1774 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 1774 was taken, my vote failed to register. I would have voted yes.

Lozano

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Schaefer

When Record No. 1774 was taken, I was in the house but away from my desk. I would have voted yes.

Schofield

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Swanson

When Record No. 1774 was taken, I was shown voting yes. I intended to vote no.

Toth

**HR 2027 - ADOPTED
(by Frank)**

The following privileged resolution was laid before the house:

HR 2027

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3720** (long-term care facilities for and Medicaid waiver programs available to certain individuals, including individuals with intellectual and developmental disabilities) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting proposed Section 531.06035, Government Code, and the transition language associated with that section. The omitted text imposes a duty on the Health and Human Services Commission to conduct a medical necessity assessment of a child who receives Supplemental Security Income (SSI) before placing the child on the interest list for the medically dependent children (MDCP) program.

Explanation: The omission of the text is necessary to remove the duty imposed on the Health and Human Services Commission to conduct certain medical necessity assessments of a child who receives Supplemental Security Income (SSI) before placing the child on the interest list for the medically dependent children (MDCP) program.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 1. Section 531.0581(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall establish a Long-Term Care Facilities Council as a permanent advisory committee to the commission. The council is composed of the following members appointed by the executive commissioner:

- (1) at least one member who is a for-profit nursing facility provider;
- (2) at least one member who is a nonprofit nursing facility provider;
- (3) at least one member who is an assisted living services provider;
- (4) at least one member responsible for survey enforcement within the state survey and certification agency;
- (5) at least one member responsible for survey inspection within the state survey and certification agency;
- (6) at least one member of the state agency responsible for informal dispute resolution;
- (7) at least one member with expertise in Medicaid quality-based payment systems for long-term care facilities;
- (8) at least one member who is a practicing medical director of a long-term care facility; ~~and~~
- (9) at least one member who is a physician with expertise in infectious disease or public health; and
- (10) at least one member who is a community-based provider at an intermediate care facility for individuals with intellectual or developmental disabilities licensed under Chapter 252, Health and Safety Code.

Explanation: This addition is necessary to change the composition of the Texas Long-Term Care Facilities Council to include at least one member who is a community-based provider at certain intermediate care facilities.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

SECTION 3. Section 252.065(b), Health and Safety Code, is amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. The total amount of penalties ~~a penalty~~

assessed under this subsection for an on-site regulatory visit or complaint investigation, regardless of the duration of any ongoing violations, [for each day a violation occurs or continues] may not exceed:

- (1) \$5,000 for a facility with fewer than 60 beds; and
- (2) \$25,000 for a facility with 60 beds or more.

SECTION 4. Section 161.089, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

- (1) specify the types of violations that warrant imposition of an administrative penalty;
- (2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;
- (3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);
- (4) authorize the imposition of an administrative penalty in an amount not to exceed \$5,000 for each violation;
- (5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;
- (6) ensure standard and consistent application of administrative penalties throughout the state; ~~and~~
- (7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code; and

(8) ensure standard and consistent interpretation of service delivery rules and consistent application of administrative penalties throughout this state.

(c-1) On adoption of the rules under Subsection (c), the executive commissioner shall develop interpretative guidelines for regulatory staff and providers regarding the imposition of administrative penalties under this section.

SECTION 6. Not later than December 1, 2021, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 252.065(b), Health and Safety Code, as amended by this Act, and Section 161.089, Human Resources Code, as amended by this Act.

SECTION 7. The Health and Human Services Commission may not assess a penalty under Section 161.089, Human Resources Code, as amended by this Act, until the executive commissioner of the Health and Human Services Commission:

- (1) adopts the rules necessary to implement Section 161.089(c)(8), Human Resources Code, as added by this Act; and
- (2) develops the interpretive guidelines required by Section 161.089(c-1), Human Resources Code, as added by this Act.

Explanation: The changes are necessary to implement certain changes to law relating to the imposition of administrative penalties against certain long-term care facilities, including a change to the amount of an administrative penalty for certain violations committed by intermediate care facilities for individuals with an

intellectual disability and a change to ensure the executive commissioner of the Health and Human Services Commission adopts standard and consistent rules relating to the interpretation and consistent application of administrative penalties against certain long-term care facilities.

HR 2027 was adopted by (Record 1775): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Slaton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hinojosa; Pacheco; Slawson.

STATEMENT OF VOTE

When Record No. 1775 was taken, I was in the house but away from my desk. I would have voted yes.

Slawson

HB 3720 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 3720**:

Austin, Texas, May 29, 2021

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 3720** 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.

Kolkhorst
Bettencourt
Buckingham
Perry
Powell

Frank
Klick
Guillen
M. González
Noble

On the part of the senate

On the part of the house

HB 3720, A bill to be entitled An Act relating to long-term care facilities for and Medicaid waiver programs available to certain individuals, including individuals with intellectual and developmental disabilities.

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

SECTION 1. Section 531.0581(b), Government Code, is amended to read as follows:

(b) The executive commissioner shall establish a Long-Term Care Facilities Council as a permanent advisory committee to the commission. The council is composed of the following members appointed by the executive commissioner:

- (1) at least one member who is a for-profit nursing facility provider;
- (2) at least one member who is a nonprofit nursing facility provider;
- (3) at least one member who is an assisted living services provider;
- (4) at least one member responsible for survey enforcement within the state survey and certification agency;
- (5) at least one member responsible for survey inspection within the state survey and certification agency;
- (6) at least one member of the state agency responsible for informal dispute resolution;
- (7) at least one member with expertise in Medicaid quality-based payment systems for long-term care facilities;
- (8) at least one member who is a practicing medical director of a long-term care facility; ~~and~~
- (9) at least one member who is a physician with expertise in infectious disease or public health; and
- (10) at least one member who is a community-based provider at an intermediate care facility for individuals with intellectual or developmental disabilities licensed under Chapter 252, Health and Safety Code.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.06011 to read as follows:

Sec. 531.06011. CERTAIN MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) This section applies only with respect to the following waiver programs:

- (1) the community living assistance and support services (CLASS) waiver program;
- (2) the home and community-based services (HCS) waiver program;
- (3) the deaf-blind with multiple disabilities (DBMD) waiver program;

- (4) the Texas home living (TxHmL) waiver program;
- (5) the medically dependent children (MDCP) waiver program; and
- (6) the STAR+PLUS home and community-based services (HCBS)

program.

(b) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, the state Medicaid managed care advisory committee, and interested stakeholders, shall develop a questionnaire to be completed by or on behalf of an individual who requests to be placed on or is currently on an interest list for a waiver program.

(c) The questionnaire developed under Subsection (b) must, at a minimum, request the following information about an individual seeking or receiving services under a waiver program:

(1) contact information for the individual or the individual's parent or other legally authorized representative;

(2) the individual's general demographic information;

(3) the individual's living arrangement;

(4) the types of assistance the individual requires;

(5) the individual's current caregiver supports and circumstances that may cause the individual to lose those supports; and

(6) when the delivery of services under a waiver program should begin to ensure the individual's health and welfare and that the individual receives services and supports in the least restrictive setting possible.

(d) If an individual is on a waiver program's interest list and the individual or the individual's parent or other legally authorized representative does not respond to a written or verbal request made by the commission to update information concerning the individual or otherwise fails to maintain contact with the commission, the commission:

(1) shall designate the individual's status on the interest list as inactive until the individual or the individual's parent or other legally authorized representative notifies the commission that the individual is still interested in receiving services under the waiver program; and

(2) at the time the individual or the individual's parent or other legally authorized representative provides notice to the commission under Subdivision (1), shall designate the individual's status on the interest list as active and restore the individual to the position on the list that corresponds with the date the individual was initially placed on the list.

(e) The commission's designation of an individual's status on an interest list as inactive under Subsection (d) may not result in the removal of the individual from that list or any other waiver program interest list.

(f) Not later than September 1 of each year, the commission shall provide to the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, or, if that advisory committee is abolished, an appropriate stakeholder advisory committee, as determined by the

executive commissioner, the number of individuals, including individuals whose status is designated as inactive by the commission, who are on an interest list to receive services under a waiver program.

SECTION 3. Section 252.065(b), Health and Safety Code, is amended to read as follows:

(b) The penalty for a facility with fewer than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. The total amount of penalties ~~[a penalty]~~ assessed under this subsection for an on-site regulatory visit or complaint investigation, regardless of the duration of any ongoing violations, ~~[for each day a violation occurs or continues]~~ may not exceed:

- (1) \$5,000 for a facility with fewer than 60 beds; and
- (2) \$25,000 for a facility with 60 beds or more.

SECTION 4. Section 161.089, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) After consulting with appropriate stakeholders, the executive commissioner shall develop and adopt rules regarding the imposition of administrative penalties under this section. The rules must:

- (1) specify the types of violations that warrant imposition of an administrative penalty;
- (2) establish a schedule of progressive administrative penalties in accordance with the relative type, frequency, and seriousness of a violation;
- (3) prescribe reasonable amounts to be imposed for each violation giving rise to an administrative penalty, subject to Subdivision (4);
- (4) authorize the imposition of an administrative penalty in an amount not to exceed \$5,000 for each violation;
- (5) provide that a provider commits a separate violation each day the provider continues to violate the law or rule;
- (6) ensure standard and consistent application of administrative penalties throughout the state; ~~[and]~~
- (7) provide for an administrative appeals process to adjudicate claims and appeals relating to the imposition of an administrative penalty under this section that is in accordance with Chapter 2001, Government Code; and
- (8) ensure standard and consistent interpretation of service delivery rules and consistent application of administrative penalties throughout this state.

(c-1) On adoption of the rules under Subsection (c), the executive commissioner shall develop interpretative guidelines for regulatory staff and providers regarding the imposition of administrative penalties under this section.

SECTION 5. As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall develop the questionnaire required by Section 531.06011(b), Government Code, as added by this Act.

SECTION 6. Not later than December 1, 2021, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement Section 252.065(b), Health and Safety Code, as amended by this Act, and Section 161.089, Human Resources Code, as amended by this Act.

SECTION 7. The Health and Human Services Commission may not assess a penalty under Section 161.089, Human Resources Code, as amended by this Act, until the executive commissioner of the Health and Human Services Commission:

(1) adopts the rules necessary to implement Section 161.089(c)(8), Human Resources Code, as added by this Act; and

(2) develops the interpretive guidelines required by Section 161.089(c-1), Human Resources Code, as added by this Act.

SECTION 8. The Health and Human Services Commission is required to implement a provision of this Act only if the legislature appropriates money to the commission specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations that are available for that purpose.

SECTION 9. 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 10. This Act takes effect September 1, 2021.

Representative Frank moved to adopt the conference committee report on **HB 3720**.

The motion to adopt the conference committee report on **HB 3720** prevailed by (Record 1776): 140 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Kacal; King, K.; King, P.; King, T.; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Lemay; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky;

Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Slaton.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Johnson, J.E.; Klick; Pacheco.

STATEMENT OF VOTE

When Record No. 1776 was taken, I was in the house but away from my desk. I would have voted yes.

Klick

HR 2084 - ADOPTED

(by P. King)

The following privileged resolution was laid before the house:

HR 2084

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1281** (a reliability assessment of the ERCOT power grid and certificates of public convenience and necessity for certain transmission projects) to consider and take action on the following matter:

House Rule 13, Sections 9(a)(1) and (3) are suspended to permit the committee to change, alter, or amend text which is not in disagreement and add text on a matter which is not in disagreement in proposed SECTION 1 of the bill by adding Sections 37.052(c)(1)(A) and (B), Utilities Code, to read as follows:

(1) the transmission line does not exceed:

(A) three miles in length, if the line connects to a load-serving substation or metering point; or

(B) two miles in length, if the line connects to a generation substation or metering point;

Explanation: The change is necessary to distinguish that an electric transmission line to which Subsection 37.056(c), Utilities Code, as added by this bill, applies must measure three miles or less for a load-serving electric transmission line and two miles or less for an electric transmission line that connects to power generation.

HR 2084 was adopted by (Record 1777): 141 Yeas, 1 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton;

Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Biedermann.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Hernandez; Pacheco.

STATEMENT OF VOTE

When Record No. 1777 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hernandez

SB 1281 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative P. King submitted the conference committee report on SB 1281.

SB 1281 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE ZWIENER: I'm really glad to see this piece of legislation here at the finish line. I want to thank you, Representative Darby, the rest of the conferees, and Senator Hancock for working with us on this. Could you tell us the changes we made from the house engrossed version? Or the house amendments, I should say.

REPRESENTATIVE P. KING: Essentially, now if you're trying to build transmission lines to a new generation facility, whether it's renewable or whether it's a thermal unit, you will not have to go to the PUC to get a modification of your CCN as long as you're within two miles if it is to build. If it's for load serving purposes—for example, if there's a new manufacturing facility or something else that uses a lot of electricity and you're building transmission lines to that new business—then you will not have to go get a modification of your CCN if you are within three miles of that facility. It also includes language that the renewables wanted. First off, we left the production cost. That will remain as a test for whether or not lines should be built and how they're assessed and ranked in priority. We left the production cost. It will remain in the rules. We added the consumer test, but it includes language that the renewables wanted in

that, which will require that that test also take into consideration not only current congestion issues but future congestion issues. And it also requires ERCOT to do a biannual grid reliability study with regard to preparations for extreme weather events.

ZWIENER: So just for legislative intent, I want to clarify. This legislation is adding a consumer test but nothing about adding that strikes the existing production cost test used by PUC and ERCOT. Is that correct?

P. KING: That is correct.

Representative P. King moved to adopt the conference committee report on **SB 1281**.

The motion to adopt the conference committee report on **SB 1281** prevailed by (Record 1778): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harris; Hefner; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anderson; Dutton; Harless; Hernandez; Meyer; Pacheco; Schofield.

STATEMENTS OF VOTE

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Harless

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Hernandez

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Meyer

When Record No. 1778 was taken, I was in the house but away from my desk. I would have voted yes.

Schofield

REMARKS ORDERED PRINTED

Representative Zwiener moved to print remarks between Representative P. King and Representative Zwiener on **SB 1281**.

The motion prevailed.

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. 6).

HB 3752 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 3752**:

Austin, Texas, May 28, 2021

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 3752** 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.

Hancock
Nichols
Seliger
Whitmire
On the part of the senate

Frank
Klick
Oliverson
Buckley
On the part of the house

HB 3752, A bill to be entitled An Act relating to the offering of health benefit coverage by subsidiaries of the Texas Mutual Insurance Company.

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

SECTION 1. Section 2054.107, Insurance Code, is amended to read as follows:

Sec. 2054.107. CERTAIN RELATIONSHIPS WITH OTHER INSURERS PROHIBITED. Except as provided by Section 2054.602, the [The] company may not have:

- (1) an affiliate, spin-off, or subsidiary that writes a line of insurance other than workers' compensation insurance; or
- (2) interlocking boards of directors with an insurer that writes a line of insurance other than workers' compensation insurance.

SECTION 2. Chapter 2054, Insurance Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. SUBSIDIARIES AUTHORIZED TO PROVIDE HEALTH BENEFIT COVERAGE

Sec. 2054.601. DEFINITION. In this subchapter, "alternative health benefit coverage" means health benefit coverage:

- (1) provided by a subsidiary of the company that is not authorized to engage in the business of insurance in this state;
- (2) offered only to:
 - (A) individuals;
 - (B) small businesses with not more than 250 full-time equivalent employees; or
 - (C) the company's policyholders or their employees; and
- (3) that is not:
 - (A) provided through an insurance policy or other product the offering or issuance of which constitutes the business of insurance in this state; or
 - (B) benefit coverage subject to the laws governing workers' compensation in this state.

Sec. 2054.602. HEALTH BENEFIT COVERAGE OFFERED BY SUBSIDIARY AUTHORIZED. (a) The company may create, acquire, or otherwise own or operate one or more subsidiaries that offer accident or health insurance or another type of health benefit coverage or health benefit plan as provided by this subchapter.

(b) A subsidiary of the company may offer in this state:

- (1) accident or health insurance or another type of health benefit plan authorized under this code, in accordance with a certificate of authority issued to the subsidiary under this code; or
- (2) alternative health benefit coverage as described by Section 2054.601.

(c) A subsidiary of the company may not offer or issue an occupational policy for an employer or an employer's employees covering an occupational bodily injury, disease, or death that explicitly provides liability coverage to an employer that elects not to maintain workers' compensation insurance coverage under Chapter 406, Labor Code.

(d) A subsidiary of the company may not offer or issue any policy, plan, or benefit coverage under this section before September 1, 2023. This subsection expires September 1, 2023.

Sec. 2054.603. CONSIDERATIONS AND GUIDING PRINCIPLES FOR DEVELOPING HEALTH BENEFIT COVERAGE OFFERINGS. (a) In developing health benefit coverage or health benefit plan options to be offered through a subsidiary of the company, the company shall fully explore all health coverage options that may be offered under this subchapter and place emphasis on:

- (1) increasing competition in the health insurance market;
- (2) utilizing innovations that improve the quality of health care while lowering health care costs;
- (3) ensuring adequacy of benefits and access to care for individuals in this state with preexisting conditions;
- (4) issuing coverage in a manner that does not discriminate against individuals with preexisting conditions;
- (5) leveraging federal tax credits that may be available for private health benefit plans to the greatest extent possible to increase the affordability of health benefit plans;
- (6) ensuring transparency and coherence of costs and coverage to inform individuals shopping for health benefits;
- (7) reducing incidences of medical debt faced by individuals in this state and uncompensated care faced by providers in this state; and
- (8) ensuring equitable costs regardless of gender or prospects of pregnancy or childbirth.

(b) Not later than September 1, 2022, the company shall submit to the legislature a report explaining how any anticipated health benefit coverage offerings would comply with all considerations and guiding principles for developing health benefit coverage offerings under Subsection (a). This subsection expires January 1, 2023.

Sec. 2054.604. RULES. Except with respect to alternative health benefit coverage as described by Section 2054.601 or a subsidiary of the company offering alternative health benefit coverage, the commissioner may adopt rules as necessary to implement this subchapter.

Sec. 2054.605. EXEMPTION FROM OTHER INSURANCE LAWS. A provision of this code, other than this chapter, does not apply to alternative health benefit coverage as described by Section 2054.601 unless alternative health benefit coverage is expressly mentioned in the other law.

Sec. 2054.606. SUBSIDIARY NOT ENGAGED IN BUSINESS OF INSURANCE. Notwithstanding any other provision of this code, for the purposes of offering alternative health benefit coverage as described by Section 2054.601, a subsidiary of the company that acts in accordance with this subchapter is not an insurer and is not engaging in the business of insurance in this state.

Sec. 2054.607. RISK TRANSFER OR COVERAGE. A subsidiary of the company that offers health benefit coverage under this subchapter may contract with an outside company authorized to engage in the business of insurance in this state that is not under common control with the company or the subsidiary to:

(1) transfer to the outside company all or a portion of the subsidiary's risks arising from health benefit coverage offered under this subchapter; or

(2) obtain insurance coverage from the outside company guarantying the subsidiary's obligations arising from health benefit coverage offered under this subchapter.

SECTION 3. This Act takes effect September 1, 2021.

Representative Frank moved to adopt the conference committee report on **HB 3752**.

The motion to adopt the conference committee report on **HB 3752** prevailed by (Record 1779): 89 Yeas, 53 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Geren; Guerra; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Martinez Fischer; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rodriguez; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez; Meza; Minjarez; Moody; Morales, C.; Morales Shaw; Neave; Ordaz Perez; Ortega; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Smith; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Guillen; Pacheco.

STATEMENTS OF VOTE

When Record No. 1779 was taken, my vote failed to register. I would have voted yes.

Guillen

When Record No. 1779 was taken, I was shown voting yes. I intended to vote no.

Muñoz

When Record No. 1779 was taken, I was shown voting no. I intended to vote yes.

Smith

HOUSE AT EASE

At 5:23 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:22 p.m.

HR 2093 - NOTICE OF INTRODUCTION

Pursuant to Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 2093**, suspending the limitations on the conferees for **SB 2**.

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. 7 and 8).

(Murr in the chair)

HB 1560 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Goldman submitted the following conference committee report on **HB 1560**:

Austin, Texas, May 29, 2021

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 1560** 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.

Buckingham	Goldman
Campbell	Canales
Lucio	Cyrier
Paxton	Paddie
Schwertner	S. Thompson
On the part of the senate	On the part of the house

HB 1560, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Licensing and Regulation.

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

ARTICLE 1. GENERAL POWERS AND DUTIES

SECTION 1.01. Section 51.002, Occupations Code, is amended to read as follows:

Sec. 51.002. APPLICATION OF SUNSET ACT. [(a)] The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission and the department are abolished September 1, 2033 [~~2021~~].

~~(b) The review of the commission and department by the Sunset Advisory Commission under this section may not include a review of any program that was transferred to the department on or after September 1, 2016.~~

SECTION 1.02. Section 51.053, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding any other law, a person may be a member of the commission if the person or the person's spouse is registered, certified, or licensed by a regulatory agency in the field of health care.

SECTION 1.03. Section 51.054, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

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

(2) the programs, functions, rules, and budget of [operated by] the department;

(3) the scope of and limitations on the rulemaking authority of the commission [role and functions of the department];

(4) [the rules of the department, with an emphasis on the rules that relate to disciplinary and investigatory authority;

~~[(5) the current budget for the department;~~

~~[(6) the results of the most recent formal audit of the department;~~

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

(A) laws relating to [the] open meetings, [law, Chapter 551, Government Code;

~~[(B) the] public information, [law, Chapter 552, Government Code;~~

~~[(C) the] administrative procedure, and disclosing conflicts of interest [law, Chapter 2001, Government Code]; and~~

(B) [(D)] other laws applicable to members of a state policy-making body in performing their duties [relating to public officials, including conflict of interest laws]; and

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

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

SECTION 1.04. Section 51.209, Occupations Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) An advisory board shall meet at the call of the executive director or the presiding officer of the commission.

(a-2) An advisory board may meet by telephone conference call, videoconference, or other similar telecommunication method, provided that each portion of the meeting that is required to be open to the public shall be audible to

the public and, in the case of a meeting held by videoconference, visible to the public. If a problem occurs that causes a meeting to no longer be visible or audible to the public as required under this subsection, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned. The face of each participant in a meeting held by videoconference, while that participant is speaking, must be clearly visible, and the participant's voice must be audible, to each other participant and, during the open portion of the meeting, to the members of the public. A meeting held by telephone conference call, videoconference, or other similar telecommunication method is not subject to the requirements of Sections 551.127(a-3), (b), (c), (e), (f), (h), (i), and (j), Government Code.

SECTION 1.05. Subchapter D, Chapter 51, Occupations Code, is amended by adding Sections 51.2095 and 51.211 to read as follows:

Sec. 51.2095. INTERDISCIPLINARY ADVISORY BOARDS. The executive director or the presiding officer of the commission may appoint interdisciplinary advisory boards consisting of members from various businesses, industries, general trades, or occupations to provide expertise related to a program regulated by the department.

Sec. 51.211. RISK-BASED INSPECTIONS. (a) The department shall conduct risk-based inspections that prioritize inspections based on key risk factors identified by the department, including:

(1) whether a license holder has previously violated a law establishing a regulatory program administered by the department or a rule or order of the commission or executive director; and

(2) the number of violations committed by a license holder.

(b) The department may use alternative inspection methods, including the use of videoconference technology or other methods instead of conducting an in-person inspection, in circumstances the department considers appropriate.

SECTION 1.06. Section 51.251, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The executive director shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department.

SECTION 1.07. Section 51.252, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsection (b-2) to read as follows:

(a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department 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 ~~The executive director shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department. The department shall provide to the person filing the complaint and~~

~~to each person who is a subject of the complaint information about the department's policies and procedures relating to complaint investigation and resolution].~~

(b-2) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department [; at least quarterly and until final disposition of the complaint,] shall periodically notify the [person filing the] complaint parties [and each person who is a subject of the complaint] of the status of the complaint until final disposition [investigation] unless the notice would jeopardize an [undercover] investigation.

SECTION 1.08. Subchapter E, Chapter 51, Occupations Code, is amended by adding Sections 51.2521 and 51.255 to read as follows:

Sec. 51.2521. COMPLAINT INVESTIGATION. (a) The department shall assign priorities and investigate complaints based on risk to the public of the conduct alleged in the complaint.

(b) If the department determines at any time that an allegation made or formal complaint submitted by a person is inappropriate or without merit, the department shall dismiss the complaint.

Sec. 51.255. STATISTICAL ANALYSIS OF COMPLAINTS. (a) The department shall make available on the department's Internet website a statistical analysis of the complaints received by the department.

(b) The analysis under this section must include aggregate information on the number, source, type, and disposition of complaints received during the preceding state fiscal year and must include, as applicable, the following information for each program regulated by the department:

(1) the number of license holders;

(2) the number of complaints received against license holders;

(3) the number of complaints resolved and the manner in which they were resolved, including:

(A) the number of complaints dismissed and the reasons for dismissal;

(B) the number of contested cases referred to and heard by the State Office of Administrative Hearings;

(C) the number of cases appealed to a district court;

(D) the number of complaints resulting in disciplinary action, the disciplinary action taken, and whether the disciplinary action was imposed by an agreed settlement or default order issued by the executive director or a final order issued by the commission;

(E) a breakdown of the nature of the alleged violations in:

(i) complaints opened for investigation; and

(ii) cases that resulted in disciplinary action; and

(F) the number of complaints resolved, categorized by whether the complaint originated from department staff or from the public;

(4) the average time required to resolve a complaint;

(5) the average amount of administrative penalties assessed; and

(6) the number and amount of refunds ordered by the commission or executive director or obtained through an informal resolution.

SECTION 1.09. Section 51.351, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The department may take action under Section 51.353 for a violation identified during an inspection.

SECTION 1.10. Subchapter G, Chapter 51, Occupations Code, is amended by adding Section 51.359 to read as follows:

Sec. 51.359. REFUND. (a) Subject to Subsection (b), the commission or executive director may order a license holder to pay a refund to a consumer as provided in an agreed settlement, default order, or commission order instead of or in addition to imposing an administrative penalty or sanction.

(b) The amount of a refund ordered may not exceed the amount the consumer paid to the license holder for a service regulated by the department. The commission or executive director may not require payment of other damages or estimate harm in a refund order.

SECTION 1.11. Section 51.4012(a), Occupations Code, is amended to read as follows:

(a) Notwithstanding any other law, the commission may determine that a person is not eligible for a license based on the person's criminal history [~~or other information that indicates that the person lacks the honesty, trustworthiness, and integrity to hold a license issued by the department~~].

SECTION 1.12. Section 51.405, Occupations Code, is amended to read as follows:

Sec. 51.405. CONTINUING EDUCATION. (a) The ~~department~~ [commission] shall recognize, prepare, or administer continuing education programs for license holders. A license holder must participate in the programs to the extent required by the commission to keep the person's license.

(b) Notwithstanding other law, the commission by rule may:

(1) establish a minimum number of hours of continuing education required for license renewal;

(2) provide for the registration and renewal of continuing education providers and the approval of continuing education courses; and

(3) assess reasonable and necessary fees on continuing education providers.

(c) In adopting rules under this section for a program regulated by the department, the commission shall consult, if applicable, with the advisory board established for the program.

SECTION 1.13. Subchapter H, Chapter 51, Occupations Code, is amended by adding Section 51.409 to read as follows:

Sec. 51.409. FINANCIAL DISCLOSURE STATEMENT. (a) The commission by rule may require a person, other than an individual, applying for a license issued by the department to submit with the license application a financial disclosure statement. The rules may require any of the following information to be disclosed based on the type of license for which the application is submitted:

(1) the name of the applicable business entity;

(2) the name of each person who has a direct financial investment in the business;

(3) the name of each person, other than an individual, who:

(A) has a financial investment in the business; and

(B) is not otherwise disclosed under Subdivision (2);

(4) the total amount or percentage of the financial investment made by each person described by Subdivision (2); and

(5) the name of each of the following persons associated with the business, if the person is not otherwise disclosed under Subdivision (2) or (3):

(A) a partner;

(B) an officer;

(C) a director;

(D) a managing employee;

(E) an owner or person who controls the owner; and

(F) a person who acts as a controlling person of the business through the exercise of direct or indirect influence or control over the management of the business, the expenditure of money by the business, or a policy of the business, including:

(i) any management company, landlord, marketing company, or similar person who operates or contracts for the operation of the business and, if the business is a publicly traded corporation or is controlled by a publicly traded corporation, any officer or director of the corporation;

(ii) an individual who has a personal, familial, or other relationship with an owner, manager, landlord, tenant, or provider of a business that allows the individual to exercise actual control of the business; and

(iii) any other person the commission by rule requires to be included based on the person's exercise of direct or indirect influence or control other than a shareholder or lender of the corporation.

(b) The department may deny an application for the issuance or renewal of a license or may suspend or revoke a license on the grounds that an applicant or license holder:

(1) fails to disclose a relationship for which disclosure is required by rules adopted under this section; or

(2) discloses a relationship for which disclosure is required by rules adopted under this section with a person whose license was revoked or who has failed to comply with an order of the commission or executive director.

SECTION 1.14. Section 202.505, Occupations Code, is amended to read as follows:

Sec. 202.505. REEXAMINATION IF LICENSE SUSPENDED OR REVOKED. The department may refuse to reinstate a license or to issue a new license until a podiatrist has passed the regular license examination if the commission or executive director suspended or revoked the license for:

(1) failure to satisfy continuing education requirements [~~under Section 202.305~~]; or

(2) nonpayment of the license renewal fee.

SECTION 1.15. Section 402.207(c), Occupations Code, is amended to read as follows:

(c) An apprentice permit holder shall work under the supervision of a license holder for at least one year. ~~[During the apprentice year, the apprentice permit holder shall complete 20 hours of classroom continuing education as required by Section 402.303 for a license holder.]~~

SECTION 1.16. Section 402.305, Occupations Code, is amended to read as follows:

Sec. 402.305. CONTINUING EDUCATION EXEMPTIONS. The department may renew the license of a license holder who does not comply with the applicable continuing education requirements ~~[of Section 402.303 or 402.304]~~ if the license holder:

(1) was licensed for the first time during the 24 months before the reporting date; or

(2) submits proof from an attending physician that the license holder suffered a serious or disabling illness or physical disability that prevented compliance with the continuing education requirements during the 24 months before the reporting date.

SECTION 1.17. Section 802.062(b), Occupations Code, is amended to read as follows:

(b) An ~~The~~ inspection by the department must be conducted during the facility's normal business hours, and the licensed breeder or a representative of the licensed breeder must be given a reasonable opportunity to be present during the inspection.

SECTION 1.18. Section 1151.1581, Occupations Code, is amended to read as follows:

Sec. 1151.1581. CONTINUING EDUCATION. (a) ~~The commission shall recognize, prepare, or administer continuing education programs for registrants under this chapter.~~

~~(b)~~ The comptroller must review and approve any ~~all~~ continuing education programs for registrants.

~~(c)~~ ~~A registrant must participate in the programs to the extent required by the department to keep the person's certificate of registration.~~

~~(d)~~ ~~The commission may set fees for continuing education courses and providers of continuing education courses in amounts reasonable and necessary to cover the department's costs in administering the department's duties under this section.~~

~~(e)~~ The comptroller may set fees for any continuing education courses and providers of continuing education courses in amounts reasonable and necessary to cover the comptroller's costs in administering the comptroller's duties under this section.

(c) ~~(f)~~ As part of the continuing education requirements for a registered professional appraiser who is the chief appraiser of an appraisal district, the commission by rule shall require the registrant to complete:

(1) at least half of the required hours in a program devoted to one or more of the topics listed in Section 1151.164(b); and

(2) at least two of the required hours in a program of professional ethics specific to the chief appraiser of an appraisal district, including a program on the importance of maintaining the independence of an appraisal office from political pressure.

SECTION 1.19. Section 1152.106, Occupations Code, is amended to read as follows:

Sec. 1152.106. ~~[MEETINGS;]~~ VOTE REQUIRED FOR ACTION. ~~[(a) The council shall meet at least semiannually at the call of the presiding officer or at the call of a majority of its members.~~

~~[(b)]~~ A decision of the council is not effective unless it receives the affirmative vote of at least four members.

SECTION 1.20. Section 1953.106, Occupations Code, is amended to read as follows:

Sec. 1953.106. RENEWAL OF CERTIFICATE. ~~[(a)]~~ To renew a certificate of registration under this chapter, a professional sanitarian must:

- (1) pay to the department a renewal fee prescribed by the commission by rule; and
- (2) provide proof of completion of any applicable continuing education requirements prescribed by the commission by rule.

SECTION 1.21. Section 1958.104, Occupations Code, is amended to read as follows:

Sec. 1958.104. RULES REGARDING LICENSE APPLICATION. The commission shall adopt rules regarding a license application. The commission shall adopt rules that establish minimum requirements for a license, including:

- (1) the type of license;
- (2) the qualifications for the license, including any previous training required under Section 1958.106;
- (3) renewal requirements for the license ~~[-, including ongoing continuing education required under Section 1958.106];~~ and
- (4) liability insurance requirements for the license.

SECTION 1.22. Section 1958.106, Occupations Code, is amended to read as follows:

Sec. 1958.106. TRAINING ~~[-; CONTINUING EDUCATION]~~. (a) The commission shall adopt rules regarding training required under this chapter ~~[and continuing education required for a license holder under this chapter].~~

(b) The rules may include requirements regarding training ~~[and continuing education]~~ providers, including rules establishing:

- (1) accreditation by the department;
- (2) curriculum requirements; and
- (3) qualifications.

SECTION 1.23. Section 2308.157, Occupations Code, is amended to read as follows:

Sec. 2308.157. REQUIREMENT FOR INITIAL RENEWAL OF INCIDENT MANAGEMENT TOWING OPERATOR'S LICENSE ~~[CONTINUING EDUCATION]~~. ~~[(a) The commission by rule shall recognize, prepare, or administer continuing education programs for license holders. Except~~

~~as provided by Subsection (c), each license holder must complete a continuing education program before the license holder may renew the license holder's license.~~

~~[(b) A person recognized by the commission to offer a continuing education program must:~~

~~[(1) register with the department; and~~

~~[(2) comply with rules adopted by the commission relating to continuing education.~~

~~[(e) To renew an incident management towing operator's license the first time, a license holder must complete a professional development course relating to incident management towing that is approved and administered by the department [under this section].~~

SECTION 1.24. Section 2308.159(c), Occupations Code, is amended to read as follows:

(c) A license holder may renew a license issued under this chapter by:

- (1) submitting an application on a form prescribed by the executive director;
- (2) submitting evidence demonstrating compliance with the requirements for the license type as required by this chapter or commission rule;
- (3) paying a renewal fee; and
- (4) completing any applicable continuing education requirements ~~[as required by Section 2308.157].~~

SECTION 1.25. The following provisions are repealed:

- (1) Section 1001.058(h), Education Code;
- (2) Section 469.053(e), Government Code;
- (3) Section 754.012(d), Health and Safety Code;
- (4) Section 754.0174, Health and Safety Code;
- (5) Section 755.016, Health and Safety Code;
- (6) Section 51.0021, Occupations Code;
- (7) Section 51.252(d), Occupations Code;
- (8) Section 202.305, Occupations Code;
- (9) Section 202.5085, Occupations Code;
- (10) Section 203.304, Occupations Code;
- (11) Section 203.406, Occupations Code;
- (12) Section 401.355, Occupations Code;
- (13) Section 402.303, Occupations Code;
- (14) Section 403.152, Occupations Code;
- (15) Section 455.0571, Occupations Code;
- (16) Section 506.105, Occupations Code;
- (17) Section 605.261, Occupations Code;
- (18) Section 701.303, Occupations Code;
- (19) Section 701.512, Occupations Code;
- (20) Section 802.065(e), Occupations Code;
- (21) Section 1302.208(a), Occupations Code;
- (22) Section 1305.055, Occupations Code;
- (23) Section 1305.168, Occupations Code;

- (24) Section 1901.107(a), Occupations Code;
- (25) Section 1952.1051, Occupations Code;
- (26) Section 1958.056(b), Occupations Code;
- (27) Section 2303.056(b), Occupations Code;
- (28) Section 2308.055, Occupations Code;
- (29) Section 2309.056, Occupations Code; and
- (30) Section 2309.106(a), Occupations Code.

SECTION 1.26. (a) Except as provided by Subsection (b) of this section, Section 51.054, Occupations Code, as amended by this article, applies to a member of the Texas Commission of Licensing and Regulation appointed before, on, or after the effective date of this Act.

(b) A member of the Texas Commission of Licensing and Regulation who, before the effective date of this Act, completed the training program required by Section 51.054, Occupations Code, as that law existed before the effective date of this Act, is only required to complete additional training on the subjects added by this article to the training program required by Section 51.054, Occupations Code. A member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission held on or after December 1, 2021, until the member completes the additional training.

ARTICLE 2. DEREGULATION

SECTION 2.01. The following provisions of the Occupations Code are repealed:

- (1) Chapter 1703; and
- (2) Section 2052.002(11-a).

SECTION 2.02. Section 54.0405(d), Family Code, is amended to read as follows:

(d) A polygraph examination required as a condition of probation under Subsection (a) must be administered by an individual who is [-

~~[(+) specified by the local juvenile probation department supervising the child [-and~~

~~[(2) licensed as a polygraph examiner under Chapter 1703, Occupations Code].~~

SECTION 2.03. Sections 411.0074(c) and (d), Government Code, are amended to read as follows:

(c) The polygraph examination required by this section may only be administered by a polygraph examiner [~~licensed under Chapter 1703, Occupations Code,~~] who:

- (1) is a peace officer commissioned by the department; or
- (2) has a minimum of two years of experience conducting preemployment polygraph examinations for a law enforcement agency.

(d) The department and the polygraph examiner shall maintain the confidentiality of the results of a polygraph examination administered under this section, except that [-

~~[(1) the department and the polygraph examiner may disclose the results in accordance with Section 1703.306, Occupations Code; and~~

~~[(2) notwithstanding Section 1703.306, Occupations Code,]~~ the department may disclose any admission of criminal conduct made during the course of an examination to another appropriate governmental entity.

SECTION 2.04. Section 245.053(d), Human Resources Code, is amended to read as follows:

(d) A polygraph examination required as a condition of release under Subsection (a) must be administered by an individual who is [:

~~[(1)]~~ specified by the department [; and

~~[(2) licensed as a polygraph examiner under Chapter 1703, Occupations Code].~~

SECTION 2.05. Section 2052.107, Occupations Code, is amended to read as follows:

Sec. 2052.107. OTHER COMBATIVE SPORTS LICENSES. Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant;
- (2) manager of a professional contestant;
- (3) referee; or
- (4) judge [;
- ~~[(5) second;~~
- ~~[(6) matchmaker; or~~
- ~~[(7) event coordinator].~~

SECTION 2.06. On the effective date of this Act, the Polygraph Advisory Committee is abolished.

SECTION 2.07. On the effective date of this Act, a pending regulatory action, including a complaint investigation, disciplinary action, or administrative penalty proceeding, of the Texas Department of Licensing and Regulation with respect to a license, permit, or certification issued under a law repealed by this article, is terminated.

SECTION 2.08. On the effective date of this Act, a license, permit, or certification issued under a law repealed by this article expires.

SECTION 2.09. Not later than January 1, 2023, the Texas Department of Licensing and Regulation, in consultation with the Auctioneer Advisory Board, shall study the regulation of auctioneering and prepare a report with any findings and recommendations to improve public safety and the department's processes and to eliminate inefficiencies, including any necessary legislative changes. In conducting the study, the department may consult with any interested organizations, associations, and stakeholders. The department shall submit the report to the standing legislative committees with jurisdiction over the department.

ARTICLE 3. BARBERING AND COSMETOLOGY

SECTION 3.01. Section 1603.001, Occupations Code, is amended to read as follows:

Sec. 1603.001. GENERAL DEFINITIONS. ~~[(a)]~~ In this chapter:

- (1) "Advisory board" means the Barbering and Cosmetology Advisory Board.

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

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

(4) "Establishment" means a place:

(A) in which barbering or cosmetology is practiced; and

(B) that is required to hold a license issued under Subchapter E-2.

(5) [(3)] "Executive director" means the executive director of the department.

(6) "Manager" means the person who controls or directs the business of an establishment or directs the work of a person employed in an establishment.

(7) "School" means a public secondary school, public postsecondary school, or private postsecondary school:

(A) in which barbering or cosmetology is taught; and

(B) that is required to hold a license issued under Subchapter E-3.

~~[(b) Unless the context clearly indicates otherwise, the definitions in Chapters 1601 and 1602 apply to this chapter.]~~

SECTION 3.02. Subchapter A, Chapter 1603, Occupations Code, is amended by adding Sections 1603.0011, 1603.0012, and 1603.0013 to read as follows:

Sec. 1603.0011. PRACTICE OF BARBERING OR COSMETOLOGY. (a) The practices of barbering and cosmetology consist of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming a person's hair or shaving a person's neck with a safety razor; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, trimming, or shaving with a safety razor;

(3) cleansing, stimulating, or massaging a person's scalp, face, neck, shoulders, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

(4) beautifying a person's face, neck, shoulders, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;

(5) administering facial treatments;

(6) removing superfluous hair from a person's body using depilatories, preparations or chemicals, tweezers, or other devices or appliances of any kind or description;

(7) treating a person's nails by:

(A) cutting, trimming, polishing, tinting, coloring, cleansing, manicuring, or pedicuring; or

(B) attaching false nails;

(8) massaging, cleansing, treating, or beautifying a person's hands or feet; or

(9) weaving a person's hair by using any method to attach commercial hair to a person's hair or scalp.

(b) In addition to the services described by Subsection (a), the practice of barbering includes performing or offering to perform for compensation the service of shaving a person's face, neck, mustache, or beard with a razor of any type.

(c) In addition to the services described by Subsection (a), the practice of cosmetology includes performing or offering to perform for compensation the service of applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes.

(d) Advertising or representing to the public in any manner that a person is licensed to perform a barbering or cosmetology service under this chapter, or that a location or place of business is an establishment or school, constitutes the practice of barbering or cosmetology.

(e) In this section, "safety razor" means a razor that is fitted with a guard close to the cutting edge of the razor that is intended to:

(1) prevent the razor from cutting too deeply; and

(2) reduce the risk and incidence of accidental cuts.

Sec. 1603.0012. SERVICES NOT CONSTITUTING BARBERING OR COSMETOLOGY. Barbering and cosmetology do not include:

(1) threading, which involves removing unwanted hair from a person by using a piece of thread that is looped around the hair and pulled to remove the hair and includes the incidental trimming of eyebrow hair; or

(2) servicing a person's wig, toupee, or artificial hairpiece on a person's head or on a block after the initial retail sale in any manner described by Section 1603.0011(a)(1).

Sec. 1603.0013. APPLICATION OF CHAPTER. This chapter does not apply to a person who:

(1) does not represent or advertise to the public directly or indirectly that the person is authorized by the department to practice barbering or cosmetology and the person is:

(A) licensed in this state to practice medicine, dentistry, podiatry, chiropractic, or nursing and operating within the scope of the person's license;

(B) a commissioned or authorized medical or surgical officer of the United States armed forces; or

(C) an inmate in the institutional division of the Texas Department of Criminal Justice who performs barbering or cosmetology during the person's incarceration;

(2) provides a service in an emergency;

(3) is in the business of or receives compensation for makeup applications only;

(4) provides a cosmetic service as a volunteer or an employee performing regular duties at a licensed nursing or convalescent custodial or personal care home to a patient residing in the home;

(5) owns, operates, or manages a licensed nursing or convalescent custodial or personal care home that allows a person with an operator license to perform cosmetic services for patients residing in the home on an occasional but not daily basis;

(6) provides an incidental cosmetic service, or owns, operates, or manages the location where that service is provided, if the primary purpose of the service is to enable or assist the recipient of the service to participate as the subject of:

(A) a photographic sitting at a permanent establishment that charges a fee exclusively for a photographic sitting;

(B) a television appearance; or

(C) the filming of a motion picture; or

(7) performs only natural hair braiding, including braiding a person's hair, trimming hair extensions only as applicable to the braiding process, and attaching commercial hair by braiding and without the use of chemicals or adhesives.

SECTION 3.03. Section 1603.002, Occupations Code, is amended to read as follows:

Sec. 1603.002. REGULATION OF BARBERING AND COSMETOLOGY BY DEPARTMENT OF LICENSING AND REGULATION. The department shall administer this chapter. ~~This chapter [and Chapters 1601 and 1602. A reference in this chapter to the commission's or department's powers or duties applies only in relation to those chapters, except that this section]~~ does not limit the department's or commission's general powers under Chapter 51.

SECTION 3.04. Subchapter B, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER B. ~~[ADVISORY BOARDS FOR]~~ BARBERING AND COSMETOLOGY ADVISORY BOARD

Sec. 1603.051. ADVISORY BOARD; MEMBERSHIP. The Barbering and Cosmetology Advisory Board consists of nine members appointed by the presiding officer of the commission, with the commission's approval, as follows:

(1) four members who each hold an individual practitioner license under Subchapter E-1, including:

(A) at least one holder of a Class A barber license; and

(B) at least one holder of a cosmetology operator license;

(2) two members who each hold an establishment license;

(3) two members who each hold a school license; and

(4) one member who represents the public.

Sec. 1603.052. DUTIES OF ADVISORY BOARD. (a) The advisory board [boards established under Chapters 1601 and 1602] shall advise the commission and the department on:

(1) education and curricula for applicants;

(2) the content of examinations;

(3) proposed rules and standards on technical issues related to barbering and cosmetology; and

(4) other issues affecting [administering this chapter and Chapters 1601 and 1602 regarding] barbering and [or] cosmetology[, as applicable].

(b) The advisory board shall respond to questions from the commission and the department regarding barbering and cosmetology.

Sec. 1603.053. TERMS; VACANCY. (a) Members of the advisory board serve staggered six-year terms, with the terms of three members expiring January 31 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the presiding officer of the commission, with the commission's approval, shall appoint a replacement to fill the unexpired term.

Sec. 1603.054. PRESIDING OFFICER. The presiding officer of the commission shall appoint one of the advisory board members to serve as the presiding officer of the advisory board for a term of two years.

SECTION 3.05. Section 1603.101, Occupations Code, is amended to read as follows:

Sec. 1603.101. RULES. The commission shall adopt rules consistent with this chapter for[-

~~(1)] the administration of this chapter and the operations of the department in regulating barbering and cosmetology[- and~~

~~(2) the administration of Chapters 1601 and 1602].~~

SECTION 3.06. Section 1603.103(a), Occupations Code, is amended to read as follows:

(a) Until the department determines, by inspection, that the person has established the school in compliance with this chapter, [~~Chapter 1601, or Chapter 1602,~~] a person may not operate a school licensed [~~or permitted~~] under this chapter[- ~~Chapter 1601, or Chapter 1602~~].

SECTION 3.07. The heading to Section 1603.104, Occupations Code, is amended to read as follows:

Sec. 1603.104. [~~PERIODIC~~] INSPECTIONS.

SECTION 3.08. Sections 1603.104(a) and (d), Occupations Code, are amended to read as follows:

(a) The department may enter and inspect at any time during business hours:

(1) the place of business of any person regulated under this chapter[- ~~Chapter 1601, or Chapter 1602~~]; or

(2) any place in which the department has reasonable cause to believe that a [~~certificate,~~] license[;] or permit holder is practicing in violation of this chapter[~~, Chapter 1601, or Chapter 1602~~] or in violation of a rule or order of the commission or executive director.

(d) An inspector who discovers a violation of this chapter[~~, Chapter 1601, or Chapter 1602~~] or of a rule or order of the commission or executive director shall[~~:~~

[~~(1)~~] provide written notice of the violation to the license[~~, certificate,~~] or permit holder on a form prescribed by the department[~~; and~~

[~~(2)~~] ~~file a complaint with the executive director~~].

SECTION 3.09. Section 1603.1045, Occupations Code, is amended to read as follows:

Sec. 1603.1045. CONTRACT TO PERFORM INSPECTIONS. The department may contract with a person to perform for the department inspections of a school or establishment [~~, shop, or other facility under this chapter, Chapter 1601, or Chapter 1602~~].

SECTION 3.10. Subchapter C, Chapter 1603, Occupations Code, is amended by adding Section 1603.106 to read as follows:

Sec. 1603.106. CERTAIN BUILDING AND FACILITY STANDARDS PROHIBITED. The commission may not establish building or facility standards for a school that are not related to health and safety, including a requirement that a building or facility of the school have a specific:

- (1) square footage of floor space;
- (2) number of chairs; or
- (3) number of sinks.

SECTION 3.11. Section 1603.151, Occupations Code, is amended to read as follows:

Sec. 1603.151. NOTIFICATION OF PUBLIC INTEREST INFORMATION AND PARTICIPATION. The commission by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology. The department may provide for that notice:

(1) on each registration form, application, or written contract for services of a person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~];

(2) on a sign prominently displayed in the place of business of each person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~]; or

(3) in a bill for service provided by a person regulated under this chapter[~~, Chapter 1601, or Chapter 1602~~].

SECTION 3.12. The heading to Subchapter E, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER E. GENERAL [CERTIFICATE,] LICENSE[;] AND PERMIT PROVISIONS [REQUIREMENTS]

SECTION 3.13. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.2001 to read as follows:

Sec. 1603.2001. RULES FOR ISSUANCE OF LICENSE OR PERMIT. (a)

The commission by rule shall establish requirements for the issuance of:

- (1) a license for an individual practitioner, establishment, or school; and
- (2) a student permit.

(b) Requirements established by the commission under Subsection (a) for an individual practitioner may include requirements regarding an applicant's:

- (1) minimum age;
- (2) education level; and
- (3) completed hours of instruction.

(c) In establishing a requirement under this section for the issuance of a license, the commission shall consider whether the requirement is the least restrictive requirement possible to ensure public safety without creating a barrier to entry into the licensed occupation.

(d) Requirements established under this section:

(1) for an individual practitioner specialty license may not be more stringent than requirements for a Class A barber license or a cosmetology operator license; and

(2) for a specialty establishment license may not be more stringent than requirements for an establishment license.

(e) The commission shall establish standardized requirements within license categories.

SECTION 3.14. Sections 1603.201 and 1603.202, Occupations Code, are amended to read as follows:

Sec. 1603.201. APPLICATION FORM. An application for a [~~certificate,~~] license[;] or permit under this chapter must be made on a form prescribed [~~and provided~~] by the department.

Sec. 1603.202. DUPLICATE [~~CERTIFICATE,~~] LICENSE[;] OR PERMIT. The department shall issue a duplicate [~~certificate,~~] license[;] or permit to an applicant who:

- (1) submits an application for a duplicate [~~certificate,~~] license[;] or permit to the department; and
- (2) pays the required fee.

SECTION 3.15. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.2025 to read as follows:

Sec. 1603.2025. TEMPORARY LICENSE. (a) The department may issue a temporary license.

(b) The commission by rule may establish requirements for the issuance of a temporary license.

(c) A temporary license expires on the 60th day after the date the license is issued. A temporary license may not be renewed.

SECTION 3.16. Sections 1603.203 and 1603.204, Occupations Code, are amended to read as follows:

Sec. 1603.203. PROVISIONAL [~~CERTIFICATE OR~~] LICENSE. (a) The department may issue a provisional [~~certificate or~~] license to an applicant currently licensed in another jurisdiction who seeks a [~~certificate or~~] license in this state and who:

(1) has been licensed in good standing in the profession for which the person seeks the ~~[certificate or]~~ license for at least two years in another jurisdiction, including a foreign country, that has requirements substantially equivalent to the requirements of this chapter ~~[, Chapter 1601, or Chapter 1602, as appropriate];~~ and

(2) has passed a national or other examination recognized by the department ~~[commission]~~ relating to the practice of that profession.

(b) A provisional ~~[certificate or]~~ license is valid until the date the department approves or denies the provisional ~~[certificate or]~~ license holder's application. The department shall issue a ~~[certificate or]~~ license to the provisional ~~[certificate or]~~ license holder if:

(1) the provisional ~~[certificate or]~~ license holder is eligible to hold a ~~[certificate or]~~ license under this chapter ~~[Chapter 1601 or Chapter 1602];~~ or

(2) the provisional ~~[certificate or]~~ license holder passes the part of the examination ~~[under Chapter 1601 or Chapter 1602]~~ that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of the profession in this state and:

(A) the department verifies that the provisional ~~[certificate or]~~ license holder meets the education ~~[academic]~~ and experience requirements for the ~~[certificate or]~~ license; and

(B) the provisional ~~[certificate or]~~ license holder satisfies any other ~~[certificate or]~~ license requirements.

(c) The department must approve or deny a provisional ~~[certificate or]~~ license holder's application for a ~~[certificate or]~~ license not later than the 180th day after the date the provisional ~~[certificate or]~~ license is issued. The department may extend the 180-day period if the results of an examination have not been received by the department before the end of that period.

Sec. 1603.204. SUBSTANTIALLY EQUIVALENT ~~[RECIPROCAL CERTIFICATE,]~~ LICENSE~~[, OR PERMIT]~~. (a) A person who holds a license~~[, certificate, or permit]~~ to practice barbering or cosmetology from another state or country that has standards or work experience requirements that are substantially equivalent to the requirements of this chapter ~~[, Chapter 1601, or Chapter 1602]~~ may apply for a license~~[, certificate, or permit]~~ to perform the same acts of barbering or cosmetology in this state that the person practiced in the other state or country.

(b) The person must:

(1) submit an application for the license~~[, certificate, or permit]~~ to the department; and

(2) pay fees in an amount prescribed by the commission, including any applicable license~~[, certificate, or permit]~~ fee.

(c) A person issued a license~~[, certificate, or permit]~~ under this section:

(1) may perform the acts of barbering or cosmetology authorized by ~~[stated on]~~ the license~~[, certificate, or permit]~~; and

(2) is subject to the renewal procedures and fees provided in this chapter ~~[, Chapter 1601, or Chapter 1602]~~ for the performance of those acts of barbering or cosmetology.

SECTION 3.17. Sections 1603.208(a)(2) and (3), Occupations Code, are amended to read as follows:

(2) "Digitally prearranged remote service" means a barbering or cosmetology service performed for compensation by a person holding a license~~;~~ ~~certificate of registration, or permit~~ under Subchapter E-1 ~~[Chapter 1601 or 1602 or this chapter]~~ that is:

(A) prearranged through a digital network; and

(B) performed at a location other than an establishment ~~[a place of business that is]~~ licensed ~~[or permitted]~~ under Subchapter E-2 ~~[Chapter 1601 or 1602 or this chapter]~~.

(3) "Remote service business" means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a client to schedule a digitally prearranged remote service with a person holding a license~~;~~ ~~certificate of registration, or permit~~ under Subchapter E-1 ~~[Chapter 1601 or 1602 or this chapter]~~.

SECTION 3.18. Sections 1603.208(c), (d), (f), (g), and (i), Occupations Code, are amended to read as follows:

(c) Sections 1603.2108 and 1603.2109 ~~[1601.453, 1601.455, 1602.251(e), and 1602.407]~~ do not apply to a digitally prearranged remote service scheduled through a remote service business.

(d) A person who holds a license~~;~~ ~~certificate of registration, or permit~~ to practice barbering or cosmetology and who performs a digitally prearranged remote service shall:

(1) comply with this section and the rules adopted under this section; and

(2) practice within the scope of the person's license~~;~~ ~~certificate of registration, or permit~~.

(f) Before a person licensed~~;~~ ~~registered, or permitted~~ to practice barbering or cosmetology performs a digitally prearranged remote service for a client requesting the service, a remote service business must ~~shall~~ provide through the entity's digital network:

(1) the following information regarding the person who will perform the service:

(A) the person's first and last name;

(B) the ~~[number of the]~~ person's license number~~;~~ ~~certificate of registration, or permit, as applicable~~; and

(C) a photograph of the person;

(2) the following information regarding the business:

(A) Internet website address; and

(B) telephone number; and

(3) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.

(g) Within a reasonable time after completion of a digitally prearranged remote service, the remote service business shall issue to the client who requested the service a receipt that includes:

- (1) the date the service was provided;
 - (2) a description of the service;
 - (3) the first and last name of the person who performed the service;
 - (4) the ~~[number of the]~~ person's license number~~[-certificate of registration, or permit, as applicable];~~
 - (5) the following information regarding the business:
 - (A) Internet website address; and
 - (B) telephone number; and
 - (6) the department's Internet website address and telephone number and notice that the client may contact the department to file a complaint against the business or person.
- (i) A remote service business shall terminate a person's access to the business's digital network if the business or department determines the person violated:

- (1) this chapter; or
- (2) a rule adopted under this chapter[;
- ~~[(3) Chapter 1601 or 1602; or~~
- ~~[(4) a rule adopted under Chapter 1601 or 1602].~~

SECTION 3.19. Subchapter E, Chapter 1603, Occupations Code, is amended by adding Section 1603.209 to read as follows:

Sec. 1603.209. INFECTIOUS AND CONTAGIOUS DISEASES. (a) A person holding a license or permit issued under Subchapter E-1 may not perform any practice of barbering or cosmetology if the person knows the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(b) A person holding an establishment or school license may not employ a person to perform any practice of barbering or cosmetology or to instruct in the practice of barbering or cosmetology if the license holder knows that the person is suffering from an infectious or contagious disease for which the person is not entitled to protection under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

SECTION 3.20. Chapter 1603, Occupations Code, is amended by adding Subchapters E-1, E-2, and E-3 to read as follows:

SUBCHAPTER E-1. INDIVIDUAL PRACTITIONER LICENSES; STUDENT PERMIT; PRACTICE

Sec. 1603.2101. INDIVIDUAL PRACTITIONER LICENSE OR STUDENT PERMIT REQUIRED; USE OF CERTAIN TERMS WITHOUT LICENSE PROHIBITED. (a) A person may not perform or offer or attempt to perform any act of barbering or cosmetology unless the person holds a license or permit issued under this subchapter to perform that act.

(b) Unless the person holds an appropriate license issued under this subchapter, a person may not directly or indirectly use or cause to be used as a professional or business identification, title, name, representation, asset, or means of advantage or benefit:

- (1) the term "barber" or "barbering";

(2) the term "cosmetologist" or "cosmetology"; or

(3) any combination, variation, or abbreviation of the terms listed in

Subdivisions (1) and (2).

Sec. 1603.2102. ISSUANCE OF INDIVIDUAL PRACTITIONER LICENSE. The department shall issue an individual practitioner license to an applicant who:

(1) meets the applicable eligibility requirements;

(2) passes the applicable examination;

(3) pays the required fee;

(4) has not committed an act that constitutes a ground for denial of the license; and

(5) submits an application on a form prescribed by the department.

Sec. 1603.2103. INDIVIDUAL PRACTITIONER LICENSES. (a) A person holding:

(1) a Class A barber license may perform any barbering service;

(2) a cosmetology operator license may perform any cosmetology service;

(3) a manicurist license may perform any service described by Section 1603.0011(a)(7) or (8);

(4) an esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), or (6) or (c);

(5) a manicurist/esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), (6), (7), or (8) or (c);

(6) a hair weaving specialist license may perform any service described by Section 1603.0011(a)(9);

(7) a hair weaving specialist/esthetician license may perform any service described by Section 1603.0011(a)(3), (4), (5), (6), or (9) or (c); and

(8) an eyelash extension specialist license may perform any service described by Section 1603.0011(c).

(b) The commission by rule shall provide for the issuance of:

(1) a Class A barber license to a person who holds a cosmetology operator license; and

(2) a cosmetology operator license to a person who holds a Class A barber license.

Sec. 1603.2104. WAIVER OF CERTAIN LICENSE REQUIREMENTS.

(a) The department may waive any requirement for a license issued under this subchapter for an applicant holding a license from another jurisdiction that has license requirements substantially equivalent to those of this state.

(b) The department shall issue a license to an applicant under Subsection (a) if the applicant:

(1) submits an application on a form prescribed by the department;

(2) pays the application fee; and

(3) provides proof that the applicant holds a current license to engage in the same or a similar activity issued by another jurisdiction that has license requirements substantially equivalent to those of this state.

(c) The department may not require a personal interview as part of the application process under this section.

(d) A license issued under this section may be renewed as provided by Subchapter G.

Sec. 1603.2105. STUDENT PERMIT. (a) A student enrolled in a school licensed under Subchapter E-3 must hold a permit stating the student's name and the name of the school.

(b) The department shall issue a student permit to an applicant who submits an application to the department for a student permit accompanied by the required fee.

(c) A separate application is required for each enrollment. The application fee applies only to the first enrollment. The department may not charge the application fee for any later enrollment.

Sec. 1603.2106. TRANSFER OF LICENSE OR PERMIT PROHIBITED. A license or permit issued under this subchapter is not transferable.

Sec. 1603.2107. DISPLAY OF LICENSE OR PERMIT. (a) The holder of a license issued under this subchapter shall:

(1) display the original license and an attached photograph of the license holder in a conspicuous place near the license holder's work chair in the establishment in which the holder is working; or

(2) make available at the reception desk of the establishment in which the holder is working, in the manner prescribed by the department:

(A) the original license and an attached photograph of the license holder; or

(B) a digital image of the license and photograph of the license holder.

(b) The holder of a student permit issued under this subchapter shall display the permit in a reasonable manner at the school in which the permit holder is enrolled.

Sec. 1603.2108. LOCATION OF PRACTICE. A person holding a license or permit issued under this subchapter may practice barbering or cosmetology only at a licensed establishment or school.

Sec. 1603.2109. SERVICE AT UNLICENSED LOCATION. (a) In this section, "licensed facility" means:

(1) an establishment licensed under Subchapter E-2; or

(2) a school licensed under Subchapter E-3.

(b) A person holding a license under this subchapter may perform a service within the scope of the license at a location other than a licensed facility for a client:

(1) who, because of illness or physical or mental incapacitation, is unable to receive the service at a licensed facility; or

(2) in preparation for and at the location of a special event, including a wedding.

(c) An appointment for a service performed under this section must be made through a licensed facility.

SUBCHAPTER E-2. ESTABLISHMENT LICENSES; OPERATION

Sec. 1603.2201. LICENSE REQUIRED. (a) A person may not own, operate, or manage an establishment in which an act of barbering or cosmetology is practiced unless the person holds a license issued under this subchapter to operate the establishment.

(b) A person may not lease space on the premises of a licensed establishment to engage in the practice of barbering or cosmetology as an independent contractor unless the person holds a license issued under Subchapter E-1.

Sec. 1603.2202. ISSUANCE OF LICENSE. The department shall issue the applicable establishment license under this subchapter to an applicant if:

(1) the applicant:

(A) owns or rents the establishment;

(B) verifies the application;

(C) complies with the application requirements of this chapter;

(D) pays the required inspection and license fees; and

(E) has not committed an act that constitutes a ground for denial of a license; and

(2) the establishment:

(A) meets the commission's minimum health standards for an establishment; and

(B) complies with all commission rules.

Sec. 1603.2203. ESTABLISHMENT LICENSES. (a) An establishment licensed as:

(1) an establishment may provide any barbering or cosmetology service;

(2) a manicurist specialty establishment may provide any service described by Section 1603.0011(a)(7) or (8);

(3) an esthetician specialty establishment may provide any service described by Section 1603.0011(a)(3), (4), (5), or (6) or (c);

(4) a manicurist/esthetician specialty establishment may provide any service described by Section 1603.0011(a)(3), (4), (5), (6), (7), or (8) or (c);

(5) a hair weaving specialty establishment may provide any service described by Section 1603.0011(a)(9);

(6) an eyelash extension specialty establishment may provide any service described by Section 1603.0011(c);

(7) a mini-establishment may provide any barbering or cosmetology service; and

(8) a mobile establishment may provide any barbering or cosmetology service.

(b) In this section:

(1) "Mini-establishment" includes a room or suite of rooms that is one of a number of connected establishments in a single premises that open onto a common hallway or another configuration of operations as authorized by the department in which a person practices under a license issued under Subchapter E-1.

(2) "Mobile establishment" means a facility that is readily movable and where barbering, cosmetology, or both are practiced other than at a fixed location.

Sec. 1603.2204. TRANSFER OF LICENSE PROHIBITED. A license issued under this subchapter is not transferable.

Sec. 1603.2205. USE OF ESTABLISHMENT AS SLEEPING QUARTERS PROHIBITED. (a) An owner or manager of a licensed establishment may not permit a person to sleep in a room used as part of the establishment.

(b) A person may not perform an act for which a license is required in a room in an establishment that is used as sleeping quarters.

SUBCHAPTER E-3. SCHOOL LICENSES; OPERATION

Sec. 1603.2301. LICENSE REQUIRED. A person may not operate a school for instruction in the practice of barbering or cosmetology unless the person holds a license issued under this subchapter to operate the school.

Sec. 1603.2302. ISSUANCE OF LICENSE. The department shall issue a license under this subchapter to an applicant who, as applicable:

(1) submits an application on a form prescribed by the department;
 (2) pays the required fee;
 (3) provides to the department adequate proof of financial responsibility;

(4) meets the health and safety standards established by the commission; and

(5) satisfies any other requirements of this chapter or commission rule.

Sec. 1603.2303. SCHOOL LICENSES; INSTRUCTORS; ENFORCEMENT. (a) The holder of a public secondary school license, public postsecondary school license, or private postsecondary school license:

(1) may provide instruction in the barbering or cosmetology services for which the license holder has been approved by the department; and

(2) may only employ to provide the instruction described by Subdivision (1) a person who holds a license issued under Subchapter E-1 to perform the acts of barbering or cosmetology for which the person will provide instruction.

(b) The department may take any disciplinary or other enforcement action against a person who violates Subsection (a)(2).

Sec. 1603.2304. CHANGE OF SCHOOL OWNERSHIP OR LOCATION. (a) If a licensed school changes ownership:

(1) the outgoing owner shall notify the department of the change not later than the 10th day before the date the change takes effect; and

(2) the new owner shall obtain a license under this subchapter in accordance with commission rule.

(b) A school may not change the location of the school unless the school obtains approval from the department before the change by showing that the proposed location meets the requirements of this chapter and commission rules.

Sec. 1603.2305. SIGNS REQUIRED. The holder of a school license shall place a sign on the front outside portion of the school's building in a prominent place that reads "SCHOOL-STUDENT PRACTITIONERS" in:

(1) at least 10-inch block letters; or

(2) a manner prescribed by the department.

Sec. 1603.2306. INFORMATION PROVIDED TO PROSPECTIVE STUDENT. The holder of a school license shall provide to each prospective student, as applicable:

(1) a course outline;

(2) a schedule of the tuition and other fees assessed;

(3) the school's refund policy required under Section 1603.3602;

(4) the school's grading policy and rules relating to incomplete grades;

(5) the school's rules of operation and conduct, including rules relating to absences;

(6) the department's name, mailing address, and telephone number for the purpose of directing complaints to the department; and

(7) the current job placement rates and employment rates of students who complete a course of instruction.

Sec. 1603.2307. COURSE LENGTH AND CURRICULUM CONTENT.

(a) A school shall design course length and curriculum content to reasonably ensure that a student develops the job skills and knowledge necessary for employment.

(b) A school must submit to the department for approval the course length and curriculum content for each course offered by the school. The school may not implement a course length and curriculum content without the approval of the department.

(c) Before issuing or renewing a license under this subchapter, the department must require the school to account for each course length and curriculum content.

Sec. 1603.2308. REQUIRED COURSES. (a) A school shall instruct students in the theory and practice of subjects necessary and beneficial to the practice of barbering and cosmetology.

(b) The commission by rule shall establish the subjects in which students shall receive instruction.

(c) A school may not increase, decrease, or withhold for any reason the number of hours earned by a student.

Sec. 1603.2309. DAILY ATTENDANCE RECORDS. (a) A school shall maintain an attendance record showing the students' daily attendance.

(b) The department may inspect a school's attendance records at any time.

Sec. 1603.2310. INSTRUCTOR-TO-STUDENT RATIO. A licensed school must have at least one instructor for every 25 students on the school's premises.

Sec. 1603.2311. REPORTS TO DEPARTMENT. (a) A licensed school shall maintain a monthly progress report regarding each student attending the school. The report must certify the daily attendance record of each student and the number of hours earned by each student during the previous month.

(b) On a student's completion of a prescribed course of instruction, the school shall notify the department that the student has completed the required number of hours and is eligible to take the appropriate examination.

(c) The holder of a school license shall provide to the department on request:

(1) the current course completion rates of students who attend a course of instruction offered by the school; and

(2) job placement rates and employment rates of students who complete a course of instruction.

Sec. 1603.2312. ADDITIONAL DUTIES OF LICENSE HOLDER. The holder of a school license shall:

(1) maintain a sanitary premises;

(2) establish regular class and instruction hours and grades;

(3) hold examinations before issuing diplomas; and

(4) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed.

Sec. 1603.2313. TRANSFER OF HOURS OF INSTRUCTION. (a) A student at a licensed school may transfer completed hours of instruction to another licensed school in this state.

(b) In order for the hours of instruction to be transferred, a transcript showing the completed courses and number of hours certified by the school in which the instruction was given must be submitted to the department.

(c) In evaluating a student's transcript, the department shall determine whether the agreed tuition has been paid. If the tuition has not been paid, the department shall notify the student that the student's transcript cannot be certified to the school to which the student seeks a transfer until proof is provided that the tuition has been paid.

(d) On evaluation and approval, the department shall certify in writing to the student and to the school to which the student seeks a transfer that:

(1) the stated courses and hours have been successfully completed; and

(2) the student is not required to repeat the hours of instruction.

Sec. 1603.2314. IDENTIFICATION OF AND WORK PERFORMED BY STUDENT. (a) Each licensed school shall maintain in a conspicuous place a list of the names and identifying pictures of the students who are enrolled in the school's courses.

(b) A school may not receive compensation for work done by a student unless the student has completed 10 percent of the required number of hours for a license under Subchapter E-1.

(c) If a school violates this section, the license of the school may be revoked or suspended.

SECTION 3.21. Section 1603.252(b), Occupations Code, is amended to read as follows:

(b) The executive director shall determine uniform standards for acceptable performance on an examination for a license under Subchapter E-1 [~~or certificate under Chapter 1601 and for a license or certificate under Chapter 1602~~].

SECTION 3.22. Sections 1603.253 and 1603.255, Occupations Code, are amended to read as follows:

Sec. 1603.253. WRITTEN EXAMINATION. The department [~~commission~~] shall select an examination for each written examination required under this chapter[, Chapter 1601, or Chapter 1602]. The written examination must be:

- (1) validated by an independent testing professional; or
- (2) purchased from a national testing service.

Sec. 1603.255. EARLY EXAMINATION. The commission by rule [~~department~~] may allow for the early written examination of a student [~~who has completed the following number of hours of instruction in a department approved training program:~~

[~~(1) 1,000 hours for a student seeking a Class A barber certificate in a private barber school;~~

[~~(2) 900 hours for a student seeking an operator license in a private cosmetology school; or~~

[~~(3) 900 hours for a student seeking a Class A barber certificate or operator license in a publicly funded barber or cosmetology school.~~

SECTION 3.23. Sections 1603.256(a) and (c), Occupations Code, are amended to read as follows:

(a) The commission may require a practical examination as it considers necessary for a license [~~or certificate~~] issued under Subchapter E-1 [~~Chapter 1601 or 1602~~].

(c) The following persons may administer a practical examination [~~required under this subchapter~~]:

- (1) the department;
- (2) a person with whom the department contracts under Section 1603.252;
- (3) a licensed [~~barber~~] school[, ~~private beauty culture school, or a public secondary or postsecondary beauty culture school~~] that is approved by the department to administer the examination under Section 1603.252; or
- (4) the Windham School District.

SECTION 3.24. Subchapter G, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER G. [~~CERTIFICATE,~~] LICENSE[, ~~AND PERMIT~~] RENEWAL

Sec. 1603.3001. LICENSE TERMS. (a) Except as provided by Subsection (b), a license other than a temporary license expires on the second anniversary of the date the license is issued.

(b) A school license expires on the first anniversary of the date the license is issued.

Sec. 1603.3002. RENEWAL RULES. (a) The commission by rule may establish requirements for the renewal of a license issued under this chapter, including continuing education requirements.

(b) The commission may establish separate requirements for:

- (1) the initial renewal of a license; and
- (2) subsequent renewals of a license.

(c) Before establishing continuing education requirements under this section, the commission must consider the potential impact of continuing education with respect to:

- (1) identifying and assisting trafficked persons; and
- (2) providing license holders with opportunities to acquire new skills.

Sec. 1603.3003. ISSUANCE OF RENEWAL LICENSE. The department shall issue a renewal license on receipt of:

- (1) a renewal application in the form prescribed by the department; and
- (2) any renewal fee.

Sec. 1603.3004. RENEWAL WHILE IN ARMED FORCES. (a) The department may not require the holder of a license issued under Subchapter E-1 who is serving on active duty in the United States armed forces to renew the person's license.

(b) The department shall issue a renewal license on application and payment of the required renewal fee not later than the 90th day after the date the person is released or discharged from active duty in the United States armed forces.

Sec. 1603.301. DENIAL OF RENEWAL DUE TO ADMINISTRATIVE PENALTY. The department may deny a person's request to renew a [certificate,] license[, or permit] issued under this chapter[, Chapter 1601, or Chapter 1602] if the person has not paid an administrative penalty imposed under Subchapter F, Chapter 51. This section does not apply if:

- (1) the person's time to pay or request a hearing has not expired under Section 51.304;
- (2) the person has requested a hearing under Section 51.304, but the person's time to pay has not expired under Section 51.307; or
- (3) the penalty is stayed.

SECTION 3.25. The heading to Subchapter H, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER H. PRACTICE PROVISIONS APPLICABLE TO MORE THAN ONE LICENSE TYPE [CHAPTERS 1601 AND 1602]

SECTION 3.26. Section 1603.351, Occupations Code, is amended to read as follows:

Sec. 1603.351. MINIMUM CURRICULUM FOR SCHOOLS; DISTANCE EDUCATION. (a) The commission shall prescribe the minimum curriculum, including the subjects and the number of hours in each subject, taught by a licensed school [licensed under this chapter, Chapter 1601, or Chapter 1602].

(a-1) Notwithstanding any other law, the commission may adopt rules to:

- (1) authorize a licensed school [licensed under this chapter, Chapter 1601, or Chapter 1602] to account for any hours of instruction completed under this chapter [those chapters] on the basis of clock hours or credit hours; and
- (2) establish standards for determining the equivalency and conversion of clock hours to credit hours and credit hours to clock hours.

(b) The commission may adopt rules allowing distance education only for the theory portion of the curriculum taught by a licensed school [licensed under this chapter, Chapter 1601, or Chapter 1602].

(c) Distance education does not satisfy the requirements of the practical portion of the curriculum taught by a licensed school [~~licensed under this chapter, Chapter 1601, or Chapter 1602~~].

SECTION 3.27. Sections 1603.352(a) and (b), Occupations Code, are amended to read as follows:

(a) A person who holds a license[~~, certificate,~~] or permit issued under this chapter[~~, Chapter 1601, or Chapter 1602~~] and who performs a [~~barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology~~] service described by Section 1603.0011(a)(7) or (8) [~~1602.002(a)(8) or (9)~~] shall, before performing the service, clean, disinfect, and sterilize with an autoclave or dry heat sterilizer or sanitize with an ultraviolet sanitizer, in accordance with the sterilizer or sanitizer manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

(b) The owner or manager of a licensed establishment or [barber shop, barber] school[~~, beauty shop, specialty shop, beauty culture school, or other facility licensed under this chapter, Chapter 1601, or Chapter 1602,~~] is responsible for providing an autoclave, a dry heat sterilizer, or an ultraviolet sanitizer for use in the establishment [shop] or school as required by Subsection (a).

SECTION 3.28. Subchapter H, Chapter 1603, Occupations Code, is amended by adding Sections 1603.353, 1603.354, 1603.355, 1603.356, 1603.357, and 1603.358 to read as follows:

Sec. 1603.353. EMPLOYMENT OF LICENSE HOLDER. (a) A licensed school may not employ a person holding a license issued under Subchapter E-1 solely to perform the practices of barbering or cosmetology for which the person is licensed.

(b) A person holding a license for an establishment may not employ or lease to a person to practice barbering or cosmetology at the establishment unless the person holds a license issued under Subchapter E-1.

Sec. 1603.354. NECESSARY EQUIPMENT. The owner, operator, or manager of a licensed establishment or school shall equip the establishment or school with the facilities, supplies, appliances, furnishings, and materials necessary to enable a person employed on the premises to comply with this chapter.

Sec. 1603.355. DISPLAY OF LICENSE. A licensed school or establishment shall display the license in a conspicuous place in the school or establishment for which the license is issued.

Sec. 1603.356. DISPLAY OF HUMAN TRAFFICKING INFORMATION. (a) A licensed school or establishment shall display a sign approved by or acceptable to the commission or the department concerning services and assistance available to victims of human trafficking.

(b) The sign required by this section must:

(1) be in English, Spanish, Vietnamese, and any other language required by commission rule; and

(2) include a toll-free telephone number of a nationally recognized information and referral hotline for victims of human trafficking.

(c) The commission by rule shall establish requirements regarding the posting of signs under this section.

Sec. 1603.357. DISPLAY OF SANITATION RULES. A licensed school or establishment shall display a copy of the commission's sanitation rules.

Sec. 1603.358. OPERATION OF ESTABLISHMENT AND SCHOOL ON SINGLE PREMISES. A person may not operate an establishment on the same premises as a school unless the facilities are separated by walls of permanent construction without an opening between the facilities.

SECTION 3.29. Chapter 1603, Occupations Code, is amended by adding Subchapter H-1 to read as follows:

SUBCHAPTER H-1. FINANCIAL PROVISIONS APPLICABLE TO PRIVATE POSTSECONDARY SCHOOLS

Sec. 1603.3601. CANCELLATION AND SETTLEMENT POLICY. The holder of a private postsecondary school license shall maintain a cancellation and settlement policy that provides a full refund of money paid by a student if the student:

(1) cancels the enrollment agreement or contract not later than midnight of the third day after the date the agreement or contract is signed by the student, excluding Saturdays, Sundays, and legal holidays; or

(2) entered into the enrollment agreement or contract because of a misrepresentation made:

(A) in the advertising or promotional materials of the school; or

(B) by an owner or representative of the school.

Sec. 1603.3602. REFUND POLICY. (a) The holder of a private postsecondary school license shall maintain a refund policy to provide for the refund of any unused parts of tuition, fees, and other charges paid by a student who, at the expiration of the cancellation period established under Section 1603.3601:

(1) fails to enter the course of training;

(2) withdraws from the course of training; or

(3) is terminated from the course of training before completion of the course.

(b) The refund policy must provide that:

(1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in scheduled hours, as specified by an enrollment agreement, contract, or other document acceptable to the department;

(2) the effective date of the termination for refund purposes is the earliest of:

(A) the last date of attendance, if the student is terminated by the school;

(B) the date the license holder receives the student's written notice of withdrawal; or

(C) 10 school days after the last date of attendance; and

(3) the school may retain not more than \$100 if:

(A) tuition is collected before the course of training begins; and

(B) the student does not begin the course of training before the cancellation period established under Section 1603.3601 expires.

Sec. 1603.3603. WITHDRAWAL OR TERMINATION OF STUDENT. (a)

If a student at a private postsecondary school begins a course of training that is scheduled to run not more than 12 months and, during the last 50 percent of the course, withdraws from the course or is terminated by the school, the school:

(1) may retain 100 percent of the tuition and fees paid by the student;
and

(2) is not obligated to refund any additional outstanding tuition.

(b) If a student at a private postsecondary school begins a course of training that is scheduled to run not more than 12 months and, before the last 50 percent of the course, withdraws from the course or is terminated by the school, the school shall refund:

(1) 90 percent of any outstanding tuition for a withdrawal or termination that occurs during the first week or first 10 percent of the course, whichever period is shorter;

(2) 80 percent of any outstanding tuition for a withdrawal or termination that occurs after the first week or first 10 percent of the course, whichever period is shorter, but within the first three weeks of the course;

(3) 75 percent of any outstanding tuition for a withdrawal or termination that occurs after the first three weeks of the course but not later than the completion of the first 25 percent of the course; and

(4) 50 percent of any outstanding tuition for a withdrawal or termination that occurs not later than the completion of the first 50 percent of the course.

(c) A refund owed under this section must be paid not later than the 30th day after the date the student becomes eligible for the refund.

Sec. 1603.3604. INTEREST ON REFUND. (a) If tuition is not refunded within the period required by Section 1603.3603, the private postsecondary school shall pay interest on the amount of the refund for the period beginning the first day after the date the refund period expires and ending the day preceding the date the refund is made.

(b) If tuition is refunded to a lending institution, the interest shall be paid to that institution and applied against the student's loan.

(c) The commissioner of education shall annually set the interest rate at a rate sufficient to deter a school from retaining money paid by a student.

(d) The department may exempt a school from the payment of interest if the school makes a good faith effort to refund the tuition but is unable to locate the student. The school shall provide to the department on request documentation of the effort to locate the student.

Sec. 1603.3605. REENTRY OF STUDENT AFTER WITHDRAWAL. If a student voluntarily withdraws or is terminated after completing 50 percent of the course at a private postsecondary school, the school shall allow the student to

reenter at any time during the 48-month period following the date of withdrawal or termination unless the student presents a danger to the other students or staff of the school.

Sec. 1603.3606. EFFECT OF STUDENT WITHDRAWAL. (a) A private postsecondary school shall record a grade of incomplete for a student who withdraws but is not entitled to a refund under Section 1603.3603 if the student:

(1) requests the grade at the time the student withdraws; and

(2) withdraws for an appropriate reason unrelated to the student's academic status.

(b) A student who receives a grade of incomplete may reenroll in the program during the 48-month period following the date the student withdraws and complete the subjects without payment of additional tuition.

Sec. 1603.3607. EFFECT OF PRIVATE POSTSECONDARY SCHOOL CLOSURE. (a) If a private postsecondary school closes, the department shall attempt to arrange for students enrolled in the closed school to attend another private postsecondary school.

(b) If a student from a closed school is placed in another private postsecondary school, the expense incurred by the school in providing training directly related to educating the student, including the applicable tuition for the period for which the student paid tuition, shall be paid from the barbering and cosmetology school tuition protection account.

(c) If a student from a closed private postsecondary school cannot be placed in another private postsecondary school, the student's tuition and fees shall be refunded as provided by Section 1603.3602. If a student from a closed private postsecondary school does not accept a place that is available and reasonable in another private postsecondary school, the student's tuition and fees shall be refunded as provided by Section 1603.3603. A refund under this subsection shall be paid from the barbering and cosmetology school tuition protection account. The amount of the refund may not exceed \$35,000.

(d) If another private postsecondary school assumes responsibility for the closed school's students and there are no significant changes in the quality of the training, the student from the closed school is not entitled to a refund under Subsection (c).

Sec. 1603.3608. BARBERING AND COSMETOLOGY SCHOOL TUITION PROTECTION ACCOUNT. (a) If on January 1 of any year the amount in the barbering and cosmetology school tuition protection account is less than \$225,000, the department shall collect a fee from each private postsecondary school during that year by applying a percentage to the school's renewal fee at a rate that will bring the balance of the account to \$225,000.

(b) The department shall administer claims made against the account.

(c) The comptroller shall invest the account in the same manner as other state funds.

(d) Sufficient money from the account shall be appropriated to the department for the purpose described by Section 1603.3607.

(e) Attorney's fees, court costs, or damages may not be paid from the account.

Sec. 1603.3609. RULES. The commission by rule may:

(1) adjust any tuition reimbursement limit established under this subchapter; and

(2) adopt procedures regarding the collection of fees from private postsecondary schools under Section 1603.3608.

SECTION 3.30. Section 1603.401, Occupations Code, is amended to read as follows:

Sec. 1603.401. DENIAL, SUSPENSION, OR REVOCATION. The department may ~~shall~~ deny an application for issuance or renewal of, or may ~~shall~~ suspend or revoke, a ~~[certificate,]~~ license[;] or permit if the applicant or person holding the ~~[certificate,]~~ license[;] or permit:

(1) engages in gross malpractice;

(2) knowingly continues to practice while having an infectious or contagious disease;

(3) knowingly makes a false or deceptive statement in advertising;

(4) advertises, practices, or attempts to practice under another person's name or trade name;

(5) engages in fraud or deceit in obtaining a ~~[certificate,]~~ license[;] or permit; or

(6) engages in an act that violates this chapter or [;] Chapter 51[; Chapter 1601, or Chapter 1602] or a rule or order adopted or issued under this chapter or Chapter 51 [those chapters].

SECTION 3.31. The heading to Subchapter J, Chapter 1603, Occupations Code, is amended to read as follows:

SUBCHAPTER J. OTHER ~~[PENALTIES AND]~~ ENFORCEMENT PROVISIONS

SECTION 3.32. Sections 1603.453 and 1603.454, Occupations Code, are amended to read as follows:

Sec. 1603.453. APPEAL BOND NOT REQUIRED. The department is not required to give an appeal bond in a cause arising under this chapter~~[, Chapter 1601, or Chapter 1602].~~

Sec. 1603.454. ENFORCEMENT BY ATTORNEY GENERAL. The attorney general shall represent the department in an action to enforce this chapter~~[, Chapter 1601, or Chapter 1602].~~

SECTION 3.33. The following provisions of the Occupations Code are repealed:

(1) Chapters 1601 and 1602;

(2) Sections 1603.104(b), (c), and (c-1);

(3) Section 1603.205;

(4) Section 1603.206;

(5) Section 1603.207;

(6) Section 1603.254;

(7) Section 1603.451;

(8) Section 1603.452;

(9) Section 1603.455; and

(10) Section 1603.456.

SECTION 3.34. (a) To ensure that licensed schools offering instruction in barbering and cosmetology maintain accreditation and that students of those schools continue to qualify for federal aid, the Texas Commission of Licensing and Regulation shall, as soon as practicable after September 1, 2021, adopt any rules necessary for the orderly implementation of the changes in law made by this article to the licensing system and curricula requirements and standards for schools offering instruction in barbering and cosmetology.

(b) Not later than September 1, 2023:

(1) the Texas Commission of Licensing and Regulation shall adopt any additional rules necessary to implement the changes in law made by this article; and

(2) the Texas Department of Licensing and Regulation shall begin to issue and renew licenses and permits under Subchapters E-1, E-2, and E-3, Chapter 1603, Occupations Code, as added by this article.

SECTION 3.35. Notwithstanding the repeal by this article of Chapters 1601 and 1602, and Sections 1603.205, 1603.206, and 1603.207, Occupations Code, the Texas Department of Licensing and Regulation may continue to issue until September 1, 2023, a certificate, license, or permit under those provisions as they existed immediately before September 1, 2021, and those provisions are continued in effect for that purpose.

SECTION 3.36. Notwithstanding the repeal by this article of Chapters 1601 and 1602, Occupations Code, until the Texas Commission of Licensing and Regulation adopts rules regarding written and practical examination requirements for the issuance of licenses under Chapter 1603, Occupations Code, as amended by this article, the Texas Department of Licensing and Regulation shall continue to operate under the requirements regarding written and practical examinations in former Chapters 1601 and 1602, Occupations Code, as those chapters were in effect immediately before September 1, 2021, and those provisions are continued in effect for that purpose.

SECTION 3.37. (a) A certificate, license, or permit issued under former Chapter 1601 or 1602, Occupations Code, or under former Section 1603.205, 1603.206, or 1603.207, Occupations Code, before September 1, 2023, continues to be valid until the certificate, license, or permit expires, and those chapters and sections are continued in effect for that purpose.

(b) A person who on September 1, 2021, holds a certificate, license, or permit issued under former Chapter 1601 or 1602, Occupations Code, or under former Section 1603.205, 1603.206, or 1603.207, Occupations Code, is entitled on expiration of that certificate, license, or permit to issuance of a comparable license or permit under the applicable provision of Chapter 1603, Occupations Code, as amended by this article, if the person otherwise meets the requirements for the license or permit.

(c) A person who on September 1, 2021, holds an instructor license issued under former Chapter 1601 or 1602, Occupations Code, is entitled on expiration of that license to issuance of a license under the applicable provision of Chapter

1603, Occupations Code, as amended by this article, that is comparable to the individual practitioner license required for the issuance of the instructor license if the person otherwise meets the requirements for the license under Chapter 1603.

SECTION 3.38. Notwithstanding any other law, on September 1, 2021, a person holding a permit under former Subchapter G, Chapter 1601, Occupations Code, a facility license under former Subchapter G, Chapter 1602, Occupations Code, or a license or permit under former Section 1603.205, 1603.206, or 1603.207, Occupations Code, before September 1, 2021, may employ or contract with any qualified individual practitioner holding a certificate, license, or permit issued under Chapter 1601 or 1602, Occupations Code, before September 1, 2021, without regard to the chapter under which the practitioner was issued the certificate, license, or permit.

SECTION 3.39. Notwithstanding any other law, on September 1, 2021, the holder of a license issued under former Section 1601.256, 1601.262, or 1601.263, Occupations Code, before that date may perform the services described by Sections 1603.0011(a)(6) and (c), Occupations Code, as added by this Act.

SECTION 3.40. (a) Not later than December 1, 2021, the presiding officer of the Texas Commission of Licensing and Regulation shall appoint members to the Barbering and Cosmetology Advisory Board in accordance with Section 1603.051, Occupations Code, as amended by this article.

(b) On December 1, 2021, the Advisory Board on Barbering and the Advisory Board on Cosmetology are abolished.

(c) Notwithstanding Section 1603.053, Occupations Code, as added by this article, in making the initial appointments to the Barbering and Cosmetology Advisory Board, the presiding officer of the Texas Commission of Licensing and Regulation shall designate three members of the advisory board to serve terms expiring January 31, 2023, three members to serve terms expiring January 31, 2025, and three members to serve terms expiring January 31, 2027.

SECTION 3.41. As soon as practicable after September 1, 2021, the comptroller of public accounts shall transfer to the barbering and cosmetology school tuition protection account the unexpended and unencumbered balance of the barber school tuition protection account and the unexpended and unencumbered balance of the private beauty culture school tuition protection account.

SECTION 3.42. (a) The changes in law made by this article do not affect the validity of a disciplinary action or other proceeding that was initiated before September 1, 2021, and that is pending on September 1, 2021. A disciplinary action that is pending on September 1, 2021, is governed by the law in effect immediately before September 1, 2021, and the former law is continued in effect for that purpose.

(b) The repeal of a law by this article does not entitle a person to a refund of a certificate, license, or permit fee paid by the person before September 1, 2021.

ARTICLE 4. RESIDENTIAL SERVICE CONTRACTS

SECTION 4.01. Section 1101.006, Occupations Code, is amended to read as follows:

Sec. 1101.006. APPLICATION OF SUNSET ACT. The Texas Real Estate Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter and [;] Chapter 1102[, and Chapter 1303] of this code and Chapter 221, Property Code, expire September 1, 2025.

SECTION 4.02. Section 1304.003(a), Occupations Code, is amended by amending Subdivision (2) and adding Subdivision (4) to read as follows:

(2) "Service contract" means an agreement that is entered into for a separately stated consideration and for a specified term under which a provider agrees to:

(A) repair, replace, or maintain a product, or provide indemnification for the repair, replacement, or maintenance of a product, for operational or structural failure or damage caused by a defect in materials or workmanship or by normal wear;

(B) provide identity recovery, if the service contract is financed under Chapter 348 or 353, Finance Code; ~~or~~

(C) provide compensation to the buyer of a vehicle on the total constructive loss under a depreciation benefit optional member program; or

(D) provide a service, reimbursement, or payment under a residential service contract.

(4) "Residential service contract" means a service contract of any duration under which a provider agrees to, in the event of the operational or structural failure of, damage caused by a power surge to, a defect in materials or workmanship of, or damage caused by normal wear to a structural component, an appliance, or an electrical, plumbing, heating, cooling, or air-conditioning system of a residential property that is attached to or located on the residential property:

(A) service, maintain, repair, or replace all or any part of the structural component, appliance, or electrical, plumbing, heating, cooling, or air-conditioning system;

(B) provide incidental payment of indemnity under limited circumstances, including food spoilage; or

(C) provide reimbursement or payment instead of service, repair, or replacement when a part, structural component, appliance, or service provider or technician is unavailable.

SECTION 4.03. Section 1304.003(b), Occupations Code, is amended to read as follows:

(b) A service contract described by Subsection (a)(2)(A) may ~~also~~ provide for:

(1) incidental payment or indemnity under limited circumstances, including towing, rental, and emergency road service;

(2) the repair or replacement of a product for damage resulting from a power surge or for accidental damage incurred in handling the product;

(3) identity recovery, if the service contract is financed under Chapter 348 or 353, Finance Code; or

(4) the replacement of a motor vehicle key or key fob in the event the key or key fob is inoperable, lost, or stolen.

SECTION 4.04. Section 1304.004(b), Occupations Code, is amended to read as follows:

(b) This chapter does not apply to:

- (1) a warranty;
- (2) a maintenance agreement;
- (3) a service contract sold or offered for sale to a person who is not a consumer;
- (4) ~~a residential service contract sold by an entity licensed by the Texas Real Estate Commission under Chapter 1303;~~
[(5)] an agreement issued by an automobile service club that holds a certificate of authority under Chapter 722, Transportation Code;
- (5) ~~[(6)]~~ a service contract sold by a motor vehicle dealer on a motor vehicle sold by that dealer, if the dealer:
 - (A) is the provider;
 - (B) is licensed as a motor vehicle dealer under Chapter 2301; and
 - (C) covers its obligations under the service contract with a reimbursement insurance policy; or
- (6) ~~[(7)]~~ a contract offered by a local exchange telephone company that provides for the repair of inside telephone wiring, if:
 - (A) the contract term does not exceed one month; and
 - (B) the consumer can terminate the contract before a new contract term begins without liability except for payment of charges for the term that has begun.

SECTION 4.05. Subchapter A, Chapter 1304, Occupations Code, is amended by adding Section 1304.0041 to read as follows:

Sec. 1304.0041. CERTAIN EXEMPT AGREEMENTS. This chapter does not apply to:

- (1) a performance guarantee offered by:
 - (A) the builder of a residential property; or
 - (B) the manufacturer or seller of an appliance or other system or component of a residential property;
- (2) a residential service contract executed before August 28, 1979;
- (3) a guarantee or warranty that is:
 - (A) designed to guarantee or warrant the repair or service of an appliance, system, or component of a residential property; and
 - (B) issued by a person who sells, services, repairs, or replaces the appliance, system, or component at the time or before the guarantee or warranty is issued;
- (4) a service or maintenance agreement or a warranty that:
 - (A) is sold, offered for sale, or issued by a manufacturer or merchant who manufactures or sells a product or part of a product, including a structural component, an appliance, or an electrical, plumbing, heating, cooling, or air-conditioning system of a building or residence; and
 - (B) provides for, warrants, or guarantees the maintenance, repair, replacement, or performance of the product or part of the product; or

(5) home warranty insurance as defined by Section 2005.001, Insurance Code.

SECTION 4.06. Section 1304.005, Occupations Code, is amended to read as follows:

Sec. 1304.005. EXEMPTIONS FROM CERTAIN OTHER LAWS. Marketing, selling, offering for sale, issuing, making, proposing to make, and administering a service contract are exempt from:

- (1) ~~Chapter 1303;~~
- ~~(2)~~ Chapter 722, Transportation Code; and
- (2) ~~(3)~~ the Insurance Code and other laws of this state regulating the business of insurance.

SECTION 4.07. Section 1304.151, Occupations Code, is amended by amending Subsection (b) and adding Subsection (b-4) to read as follows:

(b) If the provider ensures its obligations under Subsection (a)(2), the amount maintained in the reserve account may not be less than an amount equal to 40 percent of the gross consideration the provider received from consumers from the sale of all service contracts issued and outstanding in this state, minus any claims paid. The executive director may review and examine the reserve account. Except as provided by Subsections ~~Subsection~~ (b-1) and (b-4), the amount of the security deposit may not be less than \$250,000. The provider must submit to the executive director on request a copy of the provider's financial statements that must be prepared in accordance with generally accepted accounting principles, be without qualification as to the going concern status of the provider, and be audited by an independent certified public accountant. The commission by rule may require the provider to submit additional financial reports.

(b-4) The amount of the security deposit required under Subsection (b) may not be less than \$25,000 for a provider of a residential service contract.

SECTION 4.08. Section 1304.156, Occupations Code, is amended by adding Subsection (f) to read as follows:

(f) A residential service contract must state that the provider agrees that, under normal circumstances, the provider will initiate the performance of services not later than 48 hours after the contract holder requests the services.

SECTION 4.09. Subchapter D, Chapter 1304, Occupations Code, is amended by adding Section 1304.157 to read as follows:

Sec. 1304.157. RESIDENTIAL SERVICE CONTRACTS. (a) A person may not sell, offer to sell, arrange or solicit the sale of, or receive an application for a residential service contract unless the person is:

- (1) employed by a provider or administrator of a residential service contract who is licensed under this chapter; or
- (2) licensed as a real estate sales agent, real estate broker, mobile home dealer, or insurance agent in this state.

(b) Notwithstanding Subsection (a), a person compensated by a provider or administrator, but who is not employed by that provider or administrator, may sell, offer to sell, arrange or solicit the sale of, or receive an application for a residential service contract if the contract contains the following statement in at

least 10-point boldface type: "NOTICE: THIS COMPANY PAYS PERSONS NOT EMPLOYED BY THE PROVIDER FOR THE SALE, ADVERTISING, INSPECTION, OR PROCESSING OF A RESIDENTIAL SERVICE CONTRACT UNDER CHAPTER 1304, OCCUPATIONS CODE." For purposes of Subsection (a) and this subsection, a person is employed by a provider or administrator if, in connection with the person selling, offering to sell, arranging or soliciting the sale of, or receiving applications for residential service contracts, the provider or administrator:

(1) directs and controls the person's performance; and

(2) is responsible for representations made by the person when acting within the scope of the person's employment.

(c) Notwithstanding Section 1304.151(a)(1), a provider of a residential service contract may use a reimbursement insurance policy issued by a captive insurance company as defined by Section 964.001, Insurance Code, to insure the provider's residential service contracts if the provider maintains a funded reserve equal to not less than 25 percent of the gross consideration the provider received from consumers from the sale of all the provider's service contracts issued and outstanding in this state, minus any claims paid. A reimbursement insurance policy issued to a residential service contract provider in accordance with this subsection:

(1) is not subject to Section 1304.152; and

(2) is considered to satisfy the requirements of Sections 1304.1025 and 1304.151(a)(1) for purposes of this chapter.

SECTION 4.10. Chapter 1303, Occupations Code, is repealed.

SECTION 4.11. Not later than June 1, 2022, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this article to Chapter 1304, Occupations Code.

SECTION 4.12. (a) A residential service company licensed under former Chapter 1303, Occupations Code, that on May 1, 2021, maintained security in accordance with former Section 1303.154, Occupations Code, shall continue to maintain security in an amount not less than the amount required under that section until September 1, 2026, and the former law is continued in effect for that purpose.

(b) A residential service company described by Subsection (a) of this section that is operating as a residential service contract provider licensed under Chapter 1304, Occupations Code, as amended by this article, is not required to comply with the security requirements for residential service contract providers under Chapter 1304, Occupations Code, as amended by this article, until September 1, 2026.

(c) Not later than September 1, 2022, a residential service company described by Subsection (a) of this section that is operating as a residential service contract provider licensed under Chapter 1304, Occupations Code, as amended by this article, shall update the company's financial security documents to:

(1) list the Texas Department of Licensing and Regulation as a party to the financial security document; and

(2) replace each reference to the Texas Real Estate Commission with a reference to the Texas Department of Licensing and Regulation.

SECTION 4.13. (a) In this section, "department" means the Texas Department of Licensing and Regulation.

(b) On the effective date of this Act:

(1) a license issued by the Texas Real Estate Commission under former Chapter 1303, Occupations Code, is continued in effect as a license of the department;

(2) all rules, fees, policies, procedures, decisions, and forms of the Texas Real Estate Commission that relate to a program or activity transferred under this article are continued in effect as rules, fees, policies, procedures, decisions, and forms of the Texas Commission of Licensing and Regulation or the department, as applicable, and remain in effect until changed by the Texas Commission of Licensing and Regulation or the department; and

(3) a complaint, investigation, contested case, or other proceeding related to a program that is transferred under this article and that is pending on the effective date of this Act is transferred without change in status to the Texas Commission of Licensing and Regulation or the department, as appropriate.

(c) On the effective date of this Act:

(1) all money, contracts, leases, property, software source code and documentation, records, and obligations of the Texas Real Estate Commission relating to a program or activity transferred to the department under this article are transferred to the department; and

(2) the unexpended and unobligated balance of any money appropriated by the legislature relating to that program or activity is transferred to the department.

(d) As soon as practicable after the effective date of this Act, the Texas Real Estate Commission shall transfer to the Texas Commission of Licensing and Regulation or the department, as appropriate, any bond, reimbursement insurance policy, or other security held for a residential service company that relates to a program or activity transferred under this article.

(e) Unless the context indicates otherwise, a reference in law or administrative rule to the Texas Real Estate Commission with respect to a program or activity transferred from the Texas Real Estate Commission to the department under this article means the Texas Commission of Licensing and Regulation or the department, as appropriate.

(f) The Texas Real Estate Commission shall provide the department with access to any systems, facilities, or information necessary to implement the change in law made by this article.

ARTICLE 5. DRIVER TRAINING

SECTION 5.01. Section 1001.001, Education Code, is amended by amending Subdivisions (2), (8), (9), (13), and (14) and adding Subdivisions (6-a), (6-b), (14-b), and (14-c) to read as follows:

(2) "Classroom instruction" includes instruction provided in a traditional classroom setting or through other physical means or remotely through the Internet [~~"Approved driving safety course" means a driving safety course approved by the department~~].

(6-a) "Driver education instructor" means an individual who holds a license to teach or provide driver education issued under Section 1001.251.

(6-b) "Driver education provider" means an in-person driver education provider, an online driver education provider, or a parent-taught driver education provider.

(8) "Driver training" means:

(A) driver education provided by a driver education provider [~~school~~]; or

(B) driving safety training provided by a driving safety provider [~~school~~].

(9) "Driver training provider [~~school~~]" means a driver education provider [~~school~~] or driving safety provider [~~school~~].

(13) "Driving safety provider" means a business that provides a driving safety course [~~school~~]" means an enterprise that:

~~[(A) maintains a place of business or solicits business in this state; and~~

~~[(B) is operated by an individual, association, partnership, or corporation for educating and training persons in driving safety].~~

(14) "In-person driver education provider [~~Instructor~~]" means a business that provides driver education courses in person, including behind-the-wheel instruction, observation instruction, or driver's license examinations [~~an individual who holds a license for the type of instruction being given~~].

(14-b) "Online driver education provider" means a business that provides driver education courses to students remotely through the Internet.

(14-c) "Parent-taught driver education provider" means a business that provides driver education course materials through physical means or remotely through the Internet to persons who conduct parent-taught driver education under Section 1001.112.

SECTION 5.02. Section 1001.003, Education Code, is amended to read as follows:

Sec. 1001.003. LEGISLATIVE INTENT REGARDING SMALL BUSINESSES. It is the intent of the legislature that commission rules that affect driver training providers [~~schools~~] that qualify as small businesses be adopted and administered so as to have the least possible adverse economic effect on the providers [~~schools~~].

SECTION 5.03. Section 1001.004(b), Education Code, is amended to read as follows:

(b) The department may charge a fee to each driver education provider [~~school~~] in an amount not to exceed the actual expense incurred in the regulation of driver education courses established under Section 1001.1015.

SECTION 5.04. Subchapter A, Chapter 1001, Education Code, is amended by adding Section 1001.005 to read as follows:

Sec. 1001.005. REFERENCE IN RULES AND AGENCY MATERIALS. Notwithstanding any other law, the commission or the department may refer to driver education providers and driver safety providers as schools in rules, forms, records, licenses, and other commission or department documents.

SECTION 5.05. Section 1001.051, Education Code, is amended to read as follows:

Sec. 1001.051. JURISDICTION OVER PROVIDERS [~~SCHOOLS~~]. The department has jurisdiction over and control of driver training providers [~~schools~~] regulated under this chapter.

SECTION 5.06. Sections 1001.053(a) and (b), Education Code, are amended to read as follows:

(a) The department and executive director, as appropriate, shall:

(1) administer this chapter;

(2) enforce minimum standards for driver training providers [~~schools~~] under this chapter;

(3) enforce rules adopted by the commission that are necessary to administer this chapter; and

(4) inspect a driver training provider [~~school or course provider~~] and reinspect the [~~school or course~~] provider for compliance with this chapter.

(b) The executive director may designate a person knowledgeable in the administration of regulating driver training providers [~~schools~~] to administer this chapter.

SECTION 5.07. Section 1001.054, Education Code, is amended to read as follows:

Sec. 1001.054. RULES RESTRICTING ADVERTISING. [~~(e)~~] The commission by rule may restrict advertising by a branch location of an in-person [~~a~~] driver education provider [~~training school~~] so that the location adequately identifies the main business [~~primary~~] location of the provider [~~school~~] in a solicitation.

SECTION 5.08. Sections 1001.055(a), (a-1), and (a-2), Education Code, are amended to read as follows:

(a) The department shall provide to each licensed driver education provider or exempt driver education school [~~and to each parent taught course provider approved under this chapter~~] driver education certificates or certificate numbers to enable the [~~school or approved parent taught course~~] provider or school to issue department-approved driver education certificates to certify completion of an approved driver education course and satisfy the requirements of Sections 521.204(a)(2), Transportation Code, 521.1601, Transportation Code, as added by Chapter 1253 (**HB 339**), Acts of the 81st Legislature, Regular Session, 2009, and 521.1601, Transportation Code, as added by Chapter 1413 (**SB 1317**), Acts of the 81st Legislature, Regular Session, 2009.

(a-1) A certificate issued by a driver education [~~school or parent taught course~~] provider licensed [~~approved~~] under this chapter must:

(1) be in a form required by the department; and

(2) include an identifying certificate number provided by the department that may be used to verify the authenticity of the certificate with the ~~[driver education school or approved parent taught course]~~ provider.

(a-2) A driver education ~~[school or parent taught course]~~ provider licensed ~~[approved]~~ under this chapter that purchases driver education certificate numbers shall issue original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates. The ~~[driver education school or approved parent taught course]~~ provider shall electronically submit to the department in the manner established by the department data identified by the department relating to issuance of department-approved driver education certificates with the certificate numbers.

SECTION 5.09. Sections 1001.056(b), (c-1), (d), (e), and (g), Education Code, are amended to read as follows:

(b) The department shall provide each licensed driving safety ~~[course]~~ provider with course completion certificate numbers to enable the provider to issue department-approved uniform certificates of course completion.

(c-1) A driving safety ~~[course]~~ provider shall provide for the issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates.

(d) A certificate under this section must:

(1) be in a form required by the department; and

(2) include an identifying number by which the department, a court, or the Department of Public Safety may verify its authenticity with the driving safety ~~[course]~~ provider.

(e) The commission by rule shall establish a fee for each course completion certificate number. ~~[A course provider that supplies a certificate to an operator shall collect from the operator a fee equal to the amount of the fee paid to the department for the certificate number.]~~

(g) A driving safety ~~[course]~~ provider shall issue a duplicate certificate by United States mail or commercial or electronic delivery. The commission by rule shall determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 5.10. Section 1001.058(b), Education Code, is amended to read as follows:

(b) The advisory committee consists of nine ~~[eleven]~~ members appointed for staggered six-year terms by the presiding officer of the commission, with the approval of the commission, as follows:

(1) three driver education providers ~~[one member representing a driver education school that offers a traditional classroom course and in-car training];~~

(2) three driving safety providers ~~[one member representing a driver education school that offers a traditional classroom course, alternative methods of instruction, or in-car training];~~

(3) ~~[one member representing a driving safety school offering a traditional classroom course or providing an alternative method of instruction];~~

~~[(4) one member representing a driving safety course provider approved for a traditional classroom course and for an alternative method of instruction;~~

~~[(5) one member representing a driving safety course provider approved for a traditional classroom course or for an alternative method of instruction;~~

~~[(6)] one driver education [licensed] instructor;~~

~~(4) the division head [(7) one representative] of the Department of Public Safety driver license division or the division head's designee;~~

~~[(8) one member representing a drug and alcohol driving awareness program course provider;~~

~~[(9) one member representing a parent taught course provider;]~~ and

~~(5) one member of [(10) two members representing] the public.~~

SECTION 5.11. Section 1001.059(b), Education Code, is amended to read as follows:

(b) The department may collaborate with another state agency or contract with a licensed driver education provider ~~[school]~~ or a driver education instructor to create the course.

SECTION 5.12. Subchapter B, Chapter 1001, Education Code, is amended by adding Section 1001.060 to read as follows:

Sec. 1001.060. COORDINATION WITH DEPARTMENT OF PUBLIC SAFETY. (a) The department shall enter into a memorandum of understanding with the Department of Public Safety for:

(1) the interagency development of the content of driver's license examinations and examination reference materials; and

(2) any other matter the agencies consider appropriate.

(b) The memorandum of understanding must authorize the Department of Public Safety to share with the department any relevant information, including information related to examination results.

SECTION 5.13. The heading to Subchapter C, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER C. [OPERATION OF] DRIVER EDUCATION AND DRIVING SAFETY CURRICULUM [SCHOOL]

SECTION 5.14. Section 1001.101, Education Code, is amended to read as follows:

Sec. 1001.101. ADULT AND MINOR DRIVER EDUCATION COURSE CURRICULUM AND TEXTBOOKS. (a) The commission by rule shall establish or approve the curriculum and designate the educational materials to be used in a driver education course for minors and adults, including a driver education course conducted by a school district, driver education provider [school], or parent or other individual under this chapter.

(b) The commission by rule shall prescribe the minimum number of hours of classroom instruction, observation instruction, and behind-the-wheel instruction that must be completed for a [A] driver education course to be approved under this chapter [must require the student to complete:

~~[(1) 7 hours of behind the wheel instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual under Section 1001.112;~~

~~[(2) 7 hours of observation instruction in the presence of a person who holds a driver education instructor license or who meets the requirements for a driver education course conducted by a parent or other individual under Section 1001.112; and~~

~~[(3) 30 hours of behind the wheel instruction, including at least 10 hours of instruction that takes place at night, in the presence of an adult who meets the requirements of Section 521.222(d)(2), Transportation Code].~~

SECTION 5.15. Sections 1001.1015(b) and (d), Education Code, are amended to read as follows:

(b) A driver education course under Subsection (a) must:

(1) provide at least the minimum number of hours of classroom instruction required by commission rule ~~[be a six-hour course]~~; and

(2) include instruction in:

(A) alcohol and drug awareness;

(B) the traffic laws of this state;

(C) highway signs, signals, and markings that regulate, warn, or direct traffic; and

(D) the issues commonly associated with motor vehicle accidents, including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, and using a wireless communication device while operating a vehicle.

(d) A driving safety course ~~[or a drug and alcohol driving awareness program]~~ may not be approved as a driver education course under Subsection (a).

SECTION 5.16. Sections 1001.1016(b) and (c), Education Code, are amended to read as follows:

(b) The commission by rule shall require an in-person ~~[a]~~ driver education provider or online driver education provider ~~[school providing a driver education course]~~ to:

(1) in the manner described by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), make reasonable modifications and provide aids and services when providing the classroom instruction portion of a driver education ~~[the]~~ course that are necessary to ensure that a student who is deaf or hard of hearing may fully participate in the course; and

(2) provide to the department the provider's ~~[school's]~~ plan for complying with the rules adopted under this section as a condition of obtaining a license under Section 1001.211 or renewing a license ~~[under Section 1001.303]~~.

(c) The rules adopted under Subsection (b) must allow an in-person ~~[a]~~ driver education provider or online driver education provider ~~[school]~~ to comply with the requirements of this section by playing a video that presents the classroom instruction portion of the driver education course in a manner that complies with the requirements of this section.

SECTION 5.17. Subchapter C, Chapter 1001, Education Code, is amended by adding Section 1001.1017 to read as follows:

Sec. 1001.1017. COURSE APPROVAL. A driver training provider shall submit to the commission for approval the course length and curriculum content for each course offered by the provider. The provider may implement a course length and curriculum content only after approval by the commission.

SECTION 5.18. Section 1001.112, Education Code, is amended to read as follows:

Sec. 1001.112. PARENT-TAUGHT DRIVER EDUCATION. (a) A person who is eligible under Subsection (b) may conduct [The commission by rule shall provide for approval of] a driver education course approved under Section 1001.1017 for another [conducted by the following persons with the noted relationship to a] person who is required to complete a driver education course to obtain a Class C license. In conducting the course, the person must use course materials provided by a parent-taught driver education provider.

(b) A person is eligible to conduct a driver education course for another person as provided by Subsection (a) if the person:

(1) is either:

(A) a parent, stepparent, foster parent, legal guardian, grandparent, or step-grandparent of the other person; or

(B) [(2)] an individual who:

(i) [(A)] has been designated on a form prescribed by the department for purposes of this section by a parent or [a] legal guardian of the other person[;] or by a judge of a court with jurisdiction over the other person [on a form prescribed by the department];

(ii) [(B)] is at least 25 years of age [or older];

(iii) [(C)] does not charge a fee for conducting the course; and

(iv) [(D)] has at least seven years of driving experience;

(2) has possessed [and

[(E) otherwise qualifies to conduct a course under Subsection (a 1).

~~[(a 1) The rules must provide that the student driver spend a minimum number of hours in classroom and behind the wheel instruction.~~

~~[(a 2) The rules must provide that the person conducting the course:~~

~~[(1) possess] a valid license for the preceding three years that has not been suspended, revoked, or forfeited in the past three years for an offense that involves the operation of a motor vehicle;~~

~~(3) [(2)] has not been convicted of:~~

~~(A) criminally negligent homicide; or~~

~~(B) driving while intoxicated in the past seven years; and~~

~~(4) [(3)] has not been convicted during the preceding three years of:~~

~~(A) three or more moving violations described by Section 542.304, Transportation Code, including violations that resulted in an accident; or~~

~~(B) two or more moving violations described by Section 542.304, Transportation Code, that resulted in an accident.~~

(c) A person conducting a driver education course under this section may provide the classroom instruction portion, the behind-the-wheel instruction portion, or both portions.

(d) ~~[(b)]~~ The department may ~~[approve a course described by Subsection (a) if the department determines that the course materials are at least equal to those required in a course approved by the department, and the department may]~~ not require for a course conducted under this section that:

(1) the classroom instruction be provided in a room with particular characteristics or equipment; or

(2) the vehicle used for the behind-the-wheel instruction have equipment other than the equipment otherwise required by law for operation of the vehicle on a highway while the vehicle is not being used for driver training.

(e) A parent-taught driver education provider ~~[(e) The rules must provide a method by which:~~

~~[(1) approval of a course is obtained;~~

~~[(2) an applicant submits proof of completion of the course;~~

~~[(3) approval for delivering course materials by an alternative method, including electronic means, is obtained;~~

~~[(4) a provider of a course approved under this section]~~ may administer to an applicant the highway sign and traffic law parts of the examination as provided by Section 521.1655(a-1), Transportation Code, through electronic means~~]; and~~

~~[(5) an applicant submits proof of passage of an examination administered under Subdivision (4)].~~

(f) ~~[(d) Completion of a driver education course approved under this section has the same effect under this chapter as completion of a driver education course approved by the department.~~

~~[(e)]~~ The department may not charge a fee for the submission of proof of:

(1) completion of a ~~[the]~~ course conducted under this section; or

(2) passage of an examination administered under Subsection (e) ~~[(e)]~~.

SECTION 5.19. Sections 1001.151(b) and (c), Education Code, are amended to read as follows:

(b) The commission by rule shall establish a fee for:

(1) an initial in-person driver education provider ~~[school]~~ license and for each branch location;

(2) an initial online driver education provider ~~[driving safety school]~~ license;

(3) an initial parent-taught driver education ~~[course]~~ provider license~~]; except that the executive director may waive the fee];~~

(4) an initial driving safety provider license;

(5) the annual renewal for a ~~[course provider,]~~ driving safety provider ~~[school], driver education provider~~ ~~[school], or branch location of an in-person driver education provider,~~ except that the executive director may waive the fee if revenue generated by the issuance of course completion certificate numbers and driver education certificates is sufficient to cover the cost of administering this chapter and Article 45.0511, Code of Criminal Procedure;

(6) ~~(5)~~ a change of address of a driver education provider ~~[school, driving safety school,]~~ or driving safety [course] provider; and

(7) ~~(6)~~ a change of name of:

(A) a driver education ~~[school or course]~~ provider or an owner of a driver education ~~[school or course]~~ provider; or

(B) a driving safety provider ~~[school]~~ or an owner of a driving safety provider ~~[school];~~

~~[(7) each additional driver education or driving safety course at a driver training school; and~~

~~[(8) an initial application for approval of a driving safety course that has not been evaluated by the department].~~

(c) An application for an initial driver education ~~[or driving safety]~~ instructor license must be accompanied by a processing fee and an annual license fee, except that the department may not collect the processing fee from an applicant ~~[for a driver education instructor license]~~ who is currently teaching a driver education course in a public school in this state.

SECTION 5.20. The heading to Subchapter E, Chapter 1001, Education Code, is amended to read as follows:

SUBCHAPTER E. LICENSING OF DRIVER TRAINING ~~[SCHOOLS AND COURSE]~~ PROVIDERS

SECTION 5.21. Section 1001.201, Education Code, is amended to read as follows:

Sec. 1001.201. LICENSE REQUIRED. (a) A person may not provide:

(1) ~~[operate a school that provides]~~ a driver education course:

(A) in person unless the person holds an in-person [a] driver education provider [school] license; or

(B) online unless the person holds an online driver education provider license;

(2) driver education course materials to persons conducting parent-taught driver education under Section 1001.112 unless the person holds a parent-taught driver education provider license; or

(3) ~~[operate a school that provides]~~ driving safety courses unless the person holds a driving safety provider [school] license; ~~or~~

~~[(3) operate as a course provider unless the person holds a course provider license].~~

(b) The commission by rule shall provide for the issuance of a single license to a person who meets the requirements for and seeks to provide driver education courses or driver education course materials under more than one driver education provider license.

SECTION 5.22. Section 1001.202, Education Code, is amended to read as follows:

Sec. 1001.202. LOCATIONS FOR IN-PERSON DRIVER EDUCATION PROVIDERS. An in-person [(a) A] driver education provider [school] that teaches a driver education course at one or more branch locations must obtain a

separate in-person driver education provider ~~[school]~~ license for its main business location and for each branch location. An in-person ~~[A]~~ driver education provider ~~[school]~~ may not operate a branch location of a branch location.

~~[(b) A driving safety school may use multiple classroom locations to teach a driving safety course if each location is approved by the department.]~~

SECTION 5.23. Section 1001.204, Education Code, is amended to read as follows:

Sec. 1001.204. REQUIREMENTS FOR DRIVER EDUCATION PROVIDER ~~[SCHOOL]~~ LICENSE. (a) The commission by rule shall establish the criteria applicable to each ~~[for a]~~ driver education provider ~~[school]~~ license.

(b) The department shall approve an application for a driver education provider ~~[school]~~ license if the application is submitted on a form approved by the department, the application is accompanied by the fee, and the department determines that the applicant ~~[school]~~:

(1) has courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered;

~~(2) [has adequate space, equipment, instructional material, and instructors to provide training of good quality in the classroom and behind the wheel, if applicable;~~

~~[(3) has instructors who have adequate educational qualifications and experience;~~

[(4) provides to each student before enrollment or each person before contracting for driver education course materials, to the extent applicable:

(A) a copy of:

(i) the refund policy;

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

(3) to the extent applicable, [(5)] maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(4) [(6)] on completion of training, issues each student a certificate indicating the course name and satisfactory completion;

(5) [(7)] complies with all county, municipal, state, and federal laws [regulations], including [fire, building, and sanitation codes and] assumed name registration and other ~~[-if]~~ applicable requirements;

(6) [(8)] is financially sound and capable of fulfilling its commitments for training;

(7) [(9)] maintains and publishes as part of its student enrollment contract or materials contract, as applicable, the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the provider [school] at any time before completion;

(8) [(10)] does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(9) [(11)] does not use a name similar to the name of another existing driver education provider [school] or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(10) [(12)] submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the provider [school];

(11) [(13)] does not owe an administrative penalty for a violation of this chapter;

(12) meets all requirements applicable to the license type under Section 1001.2041, 1001.2042, or 1001.2043; and

(13) [(14)] meets any additional criteria required by the department, including any applicable inspection requirements[; and

[(15) provides adequate testing and security measures for the school's method of instruction].

SECTION 5.24. Subchapter E, Chapter 1001, Education Code, is amended by adding Sections 1001.2041, 1001.2042, and 1001.2043 to read as follows:

Sec. 1001.2041. REQUIREMENTS FOR IN-PERSON DRIVER EDUCATION PROVIDER. Before an in-person driver education provider license may be issued, the department must determine that the applicant has adequate space, equipment, instructional material, and driver education instructors to provide training of good quality in the classroom and behind the wheel.

Sec. 1001.2042. REQUIREMENTS FOR ONLINE DRIVER EDUCATION PROVIDER. Before an online driver education provider license may be issued, the department must determine that the applicant has:

(1) adequate driver education instructors to provide training of good quality; and

(2) adequate testing and security measures to validate a student's identity and active participation in a driver education course.

Sec. 1001.2043. REQUIREMENTS FOR PARENT-TAUGHT DRIVER EDUCATION PROVIDER. (a) Before a parent-taught driver education provider license may be issued, the department must determine that the applicant has:

(1) an adequate method by which a person completing a parent-taught driver education course under Section 1001.112 using the provider's course materials may submit proof of:

(A) completion of the course; or

(B) passage of an examination administered by the provider under

Section 1001.112(e);

(2) hired or contracted with only driver education instructors, if the provider elects to hire or contract with an instructor to assist with driver education; and

(3) adequate testing and security measures to validate a student's active participation in a driver education course conducted using course materials provided remotely through the Internet.

(b) Except as specifically provided by this chapter, a parent-taught driver education provider that provides driver education course materials remotely through the Internet is not subject to any course or curriculum requirements established by the commission or department for online driver education providers.

SECTION 5.25. Section 1001.206, Education Code, is amended to read as follows:

Sec. 1001.206. REQUIREMENTS FOR DRIVING SAFETY ~~[COURSE]~~ PROVIDER LICENSE. (a) The commission by rule shall establish criteria for a driving safety ~~[course]~~ provider license.

(b) The department shall approve an application for a driving safety ~~[course]~~ provider license if the application is submitted on a form approved by the executive director, includes the fee, and ~~[on inspection of the premises of the school]~~ the department determines that the applicant:

(1) has driving safety courses, curricula, and instruction of a quality, content, and length that reasonably and adequately achieve the stated objective for which the courses, curricula, and instruction are offered ~~[the course provider has an approved course that at least one licensed driving safety school is willing to offer];~~

(2) provides ~~[the course provider has adequate educational qualifications and experience;~~

~~[(3) the course provider will:~~

~~[(A) develop and provide]~~ to each student before enrollment:

(A) [driving safety school that offers the approved course] a copy

of:

(i) the refund policy; ~~[and]~~

(ii) the schedule of tuition, fees, and other charges; and

(iii) the regulations relating to absence, grading policy, and rules of operation and conduct; and

(B) ~~[provide to the driving safety school]~~ the department's name, mailing address, telephone number, and Internet website address for the purpose of directing complaints to the department;

~~(3) [(4) a copy of the information provided to each driving safety school under Subdivision (3) will be provided to each student by the school before enrollment;~~

~~[(5)]~~ not later than the 15th working day after the date a person successfully completes the course, issues ~~[the course provider will issue]~~ and delivers ~~[deliver]~~ to the person by United States mail or commercial or electronic delivery a uniform certificate of course completion indicating the course name and successful completion;

(4) [~~(6) the course provider~~] maintains adequate records as prescribed by the department to show attendance and progress or grades and enforces satisfactory standards relating to attendance, progress, and conduct;

(5) [~~(7) the course provider~~] complies with all county, municipal, state, and federal laws, including assumed name registration and other applicable requirements;

(6) [~~(8) the course provider~~] is financially sound and capable of fulfilling its commitments for training;

(7) [~~(9) the course provider~~] maintains and publishes as a part of its student enrollment contract the proper policy for the refund of the unused portion of tuition, fees, and other charges if a student fails to take the course or withdraws or is discontinued from the provider [~~school~~] at any time before completion;

(8) [~~(10) the course provider~~] does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the department;

(9) [~~(11) the course provider~~] does not use a name similar to the name of another existing driving safety provider [~~school~~] or tax-supported educational institution in this state, unless specifically approved in writing by the executive director;

(10) submits to the department for approval the applicable course hour lengths and curriculum content for each course offered by the provider;

(11) [~~(12) the course provider~~] does not owe an administrative penalty for a violation of this chapter;

(12) provides adequate testing and security measures for the provider's method of instruction to validate a student's identity and active participation in a driving safety course; and

(13) [~~the course provider~~] meets any additional criteria required by the department.

SECTION 5.26. Section 1001.207, Education Code, is amended to read as follows:

Sec. 1001.207. BOND REQUIREMENTS: DRIVER EDUCATION PROVIDER [~~SCHOOL~~]. (a) Before a driver education provider [~~school~~] may be issued a license, the provider [~~school~~] must file a corporate surety bond with the department in the amount of:

(1) \$10,000 [~~for the primary location of the school~~]; and

(2) for an in-person driver education provider, \$5,000 for each branch location of the provider.

(b) A bond issued under Subsection (a) must be:

(1) issued in a form approved by the department;

(2) issued by a company authorized to do business in this state;

(3) payable to the department to be used only for payment of a refund due to a student or potential student;

(4) conditioned on the compliance of the provider [~~school~~] and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(5) issued for a period corresponding to the term of the license.

(c) Posting of a bond in the amount required under Subsection (a) satisfies the requirements for financial stability for driver education providers [~~schools~~] under this chapter.

(d) A driver education provider who files a bond under Subsection (a)(1) or provides an alternate form of security under Section 1001.210 to obtain one type of driver education provider license may not be required to file an additional bond under Subsection (a)(1) or provide an alternate form of security under Section 1001.210 for any other type of driver education provider license.

SECTION 5.27. Section 1001.209, Education Code, is amended to read as follows:

Sec. 1001.209. BOND REQUIREMENTS: DRIVING SAFETY [~~COURSE~~] PROVIDER. (a) Before a license may be issued to a driving safety [~~course~~] provider, the [~~course~~] provider must provide a corporate surety bond in the amount of \$10,000.

(b) A bond issued under Subsection (a) must be:

- (1) issued by a company authorized to do business in this state;
- (2) payable to the department to be used:

(A) for payment of a refund due a student of the [~~course~~] provider's approved driving safety courses [~~course~~];

(B) to cover the payment of unpaid fees or penalties assessed by the executive director or the commission; or

(C) to recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers;

(3) conditioned on the compliance of the [~~course~~] provider and its officers, agents, and employees with this chapter and rules adopted under this chapter; and

(4) issued for a period corresponding to the term of the license.

SECTION 5.28. Section 1001.210, Education Code, is amended to read as follows:

Sec. 1001.210. ALTERNATE FORM OF SECURITY. Instead of the bond required by Section 1001.207 or 1001.209, a driver education provider [~~school~~] or driving safety [~~course~~] provider may provide another form of security that is:

(1) approved by the department; and

(2) in the amount required for a comparable bond under Section 1001.207 or 1001.209.

SECTION 5.29. Sections 1001.211(b) and (c), Education Code, are amended to read as follows:

(b) A license must be in a form determined by the department and must show in a clear and conspicuous manner:

(1) the date of issuance, effective date, and term of the license;

(2) the name and address of the driver training [~~school or course~~] provider;

(3) the authority for and conditions of approval; and

(4) any other fair and reasonable representation that is consistent with this chapter and that the department considers necessary.

(c) An applicant may obtain both a driver education provider [~~school~~] license and a driving safety provider [~~school~~] license.

SECTION 5.30. Sections 1001.213(b), (c), and (d), Education Code, are amended to read as follows:

(b) If a change in ownership of a driver training [~~school or course~~] provider is proposed, a new owner shall apply for a new [~~school or course~~] provider license at least 30 days before the date of the change.

(c) The commission by rule may establish fees for a new driver training [~~education school or course~~] provider license under Subsection (b) and, if applicable, for each branch location of an in-person driver education provider if:

- (1) the new owner is substantially similar to the previous owner; and
- (2) there is no significant change in the management or control of the [~~driver education school or course~~] provider.

(d) The department may inspect a driver training provider's main [~~school~~] or [~~a~~] branch location, as applicable, after a change of ownership.

SECTION 5.31. Section 1001.214, Education Code, is amended to read as follows:

Sec. 1001.214. DUPLICATE LICENSE. A duplicate license may be issued to a driver training [~~school or course~~] provider if:

- (1) the original license is lost or destroyed; and
- (2) an affidavit of that fact is filed with the department.

SECTION 5.32. Section 1001.251(a), Education Code, is amended to read as follows:

(a) Except as authorized under Section 1001.112, a [A] person may not teach or provide driver education[~~either as an individual or in a driver education school,~~] or conduct any phase of driver education[~~;~~] unless the person holds a driver education instructor license issued by the executive director.

SECTION 5.33. Section 1001.2511(e), Education Code, is amended to read as follows:

(e) The commission may adopt rules to administer this section, including rules establishing:

- (1) deadlines for a person to submit fingerprints and photographs in compliance with this section;
- (2) sanctions for a person's failure to comply with the requirements of this section, including suspension or revocation of or refusal to issue a license described by Subsection (a); and
- (3) notification to a driver education provider [~~school~~] of relevant information obtained by the department under this section.

SECTION 5.34. Section 1001.2512, Education Code, is amended to read as follows:

Sec. 1001.2512. FEES FOR CRIMINAL HISTORY RECORD INFORMATION REVIEW. The commission by rule shall require a person submitting to a national criminal history record information review under Section 1001.2511 or the driver education provider [~~school~~] employing the person, as determined by the department, to pay a fee for the review in an amount not to

exceed the amount of any fee imposed on an application for certification under Subchapter B, Chapter 21, for a national criminal history record information review under Section 22.0837.

SECTION 5.35. Section 1001.2513, Education Code, is amended to read as follows:

Sec. 1001.2513. CONFIDENTIALITY OF INFORMATION. A social security number, driver's license number, other identification number, or fingerprint record collected for a person to comply with Section 1001.2511:

(1) may not be released except:

(A) to provide relevant information to driver education providers [~~schools~~] or otherwise to comply with Section 1001.2511;

(B) by court order; or

(C) with the consent of the person who is the subject of the information;

(2) is not subject to disclosure as provided by Chapter 552, Government Code; and

(3) shall be destroyed by the requestor or any subsequent holder of the information not later than the first anniversary of the date the information is received.

SECTION 5.36. Sections 1001.2514(a) and (d), Education Code, are amended to read as follows:

(a) A driver education provider [~~school~~] shall discharge or refuse to hire as an instructor an employee or applicant for employment if the department obtains information through a criminal history record information review that:

(1) the employee or applicant has been convicted of:

(A) a felony offense under Title 5, Penal Code;

(B) an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(C) an offense under the laws of another state or federal law that is equivalent to an offense under Paragraph (A) or (B); and

(2) at the time the offense occurred, the victim of the offense described by Subdivision (1) was under 18 years of age or was enrolled in a public school.

(d) A driver education provider [~~school~~] may discharge an employee who serves as an instructor if the provider [~~school~~] obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the provider [~~school~~] or the department. An employee discharged under this subsection is considered to have been discharged for misconduct for purposes of Section 207.044, Labor Code.

SECTION 5.37. Section 1001.2531(b), Education Code, is amended to read as follows:

(b) An applicant for a driver education instructor license under this section must:

(1) apply to the department on a form prescribed by the department and under rules adopted by the commission;

(2) submit with the application a nonrefundable application fee in an amount set by commission rule; and

(3) present satisfactory evidence to the department that the applicant:

(A) is at least 21 years of age; and

(B) ~~[holds a high school diploma or high school equivalency certificate; and~~

~~[(C)]~~ meets any other requirement established by commission rule.

SECTION 5.38. Sections 1001.255(a), (b), and (c), Education Code, are amended to read as follows:

(a) The department shall regulate as a driver education provider of the type determined appropriate by the department ~~[school]~~ a driver education instructor who:

(1) teaches driver education courses in a county having a population of 50,000 or less; and

(2) does not teach more than 200 students annually.

(b) An instructor described by Subsection (a) must submit to the department an application for an initial or renewal driver education provider ~~[school]~~ license, together with all required documentation and information.

(c) The executive director may waive initial or renewal driver education provider ~~[school]~~ license fees.

SECTION 5.39. Section 1001.301, Education Code, is amended to read as follows:

Sec. 1001.301. EXPIRATION OF DRIVER TRAINING ~~[SCHOOL OR COURSE]~~ PROVIDER LICENSE. The term of a driver training ~~[education school, driving safety school, or course]~~ provider license may not exceed one year.

SECTION 5.40. Section 1001.302, Education Code, is amended to read as follows:

Sec. 1001.302. EXPIRATION OF DRIVER EDUCATION INSTRUCTOR LICENSE. The term of a driver education instructor ~~[or driving safety instructor]~~ license may not exceed one year.

SECTION 5.41. Section 1001.351, Education Code, is amended to read as follows:

Sec. 1001.351. DRIVING SAFETY ~~[COURSE]~~ PROVIDER RESPONSIBILITIES. (a) Not later than the 15th working day after the course completion date, a driving safety ~~[course]~~ provider or a person at the ~~[course]~~ provider's facilities shall issue and deliver by United States mail or commercial or electronic delivery a uniform certificate of course completion to a person who successfully completes an approved driving safety course.

(b) A driving safety ~~[course]~~ provider shall electronically submit to the department in the manner established by the department data identified by the department relating to uniform certificates of course completion issued by the ~~[course]~~ provider.

~~[(c) A course provider shall conduct driving safety instructor development courses for its approved driving safety courses.]~~

SECTION 5.42. Section 1001.352, Education Code, is amended to read as follows:

Sec. 1001.352. FEES FOR DRIVING SAFETY COURSE. A driving safety [course] provider shall charge each student:

- (1) at least \$25 for a driving safety course; and
- (2) a fee of at least \$3 for course materials and for supervising and administering the course.

SECTION 5.43. Section 1001.353, Education Code, is amended to read as follows:

Sec. 1001.353. DRIVER TRAINING COURSE AT PUBLIC OR PRIVATE SCHOOL. A driver training provider [~~school~~] may conduct a driver training course at a public or private school for students of the public or private school as provided by an agreement with the public or private school. The course is subject to any law applicable to a course conducted at the main business location of the driver training provider [~~school~~].

SECTION 5.44. Section 1001.355, Education Code, is amended to read as follows:

Sec. 1001.355. WITHHOLDING CERTAIN RECORDS. A driver training provider [~~school~~] may withhold a student's diploma or certificate of completion until the student fulfills the student's financial obligation to the provider [~~school~~].

SECTION 5.45. Section 1001.356, Education Code, is amended to read as follows:

Sec. 1001.356. REQUIREMENT TO CARRY LICENSE. A driver education instructor [~~or driving safety instructor~~] shall carry the person's instructor license at all times while instructing a driver education course [~~or driving safety course~~].

SECTION 5.46. Section 1001.357, Education Code, is amended to read as follows:

Sec. 1001.357. CONTRACT WITH UNLICENSED DRIVER TRAINING PROVIDER [~~SCHOOL~~]. A contract entered into with a person for a course of instruction by or on behalf of a person operating an unlicensed driver training provider [~~school~~] is unenforceable.

SECTION 5.47. Section 1001.401, Education Code, is amended to read as follows:

Sec. 1001.401. CANCELLATION AND SETTLEMENT POLICY. As a condition for obtaining a driver training [~~education school license or course~~] provider license, the [~~school or course~~] provider must maintain a cancellation and settlement policy that provides a full refund of all money paid by a student if:

- (1) the student cancels the enrollment contract before midnight of the third day, other than a Saturday, Sunday, or legal holiday, after the date the enrollment contract is signed by the student, unless the student successfully completes the course or receives a failing grade on the course examination; or
- (2) the enrollment of the student was procured as a result of a misrepresentation in:

(A) advertising or promotional materials of the [~~school or course~~] provider; or

(B) a representation made by an owner or employee of the [~~school or course~~] provider.

SECTION 5.48. Section 1001.402, Education Code, is amended to read as follows:

Sec. 1001.402. TERMINATION POLICY. (a) As a condition for obtaining a driver training provider ~~[education school]~~ license, the provider ~~[school]~~ must maintain a policy for the refund of the unused portion of tuition, fees, and other charges if a student, after expiration of the cancellation period described by Section 1001.401, does not enter the course or withdraws or is discontinued from the course at any time before completion.

(b) The policy must provide that:

(1) refunds are based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes is the earliest of:

(A) the last day of attendance, if the student's enrollment is terminated by the provider ~~[school]~~;

(B) the date the provider ~~[school]~~ receives written notice from the student; or

(C) the 10th school day after the last day of attendance;

(3) if tuition is collected in advance of entrance and if a student does not enter the course ~~[school]~~, terminates enrollment, or withdraws, the provider ~~[school]~~:

(A) may retain not more than \$50 as an administrative expense; and

(B) shall refund that portion of the student's remaining classroom tuition and fees and behind-the-wheel tuition and fees that corresponds to services the student does not receive;

(4) the provider ~~[school]~~ shall refund items of extra expense to the student, including instructional supplies, books, laboratory fees, service charges, rentals, deposits, and all other charges not later than the 30th day after the effective date of enrollment termination if:

(A) the extra expenses are separately stated and shown in the information provided to the student before enrollment; and

(B) the student returns to the provider ~~[school]~~ any provider ~~[school]~~ property in the student's possession; and

(5) refunds shall be completed not later than the 30th day after the effective date of enrollment termination.

SECTION 5.49. Section 1001.403, Education Code, is amended to read as follows:

Sec. 1001.403. REFUND FOR DISCONTINUED COURSE. On the discontinuation of a course by a driver training ~~[education school or a course]~~ provider that prevents a student from completing the course, all tuition and fees paid become refundable.

SECTION 5.50. Sections 1001.404(a) and (c), Education Code, are amended to read as follows:

(a) If a refund is not timely made, the driver training [~~education school or course~~] provider shall pay interest on the amount of the refund. Interest begins to accrue on the first day after the expiration of the refund period and ends on the day preceding the date the refund is made.

(c) The department may except a driver training [~~education school or course~~] provider from the payment of interest if the [~~school or course~~] provider makes a good-faith effort to refund tuition, fees, and other charges but is unable to locate the student to whom the refund is owed. On request of the department, the driver training [~~school or course~~] provider shall document the effort to locate a student.

SECTION 5.51. Subchapter I, Chapter 1001, Education Code, is amended by adding Section 1001.405 to read as follows:

Sec. 1001.405. APPLICABILITY TO PARENT-TAUGHT DRIVER EDUCATION PROVIDER. The commission shall adopt rules as necessary to ensure this subchapter applies as appropriate to a parent-taught driver education provider.

SECTION 5.52. Section 1001.451, Education Code, is amended to read as follows:

Sec. 1001.451. PROHIBITED PRACTICES. A person may not:

(1) use advertising that is false, misleading, or deceptive;
 (2) fail to notify the department of the discontinuance of the operation of a driver training provider [~~school~~] before the 15th working day after the date of cessation of classes and make available accurate records as required by this chapter;

(3) issue, sell, trade, or transfer:

(A) a uniform certificate of course completion or driver education certificate to a person or driver training provider [~~school~~] not authorized to possess the certificate;

(B) a uniform certificate of course completion to a person who has not successfully completed an approved [~~six-hour~~] driving safety course; or

(C) a driver education certificate to a person who has not successfully completed a department-approved driver education course;

(4) negotiate a promissory instrument received as payment of tuition or another charge before the student completes 75 percent of the course, except that before that time the instrument may be assigned to a purchaser who becomes subject to any defense available against the provider [~~school~~] named as payee; or

(5) conduct any part of an approved driver education course [~~or driving safety course~~] without having an instructor adequately available [~~physically present in appropriate proximity~~] to the student for the type of instruction being given.

SECTION 5.53. Section 1001.452, Education Code, is amended to read as follows:

Sec. 1001.452. COURSE OF INSTRUCTION OR PROVISION OF MATERIALS. A driver training provider [~~school~~] may not conduct a course of instruction or provide driver education course materials, as applicable, in this state before the date the provider [~~school~~] receives the necessary [a] driver training provider [~~school~~] license from the department.

SECTION 5.54. The heading to Section 1001.453, Education Code, is amended to read as follows:

Sec. 1001.453. DISTRIBUTION OF WRITTEN INFORMATION ON DRIVING SAFETY [~~COURSE~~] PROVIDER.

SECTION 5.55. Sections 1001.453(a) and (b), Education Code, are amended to read as follows:

(a) A person may not distribute within 500 feet of a court with jurisdiction over an offense to which Article 45.0511, Code of Criminal Procedure, applies written information that advertises a driving safety [~~course~~] provider.

(b) The department may revoke the license of a driving safety [~~course~~] provider if the [~~course~~] provider or the [~~course~~] provider's agent, employee, or representative violates this section.

SECTION 5.56. Section 1001.455, Education Code, is amended to read as follows:

Sec. 1001.455. DENIAL, SUSPENSION, OR REVOCATION OF DRIVER EDUCATION INSTRUCTOR LICENSE. (a) The executive director or the commission may deny an application for a driver education [~~an~~] instructor license or suspend or revoke the license of a driver education [~~an~~] instructor if the instructor:

(1) fails to meet a requirement for issuance of or holding a license under this chapter;

(2) permits or engages in misrepresentation, fraud, or deceit in applying for or obtaining a certificate, license, or permit;

(3) induces fraud or fraudulent practices on the part of an applicant for a driver's license or permit;

(4) permits or engages in any other fraudulent practice in an action between the applicant or license holder and the public;

(5) fails to comply with commission rules relating to driver instruction;

or

(6) fails to comply with this chapter.

SECTION 5.57. Section 106.115(a), Alcoholic Beverage Code, is amended to read as follows:

(a) On the placement of a minor on deferred disposition for an offense under Section 49.02, Penal Code, or under Section 106.02, 106.025, 106.04, 106.041, 106.05, or 106.07, the court shall require the defendant to attend an alcohol awareness program approved by the Texas Department of Licensing and Regulation under this section or [s] a drug education program approved by the Department of State Health Services in accordance with Section 521.374, Transportation Code [~~or a drug and alcohol driving awareness program approved by the Texas Education Agency~~]. On conviction of a minor of an offense under one or more of those sections, the court, in addition to assessing a fine as

provided by those sections, shall require a defendant who has not been previously convicted of an offense under one of those sections to attend an alcohol awareness program or [;] a drug education program [~~; or a drug and alcohol driving awareness program~~] described by this subsection. If the defendant has been previously convicted once or more of an offense under one or more of those sections, the court may require the defendant to attend an alcohol awareness program or [;] a drug education program [~~; or a drug and alcohol driving awareness program~~] described by this subsection. If the defendant is younger than 18 years of age, the court may require the parent or guardian of the defendant to attend the program with the defendant. The Texas Department of Licensing and Regulation or Texas Commission of Licensing and Regulation, as appropriate:

- (1) is responsible for the administration of the certification of approved alcohol awareness programs;
- (2) may charge a nonrefundable application fee for:
 - (A) initial certification of the approval; or
 - (B) renewal of the certification;
- (3) shall adopt rules regarding alcohol awareness programs approved under this section; and
- (4) shall monitor, coordinate, and provide training to a person who provides an alcohol awareness program.

SECTION 5.58. Article 45.051(b-1), Code of Criminal Procedure, is amended to read as follows:

(b-1) If the defendant is younger than 25 years of age and the offense committed by the defendant is a traffic offense classified as a moving violation:

- (1) Subsection (b)(8) does not apply;
- (2) during the deferral period, the judge[:
[~~(A)~~] shall require the defendant to complete a driving safety course approved under Chapter 1001, Education Code; and
[~~(B)~~ may require the defendant to complete an additional driving safety course designed for drivers younger than 25 years of age and approved under Section 1001.111, Education Code; and]
- (3) if the defendant holds a provisional license, during the deferral period the judge shall require that the defendant be examined by the Department of Public Safety as required by Section 521.161(b)(2), Transportation Code; a defendant is not exempt from the examination regardless of whether the defendant was examined previously.

SECTION 5.59. Section 28.012(a)(3), Education Code, is amended to read as follows:

(3) "Driver training provider [~~school~~]" has the meaning assigned by Section 1001.001.

SECTION 5.60. Section 28.012(e), Education Code, is amended to read as follows:

(e) Subject to rules adopted by the board, a school district or open-enrollment charter school may tailor the instruction developed under this section as appropriate for the district's or school's community. In tailoring the instruction, the district or school shall solicit input from local law enforcement agencies, driver training providers [schools], and the community.

SECTION 5.61. Section 29.902(c), Education Code, is amended to read as follows:

(c) A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

(1) conduct the course and charge a fee for the course in the amount determined by the agency to be comparable to the fee charged by a driver education provider [school] that holds a license under Chapter 1001; or

(2) contract with a driver education provider [school] that holds a license under Chapter 1001 to conduct the course.

SECTION 5.62. Section 123.007, Government Code, is amended to read as follows:

Sec. 123.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS PROGRAMS. In addition to using a drug court program established under this chapter, the commissioners court of a county or a court may use other drug awareness [~~or drug and alcohol driving awareness~~] programs to treat persons convicted of drug or alcohol related offenses.

SECTION 5.63. Section 521.165(e), Transportation Code, is amended to read as follows:

(e) The department may authorize an entity described by Subsection (a), including a driver education provider [school] described by Section 521.1655, to administer the examination required by Section 521.161(b)(2).

SECTION 5.64. Sections 521.1655(a) and (a-1), Transportation Code, are amended to read as follows:

(a) An in-person [A] driver education provider or online driver education provider [school] licensed under Chapter 1001, Education Code, may administer to a student of that provider [school] the vision, highway sign, and traffic law parts of the examination required by Section 521.161.

(a-1) A parent-taught driver education [course] provider licensed [approved] under Chapter 1001, Education Code, [Section 521.205] may administer to a student of that course the highway sign and traffic law parts of the examination required by Section 521.161.

SECTION 5.65. Sections 521.206(a) and (b), Transportation Code, are amended to read as follows:

(a) The department shall collect data regarding collisions of students taught by public schools, driver education providers [schools] licensed under Chapter 1001, Education Code, and other entities that offer driver education courses to students for which a uniform certificate of course completion is issued. The collision rate is computed by determining the number of an entity's students who complete a driver education course during a state fiscal year, dividing that

number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

(b) The department shall collect data regarding the collision rate of students taught by course instructors approved under Section 1001.112, Education Code. The collision rate is computed by determining the number of students who completed a course taught [approved] under that section [~~Section 1001.112, Education Code,~~] during a state fiscal year, dividing that number by the number of collisions that involved students who completed such a course and that occurred in the 12-month period following their licensure, and expressing the quotient as a percentage.

SECTION 5.66. Section 521.222(a), Transportation Code, is amended to read as follows:

(a) The department may issue a learner license, including a Class A or Class B driver's learner license, to a person who:

- (1) is 15 years of age or older but under 18 years of age;
- (2) has satisfactorily completed and passed the classroom phase of an approved driver education course, which may be a course taught [approved] under Section 1001.112, Education Code;
- (3) meets the requirements imposed under Section 521.204(a)(3); and
- (4) has passed each examination required under Section 521.161 other than the driving test.

SECTION 5.67. Section 542.304(a), Transportation Code, as added by Chapter 1094 (**HB 2048**), Acts of the 86th Legislature, Regular Session, 2019, is amended to conform to Section 4.40, Chapter 1352 (**SB 346**), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

(a) The department by rule shall designate the offenses involving the operation of a motor vehicle that constitute a moving violation of the traffic law for the purposes of:

- (1) [~~Article 102.022(a), Code of Criminal Procedure;~~
~~(2)~~ Section 1001.112(b)(4) [~~1001.112(a-2)~~], Education Code;
- (2) [~~(3)~~] Section 411.110(f), Government Code; and
- (3) [~~(4)~~] Sections 773.0614(b) and 773.06141(a), Health and Safety Code.

SECTION 5.68. The following provisions are repealed:

- (1) Article 45.0511(u), Code of Criminal Procedure;
- (2) Sections 1001.001(4), (7), (10), and (11), Education Code;
- (3) Sections 1001.056(a) and (f), Education Code;
- (4) Section 1001.1015(c), Education Code;
- (5) Sections 1001.103 and 1001.111, Education Code;
- (6) Section 1001.151(e), Education Code;
- (7) Sections 1001.205 and 1001.208, Education Code;
- (8) Section 1001.251(b), Education Code;
- (9) Section 1001.2531(a), Education Code;
- (10) Sections 1001.2532, 1001.2533, 1001.2534, 1001.2535, 1001.303, 1001.304, 1001.354, 1001.3541, and 1001.3542, Education Code;

- (11) the heading to Subchapter K, Chapter 1001, Education Code;
- (12) Section 545.412(g), Transportation Code; and
- (13) Section 545.413(i), Transportation Code.

SECTION 5.69. On December 1, 2021:

(1) the terms of members serving on the driver training and traffic safety advisory committee under Section 1001.058, Education Code, immediately before that date expire; and

(2) the presiding officer of the Texas Commission of Licensing and Regulation shall appoint members of the driver training and traffic safety advisory committee having qualifications that correspond as closely as possible to the qualifications provided under the changes in law made by this Act to Section 1001.058, Education Code, with initial terms as follows:

- (A) three members to terms expiring February 1, 2023;
- (B) three members to terms expiring February 1, 2025; and
- (C) three members to terms expiring February 1, 2027.

SECTION 5.70. Not later than June 1, 2023, the Texas Department of Licensing and Regulation and the Department of Public Safety of the State of Texas shall enter into the memorandum of understanding required by Section 1001.060, Education Code, as added by this article.

SECTION 5.71. (a) Not later than June 1, 2023, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this article to Chapter 1001, Education Code.

(b) A driver education school license, driving safety school license, or course provider license issued under Chapter 1001, Education Code, before the date the Texas Department of Licensing and Regulation implements the changes described in Subsection (a) of this section continues to be valid until the date the license expires. On expiration of that license, the license holder shall apply for a new license under Chapter 1001, Education Code, as amended by this article, to continue to provide services for which a license is required by that chapter.

(c) Notwithstanding Chapter 1001, Education Code, as amended by this article, a person who provides driver education course materials to persons conducting parent-taught driver education under Section 1001.112, Education Code, as amended by this article, is not required to hold a parent-taught driver education provider license under Chapter 1001, Education Code, before November 1, 2023.

SECTION 5.72. (a) The changes in law made by this article to Section 106.115, Alcoholic Beverage Code, and Article 45.051, Code of Criminal Procedure, with respect to participation in a court-ordered program or course, apply to a court order entered on or after June 1, 2023. A court order entered before that date is governed by the law in effect on the date the order was entered, and the former law is continued in effect for that purpose.

(b) Notwithstanding Section 5.67 of this article, the Texas Department of Licensing and Regulation by rule shall provide for the continuance of each program or course under Article 45.0511(u), Code of Criminal Procedure, Section 1001.103 or 1001.111, Education Code, or Section 545.412(g) or 545.413(i), Transportation Code, as repealed by this article, until the date on

which the department determines that every person subject to a court order entered before June 1, 2023, requiring participation in a program or course under those provisions has had adequate time to complete the program or course in compliance with the court order.

SECTION 5.73. The repeal by this article of Article 45.0511(u), Code of Criminal Procedure, Sections 1001.103 and 1001.111, Education Code, and Sections 545.412(g) and 545.413(i), Transportation Code, takes effect June 1, 2023.

SECTION 5.74. To the extent of any conflict, this article prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

ARTICLE 6. TRANSITION AND EFFECTIVE DATE

SECTION 6.01. The repeal of a statute by this Act controls over an amendment, revision, or reenactment of the statute by another Act of the 87th Legislature, Regular Session, 2021, regardless of relative dates of enactment and the amendment, revision, or reenactment of the repealed statute has no effect.

SECTION 6.02. Except as otherwise provided by this Act, this Act takes effect September 1, 2021.

Representative Goldman moved to adopt the conference committee report on **HB 1560**.

The motion to adopt the conference committee report on **HB 1560** prevailed by (Record 1780): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Davis; González, M.; Pacheco; Sherman.

(Goldman in the chair)

HR 2093 - ADOPTED
(by Paddie)

Representative Paddie moved to suspend all necessary rules to take up and consider at this time **HR 2093**.

The motion prevailed.

The following privileged resolution was laid before the house:

HR 2093

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 2** (the governance of the Public Utility Commission of Texas, the Office of Public Utility Counsel, and an independent organization certified to manage a power region) to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1), (3), and (4), are suspended to permit the committee to amend text not in disagreement, to add text on a matter not in disagreement, and to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3 of the bill, in amended Sections 39.151(g) and (g-1), Utilities Code, and added Sections 39.151(g-2), (g-3), and (g-4), Utilities Code, to read as follows:

(g) To maintain certification as an independent organization for the ERCOT power region under this section, an organization's governing body must be composed of persons selected by the ERCOT board selection committee [~~specified by this section and selected in accordance with formal bylaws or protocols of the organization~~].

(g-1) The independent organization's bylaws or protocols must be approved by the commission and must reflect the input of the commission. [~~The bylaws must specify the process by which appropriate stakeholders elect members and, for unaffiliated members, prescribe professional qualifications for selection as a member.~~] The bylaws must require that every member of the governing body be a resident of this state and must prohibit a legislator from serving as a member [~~the use of a professional search firm to identify candidates for membership of unaffiliated members. The process must allow for commission input in identifying candidates~~]. The governing body must be composed of:

- (1) the chairman of the commission as an ex officio nonvoting member;
- (2) the counsellor as an ex officio voting member representing residential and small commercial consumer interests;
- (3) the chief executive officer of the independent organization as an ex officio nonvoting ~~[voting]~~ member; and

(4) eight members selected by the selection committee under Section 39.1513 with executive-level experience in any of the following professions:

- (A) finance;
- (B) business;
- (C) engineering, including electrical engineering;

(D) trading;

(E) risk management;

(F) law; or

(G) electric market design [six market participants elected by their respective market segments to serve one-year terms, with:

[(A) one representing independent generators;

[(B) one representing investor-owned utilities;

[(C) one representing power marketers;

[(D) one representing retail electric providers;

[(E) one representing municipally owned utilities; and

[(F) one representing electric cooperatives;

[(5) one member representing industrial consumer interests and elected by the industrial consumer market segment to serve a one-year term;

[(6) one member representing large commercial consumer interests selected in accordance with the bylaws to serve a one-year term; and

[(7) five members unaffiliated with any market segment and selected by the other members of the governing body to serve three-year terms].

(g-2) Members [(g-1) The presiding officer] of the governing body are entitled to receive a salary for their service [must be one of the members described by Subsection (g)(7)].

(g-3) A person does not qualify for selection as a member of the governing body of an independent organization for the ERCOT power region if the person has a fiduciary duty or assets in the electricity market for that region.

(g-4) To maintain certification as an independent organization under this section, the organization's governing body may not include more than two members who are employed by an institution of higher education, as defined by Section 61.003, Education Code, in a professorial role.

Explanation: This change is necessary to provide for the composition of the governing body of an independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region and to establish requirements relating to the eligibility and selection of members of the governing body.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the senate engrossment of SB 2 and the corresponding bill as the bill was amended by the house in added Section 39.151(g-2), Utilities Code. The omitted text reads:

(g-2) A person does not qualify for appointment as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In making an appointment under Subsection (g)(3) or (7), the governor:

(1) shall give preference to a person who has executive-level business experience representing a range of industries; and

(2) may consider a person recommended by the legislature.

(g-2) A person does not qualify for selection as a member of the governing body of an independent organization under Subsection (g)(3) or (7) if the person is required to register as a lobbyist under Chapter 305, Government Code. In

making a selection under Subsection (g)(3) or (7), the members of the governing body shall give preference to a person who has executive-level business experience representing a range of industries.

Explanation: The change is necessary to omit the qualification and selection requirements.

(3) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 3 of the senate engrossment of **SB 2** and the corresponding bill as the bill was amended by the house in added Section 39.151(g-3), Utilities Code. The omitted text reads:

(g-3) Members of the governing body of an independent organization certified under this section must serve staggered terms. A member described by Subsection (g)(4) or (5) must serve a term that expires in an even-numbered year. A member described by Subsection (g)(6) or (7) must serve a term that expires in an odd-numbered year. As soon as practicable after the date a member of the governing body's term expires, the appropriate authority must appoint or arrange for the election of a replacement in the same manner as the original appointment or election. If a vacancy occurs on the governing body, the appropriate authority must appoint or arrange for the election of a successor in the same manner as the original appointment or election to serve for the remainder of the unexpired term.

Explanation: The change is necessary to omit the term and vacancy requirements.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.1513 to read as follows:

Sec. 39.1513. ERCOT BOARD SELECTION COMMITTEE. (a) The ERCOT board selection committee is composed of:

(1) one member appointed by the governor;

(2) one member appointed by the lieutenant governor; and

(3) one member appointed by the speaker of the house of representatives.

(b) A person may not be appointed as a member of the committee unless the person is a resident of this state.

(c) A member of the committee is not entitled to compensation for serving as a member but is entitled to reimbursement for actual and necessary expenses incurred in performing the official duties of office.

(d) The committee shall select members eligible under Section 39.151 to serve on the governing body of an independent organization certified under that section for the ERCOT power region and shall designate the chair and vice chair of the governing body from those members.

(e) The ERCOT board selection committee shall retain an outside consulting firm to help select members of the governing body under Subsection (d).

Explanation: The addition is necessary to provide for the creation of a committee to select the members of a governing body of an independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region.

(5) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement in SECTION 4 of the senate engrossment of **SB 2** and the corresponding bill as the bill was amended by the house that would require an independent organization certified by the Public Utility Commission of Texas under Section 39.151, Utilities Code, to modify the organization to comply with Section 39.151, Utilities Code, as amended by the bill, not later than September 1, 2021. The omitted language reads: "not later than September 1, 2021".

Explanation: The omission is necessary to provide sufficient time for the ERCOT Board Selection Committee to be formed and for the committee to select members of the governing body of the independent organization certified under Section 39.151, Utilities Code, for the Electric Reliability Council of Texas power region.

HR 2093 was adopted by (Record 1781): 136 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker; Gates; Goldman(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Burns; Collier; Geren; Johnson, J.D.; Landgraf; Pacheco; Stephenson.

SB 2 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie submitted the conference committee report on **SB 2**.

Representative Paddie moved to adopt the conference committee report on **SB 2**.

The motion to adopt the conference committee report on **SB 2** prevailed by (Record 1782): 132 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Hinojosa; Martinez Fischer; Ramos; Rodriguez; Rosenthal.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Bowers; González, J.; Johnson, J.D.; Ortega; Pacheco; Turner, C.

STATEMENTS OF VOTE

When Record No. 1782 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 1782 was taken, my vote failed to register. I would have voted yes.

Bowers

When Record No. 1782 was taken, I was shown voting yes. I intended to vote no.

Meza

HR 2085 - ADOPTED

(by Paddie)

The following privileged resolution was laid before the house:

HR 2085

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 3** (preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties) to consider and take action on the following matter:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text not in disagreement by omitting proposed Sections 39.110(a) and (b), Utilities Code. The omitted text prohibited the offering of certain wholesale indexed electric products to residential or small commercial customers. The omitted text reads:

Sec. 39.110. WHOLESAL INDEXED PRODUCTS PROHIBITED. (a) In this section, "wholesale indexed product" means a retail electric product in which the price a customer pays for electricity includes a direct pass-through of real-time settlement point prices determined by the independent organization certified under Section 39.151 for the ERCOT power region.

(b) A retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

Sec. 39.110. WHOLESAL INDEXED PRODUCTS. (a) In this section, "wholesale indexed product" means a retail electric product in which the price a customer pays for electricity includes a direct pass-through of real-time settlement point prices determined by the independent organization certified under Section 39.151 for the ERCOT power region.

(b) Except as provided by Subsection (c), an aggregator, a broker, or a retail electric provider may not offer a wholesale indexed product to a residential or small commercial customer.

Explanation: The omission of the text is necessary to remove the prohibition of the offering of certain wholesale indexed electric products to residential or small commercial customers.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding proposed SECTION 37 of the bill:

SECTION 37. The Texas Electricity Supply Chain Security and Mapping Committee shall produce the map required under Section 38.203, Utilities Code, as added by this Act, not later than September 1, 2022.

Explanation: The addition of the text is necessary to require the Texas Electricity Supply Chain Security and Mapping Committee to produce the map required under added Section 38.203, Utilities Code, not later than September 1, 2022.

HR 2085 was adopted by (Record 1783): 137 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Middleton; Schofield.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Johnson, J.D.; Meza; Pacheco; Slaton.

STATEMENTS OF VOTE

When Record No. 1783 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 1783 was taken, I was in the house but away from my desk. I would have voted yes.

Slaton

When Record No. 1783 was taken, I was shown voting yes. I intended to vote no.

Toth

When Record No. 1783 was taken, I was shown voting yes. I intended to vote no.

Wilson

SB 3 - RULES SUSPENDED CONFERENCE COMMITTEE REPORT ADOPTED

Representative Paddie moved to suspend all necessary rules to submit at this time the conference committee report on **SB 3**.

The motion prevailed.

Representative Paddie submitted the conference committee report on **SB 3**.

SB 3 - REMARKS

REPRESENTATIVE REYNOLDS: Chairman Paddie, I, like many people, appreciate the great work that you've done this session and all of the members that worked on State Affairs and Energy Resources to make sure that the calamity—the catastrophic failure of our energy industry—did not happen again. There were many people across the state, all 254 counties, that were impacted and we heard a lot of outrage all over the state. And as the energy capital of the world being Texas, this was not a good look for Texas in terms of what happened. You would agree with that, correct?

REPRESENTATIVE PADDIE: I absolutely would agree and certainly we would never want our citizens to experience things like that, but also, folks all over the world look at Texas, right? And certainly we don't want a situation where people have any doubt in our ability to take care of our infrastructure and be able to meet the needs of our citizens.

REYNOLDS: So I want to ask you a few questions, because there have been some recent op-eds that we haven't really done as much to address the crisis. Have you seen some of those articles?

PADDIE: I've seen a few of them.

REYNOLDS: So I kind of wanted to have a little conversation with you to basically address, just similar to Representative Beckley, do you believe that we've met the best practices? We've heard from industry. We've heard from various stakeholders. Did we do what we needed to do this session to ensure with confidence that we're doing what we can to protect critical infrastructure to make sure that the proper weatherization is there, from whether it's frigid cold or even summer heat, and to make sure that we don't ever have that situation happen again? Most recent reports are—I don't know because it hasn't been verified—that instead of the 200 number that I thought we lost, that the numbers could be that we lost up to 700 Texans. Have you heard that number?

PADDIE: I have, and it's very unfortunate.

REYNOLDS: So one Texan is too much, and then we know that this is the most costly disaster in Texas history, even exceeding the cost of Hurricane Harvey. So what would you say so that we can assure Texans that we've done everything that we can do this session with respect to building resiliency, so we don't have that situation happen again?

PADDIE: Well, I would say, Mr. Reynolds, that members can feel confident going home that we did our work to, first of all, discover what the problems were—and you were a part of those early hearings as well—and then come up with solutions. And I think we've done that—again, with those main buckets being oversight and accountability. We just did some work as well as it relates to ERCOT reorganization—a significant change that I think is going to better serve the citizens of Texas—and also with the PUC as well to ensure oversight and accountability and that there's compliance when it comes to weatherization and some of these things like emergency operation plans and things of that nature and

that when there's not compliance, that there's enforcement. I think that we've taken great steps there. We know that there were tremendous communication failures throughout the system, and I feel like we've gone a long way toward being able to address those things, too, through some of the creation and formalization of who should be at the table in planning and also working on the mapping of critical infrastructure as well. And then there's the requirement that once we've identified this critical infrastructure, that there's an expectation and a requirement.

REYNOLDS: And Chairman Paddie, I agree with that, and I'm glad that you put that on the record. One of the only—not the only—but one of the critical things that I think was missed is that we did not look at whether or not climate change had an impact upon the extreme weather that we've experienced. We've experienced several 100-year events within the last several years. Would you agree we also need to look at climate change as well? Or study the impact of climate change that it may have?

PADDIE: Well, I guess what I'd say, Mr. Reynolds, is we may disagree on what the causes are, but I think it's difficult to argue that we're seeing some unusual weather patterns. We're seeing some of these things with more frequency, again, so it's kind of hard to deny that we obviously have to be able to operate during those type of situations. You know, as far as the reasons for that, I mean, obviously, that's always a point of discussion, but clearly we need to be taking that into account. I would tell you that Ms. Howard actually put an amendment in this bill that also included that the state climatologist would be someone who is consulted in this process as well and that could provide meaningful expertise as it relates to how we plan for these future events.

REYNOLDS: I would just lastly say, would you agree that it's prudent that we make sure that we're using best practices, including relying upon science, when we make decisions that are critical to our state and our infrastructure?

PADDIE: I'm sorry, could you repeat that?

REYNOLDS: That we rely upon science and experts.

PADDIE: I think we should always rely on facts in all of our deliberations, whether that's weather-related or the facts of some of these structural issues that we experienced.

REYNOLDS: And the reason I bring that up, Chairman Paddie, is because, if you recall when this disaster first happened, Governor Abbott, one of the first things he said—he kind of walked it back—was that he talked about wind and the renewables. Do you remember that? It was almost a blame on wind and solar that they felt, and he kind of walked that back. So there was an initial reaction that there was more of almost a partisan response, and then it was kind of walked back. And then we looked and we saw there was a failure in every aspect of our system. Would you agree with that?

PADDIE: Absolutely, we saw failures in—all types of generation had failures in this event.

REYNOLDS: And so **SB 3** addresses those failures, correct?

PADDIE: I believe it does.

Representative Paddie moved to adopt the conference committee report on **SB 3**.

The motion to adopt the conference committee report on **SB 3** prevailed by (Record 1784): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Gates; Geren; Gervin-Hawkins; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Frullo; Pacheco.

HR 2006 - ADOPTED

(by Leach)

The following privileged resolution was laid before the house:

HR 2006

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 3774** (the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government) to consider and take action on the following matter:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 1.01(c) of the bill, providing for the creation of the 478th Judicial District (Bell County), to read as follows:

(c) The 478th Judicial District is created on January 1, 2022.

Explanation: This change is necessary to allow for the creation of the 478th Judicial District (Bell County) on January 1, 2022.

HR 2006 was adopted by (Record 1785): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Davis; Deshotel; Gervin-Hawkins; Pacheco.

HB 3774 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Leach submitted the following conference committee report on **HB 3774**:

Austin, Texas, May 29, 2021

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 3774** 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.

Huffman
Campbell
Nelson
Hughes
Hinojosa
On the part of the senate

Leach
J.E. Johnson
Moody
Schofield
Smith
On the part of the house

HB 3774, A bill to be entitled An Act relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.

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

ARTICLE 1. DISTRICT COURTS

SECTION 1.01. (a) Section 24.129(b), Government Code, is amended to read as follows:

(b) The 27th, 146th, 169th, 264th, ~~and~~ 426th, and 478th judicial districts have concurrent jurisdiction in Bell County.

(b) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60022 to read as follows:

Sec. 24.60022. 478TH JUDICIAL DISTRICT (BELL COUNTY). (a) The 478th Judicial District is composed of Bell County.

(b) The terms of the 478th District Court begin on the first Mondays in January, April, July, and October.

(c) Section 24.129, relating to the 27th District Court, contains provisions applicable to both that court and the 478th District Court.

(c) The 478th Judicial District is created on January 1, 2022.

SECTION 1.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60027 to read as follows:

Sec. 24.60027. 482ND JUDICIAL DISTRICT (HARRIS COUNTY). The 482nd Judicial District is composed of Harris County.

(b) The 482nd Judicial District is created on the effective date of this Act.

SECTION 1.03. (a) Effective January 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60030 to read as follows:

Sec. 24.60030. 485TH JUDICIAL DISTRICT (TARRANT COUNTY). (a) The 485th Judicial District is composed of Tarrant County.

(b) The 485th District Court shall give preference to criminal matters.

(b) The 485th Judicial District is created on January 1, 2022.

SECTION 1.04. (a) Effective October 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60025 to read as follows:

Sec. 24.60025. 480TH JUDICIAL DISTRICT (WILLIAMSON COUNTY). The 480th Judicial District is composed of Williamson County.

(b) The 480th Judicial District is created on October 1, 2022.

SECTION 1.05. (a) Effective January 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60026 to read as follows:

Sec. 24.60026. 481ST JUDICIAL DISTRICT (DENTON COUNTY). The 481st Judicial District is composed of Denton County.

(b) The 481st Judicial District is created on January 1, 2022.

SECTION 1.06. (a) Effective September 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60028 to read as follows:

Sec. 24.60028. 483RD JUDICIAL DISTRICT (HAYS COUNTY). The 483rd Judicial District is composed of Hays County.

(b) The 483rd Judicial District is created on September 1, 2022.

SECTION 1.07. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60029 to read as follows:

Sec. 24.60029. 484TH JUDICIAL DISTRICT (CAMERON COUNTY).

(a) The 484th Judicial District is composed of Cameron County.

(b) The 484th District Court shall give preference to juvenile matters under Title 3, Family Code.

(b) The 484th Judicial District is created on the effective date of this Act.

SECTION 1.08. (a) Effective October 1, 2022, Section 24.120(b), Government Code, is amended to read as follows:

(b) The 19th, 54th, 74th, 170th, ~~and~~ 414th, and 474th district courts have concurrent jurisdiction in McLennan County.

(b) Effective October 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60097 to read as follows:

Sec. 24.60097. 474TH JUDICIAL DISTRICT (MCLENNAN COUNTY).

The 474th Judicial District is composed of McLennan County.

(c) The 474th Judicial District is created on October 1, 2022.

SECTION 1.09. (a) Effective January 1, 2023, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60098 to read as follows:

Sec. 24.60098. 475TH JUDICIAL DISTRICT (SMITH COUNTY).

The 475th Judicial District is composed of Smith County.

(b) The 475th Judicial District is created January 1, 2023.

SECTION 1.10. (a) Effective September 1, 2022, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.60099 to read as follows:

Sec. 24.60099. 476TH JUDICIAL DISTRICT (HIDALGO COUNTY).

The 476th Judicial District is composed of Hidalgo County.

(b) The 476th Judicial District is created on September 1, 2022.

ARTICLE 2. STATUTORY COUNTY COURTS AND CONSTITUTIONAL COUNTY COURTS

SECTION 2.01. Section 25.00211(a), Government Code, is amended to read as follows:

(a) Beginning on the first day of the state fiscal year, the state shall annually compensate each county that collects the additional fees under Section 51.704 in an amount equal to 60 percent of the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) [\$40,000] for each statutory probate court judge in the county.

SECTION 2.02. Section 25.0172(p), Government Code, is amended to read as follows:

(p) The county clerk shall keep a separate docket for each county court at law. The county clerk shall appoint a deputy clerk for each county court at law. ~~[An appointment of a deputy clerk of County Court at Law No. 2 or 3 takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned and the deputy clerk serves at the pleasure of the judge of the court to which he is assigned.]~~ A deputy clerk must take the constitutional oath of office and may be required to furnish bond in an amount, conditioned and payable, as required by the county clerk. A deputy clerk must attend all sessions

of the court to which the deputy clerk ~~[he]~~ is assigned. A deputy clerk acts in the name of the county clerk and may perform any official act or service required of the county clerk and shall perform any other service required by the judge of a county court at law. The deputy clerks may act for one another in performing services for the county courts at law, but a deputy is not entitled to receive additional compensation for acting for another deputy. If a vacancy occurs, the county clerk shall immediately appoint another deputy clerk as provided by this subsection. ~~[A deputy clerk of a county court at law is entitled to the same amount of compensation as received by the deputy clerks of the other county courts at law in Bexar County. The commissioners court shall pay the salary of a deputy clerk in equal monthly installments from county funds.]~~

SECTION 2.03. Section 25.0173(g), Government Code, is amended to read as follows:

(g) The county clerk shall appoint a deputy clerk for each statutory probate court. ~~[An appointment takes effect when it is confirmed in writing by the judge of the court to which the deputy clerk is assigned.]~~ A deputy clerk serves at the pleasure of the judge of the court to which the deputy clerk is assigned. A deputy clerk must take the constitutional oath of office, and the county clerk may require the deputy clerk to furnish a bond in an amount, conditioned and payable, as required by law. A deputy clerk acts in the name of the county clerk and may perform any official act or service required of the county clerk and shall perform any other service required by the judge of a statutory probate court. A deputy clerk must attend all sessions of the court to which the deputy clerk [he] is assigned. ~~[A deputy clerk is entitled to receive an annual salary set by the judge in an amount that does not exceed the amount paid the deputies of the county courts at law of Bexar County. The salary shall be paid in equal monthly installments as provided by law for the payment of salaries of deputy clerks.]~~

SECTION 2.04. (a) Effective January 1, 2022, Sections 25.0631(b) and (c), Government Code, are amended to read as follows:

(b) Denton County has the following statutory probate courts:

(1) ~~[one statutory probate court, the]~~ Probate Court of Denton County; and

(2) Probate Court Number 2 of Denton County.

(c) The statutory county courts of Denton County sit in the county seat or at another location in the county as assigned by the local administrative statutory county court judge. The statutory probate courts [court] of Denton County sit [sits] in the county seat and may conduct docket matters at other locations in the county as the statutory probate court judges consider [judge considers] necessary for the protection of wards or mental health respondents or as otherwise provided by law.

(b) Section 25.0632(i), Government Code, is amended to read as follows:

(i) A judge of a statutory probate court is subject to assignment as provided by Section 25.0022. On request by the judge of a Denton County statutory county court, a judge of a statutory probate court may be assigned by the regional

presiding judge to the requesting judge's court pursuant to Chapter 74. A statutory probate court judge assigned to a statutory county court by the regional presiding judge may hear any matter pending in the requesting judge's court.

(c) Section 25.0633(e), Government Code, is amended to read as follows:

(e) The County Court at Law No. 2 of Denton County has jurisdiction:

(1) over all civil causes and proceedings, original and appellate, prescribed by law for county courts; and

(2) regardless of the amount in controversy sought, over:

(A) eminent domain cases as provided by Section 21.001, Property Code, for statutory county courts; and

(B) direct and inverse condemnation cases.

(d) The Probate Court Number 2 of Denton County is created on January 1, 2022.

SECTION 2.05. (a) Effective October 1, 2022, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1331 and 25.1332 to read as follows:

Sec. 25.1331. KENDALL COUNTY. Kendall County has one statutory county court, the County Court at Law of Kendall County.

Sec. 25.1332. KENDALL COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Kendall County has:

(1) concurrent jurisdiction with the district court in state jail, third degree, and second degree felony cases on assignment from a district judge presiding in Kendall County and acceptance of the assignment by the judge of the county court at law to:

(A) conduct arraignments;

(B) conduct pretrial hearings;

(C) accept guilty pleas and conduct sentencing;

(D) conduct jury trials and nonjury trials;

(E) conduct probation revocation hearings;

(F) conduct post-trial proceedings; and

(G) conduct family law cases and proceedings; and

(2) jurisdiction in:

(A) Class A and Class B misdemeanor cases;

(B) probate proceedings;

(C) disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;

(D) eminent domain; and

(E) appeals from the justice and municipal courts.

(b) A judge of a county court at law shall be paid a total annual salary set by the commissioners court in an amount that is not less than \$1,000 less than the annual salary received by a district judge with equivalent years of service as a judge, as provided under Section 25.0005, to be paid out of the county treasury by the commissioners court.

(c) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court, and the county clerk serves as clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(d) The official court reporter of a county court at law is entitled to receive the same compensation and to be paid in the same manner as the court reporters of the district court in Kendall County.

(b) The County Court at Law of Kendall County is created on October 1, 2022.

SECTION 2.06. (a) Section 25.1571, Government Code, is amended to read as follows:

Sec. 25.1571. MCLENNAN COUNTY. McLennan County has the following statutory county courts:

- (1) County Court at Law of McLennan County; ~~and~~
- (2) County Court at Law No. 2 of McLennan County; and
- (3) County Court at Law No. 3 of McLennan County.

(b) Section 25.1572, Government Code, is amended by amending Subsections (a), (d), and (i) and adding Subsections (b), (c), and (e) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law and except as limited by Subsection (b), a county court at law in McLennan County has jurisdiction in third degree felony cases and jurisdiction to conduct arraignments, conduct pretrial hearings, accept guilty pleas, and conduct probation revocation hearings in felony cases.

(b) On request of a district judge presiding in McLennan County, the regional presiding judge may assign a judge of a county court at law in McLennan County to the requesting judge's court under Chapter 74. A county court at law judge assigned to a district court may hear any matter pending in the requesting judge's court.

(c) A county court at law does not have jurisdiction in:

(1) suits on behalf of the state to recover penalties or escheated property;

(2) misdemeanors involving official misconduct; or

(3) contested elections.

(d) A judge of a county court at law shall be paid an annual base salary set by the commissioners court in an amount not less than \$1,000 less than the annual base salary the state pays to a district judge as set by the General Appropriations Act in accordance with Section 659.012 with equivalent years of service as the judge ~~[of not more than \$20,000]~~. A county court at law judge's

and a district judge's annual base salaries do not include contributions and supplements paid by the county [~~Each judge receives the same amount as salary. The salary shall be paid out of the county treasury by the commissioners court.~~].

(e) The district clerk serves as clerk of a county court at law in matters of concurrent jurisdiction with the district court. The county clerk serves as the clerk of a county court at law in all other matters. Each clerk shall establish a separate docket for a county court at law.

(i) The official court reporter of a county court at law is entitled to receive a salary set by the judge of a county court at law with the approval of the commissioners court [~~the same compensation and to be paid in the same manner as the court reporters of the district courts in McLennan County.~~].

(c) The County Court at Law No. 3 of McLennan County is created on the effective date of this Act.

SECTION 2.07. (a) Section 25.1721, Government Code, is amended to read as follows:

Sec. 25.1721. MONTGOMERY COUNTY. Montgomery County has the following statutory county courts:

- (1) County Court at Law No. 1 of Montgomery County;
- (2) County Court at Law No. 2 of Montgomery County;
- (3) County Court at Law No. 3 of Montgomery County;
- (4) County Court at Law No. 4 of Montgomery County; [~~and~~]
- (5) County Court at Law No. 5 of Montgomery County; and
- (6) County Court at Law No. 6 of Montgomery County.

(b) The County Court at Law No. 6 of Montgomery County is created on the effective date of this Act.

SECTION 2.08. Sections 25.1972(a) and (b), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, and except as limited by Subsection (b), a county court at law in Reeves County has:

- (1) concurrent jurisdiction with the district court:
 - (A) in disputes ancillary to probate, eminent domain, condemnation, or landlord and tenant matters relating to the adjudication and determination of land titles and trusts, whether testamentary, inter vivos, constructive, resulting, or any other class or type of trust, regardless of the amount in controversy or the remedy sought;
 - (B) over civil forfeitures, including surety bond forfeitures without minimum or maximum limitation as to the amount in controversy or remedy sought;
 - (C) in all actions by or against a personal representative, in all actions involving an inter vivos trust, in all actions involving a charitable trust, and in all actions involving a testamentary trust, whether the matter is appertaining to or incident to an estate;
 - (D) in proceedings under Title 3, Family Code; and

(E) in family law cases and proceedings ~~[any proceeding involving an order relating to a child in the possession or custody of the Department of Family and Protective Services or for whom the court has appointed a temporary or permanent managing conservator];~~

(2) jurisdiction in mental health matters, original or appellate, provided by law for constitutional county courts, statutory county courts, or district courts with mental health jurisdiction, including proceedings under:

(A) Chapter 462, Health and Safety Code; and

(B) Subtitles C and D, Title 7, Health and Safety Code;

(3) jurisdiction over the collection and management of estates of minors, persons with a mental illness or intellectual disability, and deceased persons; and

(4) jurisdiction in all cases assigned, transferred, or heard under Sections 74.054, 74.059, and 74.094.

(b) A county court at law does not have jurisdiction of:

(1) felony cases, except as otherwise provided by law;

(2) misdemeanors involving official misconduct unless assigned under Sections 74.054 and 74.059; or

(3) contested elections~~[- or~~

~~[(4) except as provided by Subsections (a)(1)(D) and (E), family law cases].~~

SECTION 2.09. (a) Effective January 1, 2023, Section 25.2071(a), Government Code, is amended to read as follows:

(a) San Patricio County has the following ~~[one]~~ statutory county courts:

(1) ~~[court,] the County Court at Law of San Patricio County; and~~

(2) the County Court at Law No. 2 of San Patricio County.

(b) Effective January 1, 2023, Section 25.2072, Government Code, is amended by amending Subsections (a), (d), and (m) and adding Subsections (g-1) and (g-2) to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in San Patricio County has concurrent jurisdiction with the district court except that a county court at law does not have jurisdiction of:

(1) felony criminal matters; and

(2) civil cases in which the matter in controversy exceeds the maximum amount provided by Section 25.0003 ~~[in matters involving the juvenile and child welfare law of this state].~~

(d) ~~[The judge of a county court at law shall be paid an annual salary in an amount of not less than \$43,000.]~~ The judge of a county court at law is entitled to receive travel and necessary office expenses, including administrative and clerical assistance.

(g-1) The county clerk serves as clerk of a county court at law except in family law cases. In family law cases, including juvenile and child welfare cases, the district clerk serves as clerk of a county court at law. The district clerk shall establish a separate family law docket for each county court at law.

(g-2) The commissioners court shall provide the deputy clerks, bailiffs, and other personnel necessary to operate the county courts at law.

(m) The judge of the county court and the judges [judge] of the [a] county courts [court] at law may agree on a plan governing the filing, numbering, and docketing of cases within the concurrent jurisdiction of their courts and the assignment of those cases for trial. The plan may provide for the centralized institution and filing of all such cases with one court, clerk, or coordinator designated by the plan and for the systemized assignment of those cases to the courts participating in the plan, and the provisions of the plan for the centralized filing and assignment of cases shall control notwithstanding any other provisions of this section. If the judges of the county court and the county courts [court] at law are unable to agree on a filing, docketing, and assignment of cases plan, a board of judges composed of the district judges and the county court at law judges for San Patricio County [the presiding judge of the 36th Judicial District] shall design a plan for the [both] courts.

(c) The County Court at Law No. 2 of San Patricio County is created January 1, 2023.

SECTION 2.10. Effective January 1, 2023, Section 25.2223(1), Government Code, is amended to read as follows:

(l) The County Criminal Court No. 5 of Tarrant County and the County Criminal Court No. 6 of Tarrant County shall give preference to cases brought under Title 5, Penal Code, involving family violence as defined by Section 71.004, Family Code, and cases brought under Sections 25.07, 25.072, and 42.072, Penal Code.

SECTION 2.11. (a) Effective October 1, 2022, Section 25.2481, Government Code, is amended to read as follows:

Sec. 25.2481. WILLIAMSON COUNTY. Williamson County has the following statutory county courts:

- (1) County Court at Law No. 1 of Williamson County;
- (2) County Court at Law No. 2 of Williamson County;
- (3) County Court at Law No. 3 of Williamson County; [and]
- (4) County Court at Law No. 4 of Williamson County; and
- (5) County Court at Law No. 5 of Williamson County.

(b) The County Court at Law No. 5 of Williamson County is created on October 1, 2022.

SECTION 2.12. (a) Sections 26.006(a) and (b), Government Code, are amended to read as follows:

(a) A county judge is entitled to an annual salary supplement from the state in an amount equal to 18 percent of the state base salary paid to a district judge as set by the General Appropriations Act in accordance with Section 659.012(a) if at least 18 [40] percent of the:

- (1) functions that the judge performs are judicial functions; or
- (2) total hours that the judge works are in the performance of judicial

functions.

(b) To receive a supplement under Subsection (a), a county judge must file with the comptroller's judiciary section an affidavit stating that at least 18 [40] percent of the:

- (1) functions that the judge performs are judicial functions; or

(2) total hours that the judge works are in the performance of judicial functions.

(b) The changes in law made by this section take effect on the effective date of this Act and apply only to a salary payment for a pay period beginning on or after that date. A salary payment for a pay period beginning before the effective date of this Act is governed by the law in effect on the date the pay period began, and that law is continued in effect for that purpose.

ARTICLE 3. JUSTICE AND MUNICIPAL COURTS

SECTION 3.01. Article 4.14(g), Code of Criminal Procedure, is amended to read as follows:

(g) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b); and

(2) cases that arise under Section 821.022, Health and Safety Code.

SECTION 3.02. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0241 to read as follows:

Art. 45.0241. ACCEPTANCE OF DEFENDANT'S PLEA. A justice or judge may not accept a plea of guilty or plea of nolo contendere from a defendant in open court unless it appears to the justice or judge that the defendant is mentally competent and the plea is free and voluntary.

SECTION 3.03. Article 103.003, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) The clerk of a municipal court may collect money payable to the municipal court under this title.

SECTION 3.04. Article 103.0081, Code of Criminal Procedure, is amended to read as follows:

Art. 103.0081. UNCOLLECTIBLE FINES AND FEES. (a) Any officer authorized by this chapter to collect a fine, fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes:

(1) the defendant is deceased;

(2) the defendant is serving a sentence for imprisonment for life or life without parole; or

(3) the fine, fee, or item of cost has been unpaid for at least 15 years.

(b) On a finding by a court that any condition described by Subsections (a)(1)-(3) is true, the court may order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record. The officer shall attach a copy of the court's order to the fee record.

SECTION 3.05. Section 29.003(i), Government Code, is amended to read as follows:

(i) A municipality may enter into an agreement with a contiguous municipality or a municipality with boundaries that are within one-half mile of the municipality seeking to enter into the agreement to establish concurrent jurisdiction of the municipal courts in the municipalities and provide original jurisdiction to a municipal court in which a case is brought as if the municipal court were located in the municipality in which the case arose, for:

(1) all cases in which either municipality has jurisdiction under Subsection (a) or (b); and

(2) cases that arise under Section 821.022, Health and Safety Code, or Section 65.003(a), Family Code.

SECTION 3.06. Section 292.001(d), Local Government Code, is amended to read as follows:

(d) A justice of the peace court may not be housed or conducted in a building located outside the court's precinct except as provided by Section 27.051(f) or 27.0515, Government Code, or unless the justice of the peace court is situated in the county courthouse in a county with a population of at least 305,000 [~~275,000~~] persons and the county seat of which is located in the Llano Estacado region of this state [~~but no more than 285,000 persons~~].

ARTICLE 4. JUVENILE JUSTICE AND FAMILY COURTS

SECTION 4.01. Subchapter H, Chapter 6, Family Code, is amended by adding Section 6.712 to read as follows:

Sec. 6.712. DATE OF MARRIAGE REQUIREMENT IN FINAL DECREE. (a) In a suit for dissolution of a marriage in which the court grants a divorce, the court shall state the date of the marriage in the decree of divorce.

(b) This section does not apply to a suit for dissolution of a marriage described by Section 2.401(a)(2).

SECTION 4.02. Section 51.02, Family Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Dual status child" means a child who has been referred to the juvenile justice system and is:

(A) in the temporary or permanent managing conservatorship of the Department of Family and Protective Services;

(B) the subject of a case for which family-based safety services have been offered or provided by the department;

(C) an alleged victim of abuse or neglect in an open child protective investigation; or

(D) a victim in a case in which, after an investigation, the department concluded there was reason to believe the child was abused or neglected.

SECTION 4.03. Section 51.04(h), Family Code, is amended to read as follows:

(h) A judge exercising jurisdiction over a child in a suit instituted under Subtitle E, Title 5, may refer any aspect of a suit involving a dual status [~~the~~] child that is instituted under this title to the appropriate associate judge appointed under Subchapter C, Chapter 201, serving in the county and exercising jurisdiction over the child under Subtitle E, Title 5, if the associate judge consents

to the referral. The scope of an associate judge's authority over a suit referred under this subsection is subject to any limitations placed by the court judge in the order of referral.

SECTION 4.04. Section 51.0414(a), Family Code, is amended to read as follows:

(a) The juvenile court may transfer a dual status child's case, including transcripts of records and documents for the case, to a district or statutory county court located in another county that is exercising jurisdiction over the child in a suit instituted under Subtitle E, Title 5. A case may only be transferred under this section with the consent of the judge of the court to which the case is being transferred.

SECTION 4.05. Sections 107.004(d) and (e), Family Code, are amended to read as follows:

(d) Except as provided by Subsection (e), an attorney ad litem appointed for a child in a proceeding under Chapter 262, ~~[or] 263, or 264~~ shall:

(1) meet before each court hearing with:

(A) the child, if the child is at least four years of age; or

(B) the individual with whom the child ordinarily resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age; and

(2) report to the court whether ~~[if the child or individual is not present at the court hearing, file a written statement with the court indicating that]~~ the attorney ad litem:

(A) complied with Subdivision (1); or

(B) requests that the court find good cause for noncompliance because compliance was not feasible or in the best interest of the child under Subsection (e).

(e) An attorney ad litem appointed for a child in a proceeding under Chapter 262, ~~[or] 263, or 264~~ is not required to comply with Subsection (d) before a hearing if the court finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance with that subsection is not feasible or in the best interest of the child. Additionally, a court may, on a showing of good cause, authorize an attorney ad litem to comply with Subsection (d) by conferring with the child or other individual, as appropriate, by telephone or video conference.

SECTION 4.06. The change in law made by Section 6.712, Family Code, as added by this article, applies only to a suit for dissolution of a marriage filed on or after the effective date of this Act. A suit for dissolution of a marriage filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

ARTICLE 5. MAGISTRATES AND MAGISTRATE COURTS

SECTION 5.01. Article 4.01, Code of Criminal Procedure, is amended to read as follows:

Art. 4.01. WHAT COURTS HAVE CRIMINAL JURISDICTION. The following courts have jurisdiction in criminal actions:

1. The Court of Criminal Appeals;

2. Courts of appeals;
3. The district courts;
4. The criminal district courts;
5. The magistrates appointed by the judges of the district courts of Bexar County, Dallas County, Tarrant County, or Travis County that give preference to criminal cases and the magistrates appointed by the judges of the criminal district courts of Dallas County or Tarrant County;
6. The county courts;
7. All county courts at law with criminal jurisdiction;
8. County criminal courts;
9. Justice courts;
10. Municipal courts;
11. The magistrates appointed by the judges of the district courts of Lubbock County; ~~and~~
12. The magistrates appointed by the El Paso Council of Judges;
13. The magistrates appointed by the Collin County Commissioners Court;
14. The magistrates appointed by the Brazoria County Commissioners Court or the local administrative judge for Brazoria County; and
15. The magistrates appointed by the judges of the district courts of Tom Green County.

SECTION 5.02. Section 54.1502, Government Code, is amended to read as follows:

Sec. 54.1502. JURISDICTION. A magistrate has concurrent criminal jurisdiction with:

- (1) the judges of the justice of the peace courts of Burnet County; and
- (2) a municipal court in Burnet County, if approved by a memorandum of understanding between the municipality and Burnet County.

SECTION 5.03. Chapter 54, Government Code, is amended by adding Subchapter PP to read as follows:

SUBCHAPTER PP. BRAZORIA COUNTY CRIMINAL LAW MAGISTRATE COURT

Sec. 54.2501. CREATION. The Brazoria County Criminal Law Magistrate Court is a court with the jurisdiction provided by this subchapter.

Sec. 54.2502. APPOINTMENT. (a) On recommendation from the local administrative judge, the commissioners court of Brazoria County may appoint one or more full- or part-time judges to preside over the criminal law magistrate court for the term determined by the commissioners court. The local administrative judge shall appoint one or more full- or part-time judges to preside over the criminal law magistrate court if the commissioners court is prohibited by law from appointing a judge.

(b) To be eligible for appointment as a judge of the criminal law magistrate court, a person must meet all the requirements and qualifications to serve as a district court judge.

(c) A judge of the criminal law magistrate court is entitled to the salary set by the commissioners court. The salary may not be less than the annual base salary paid to a district judge under Chapter 659.

(d) A judge appointed under this section serves at the pleasure of the commissioners court or the local administrative judge, as applicable.

Sec. 54.2503. JURISDICTION. (a) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for county courts at law. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a misdemeanor offense, other than a Class C misdemeanor, on the merits if a jury trial is demanded; or

(2) hear a trial of a misdemeanor, other than a Class C misdemeanor, on the merits if a defendant pleads not guilty.

(b) The criminal law magistrate court has the jurisdiction provided by the constitution and laws of this state for magistrates. A judge of the criminal law magistrate court is a magistrate as that term is defined by Article 2.09, Code of Criminal Procedure.

(c) Except as provided by this subsection, the criminal law magistrate court has the criminal jurisdiction provided by the constitution and laws of this state for a district court. The criminal law magistrate court does not have jurisdiction to:

(1) hear a trial of a felony offense on the merits if a jury trial is demanded;

(2) hear a trial of a felony offense on the merits if a defendant pleads not guilty;

(3) sentence in a felony case unless the judge in whose court the case is pending assigned the case to the criminal law magistrate court for a guilty plea and sentence; or

(4) hear any part of a capital murder case after indictment.

(d) A criminal law magistrate court may not issue writs of habeas corpus in felony cases but may hear and grant relief on a writ of habeas corpus issued by a district court and assigned by the district court to the criminal law magistrate court.

(e) A felony or misdemeanor indictment or information may not be filed in or transferred to the criminal law magistrate court.

(f) A judge of the criminal law magistrate court shall exercise jurisdiction granted by this subchapter over felony and misdemeanor indictments and informations only as judge presiding for the court in which the indictment or information is pending and under the limitations set out in the assignment order by the assigning court or as provided by local administrative rules.

(g) The criminal law magistrate court has concurrent criminal jurisdiction with the justice courts located in Brazoria County.

Sec. 54.2504. POWERS AND DUTIES. (a) The criminal law magistrate court or a judge of the criminal law magistrate court may issue writs of injunction and all other writs necessary for the enforcement of the jurisdiction of the court and may issue misdemeanor writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court or of any other court of inferior

jurisdiction in the county. The court and the judge may punish for contempt as provided by law for district courts. A judge of the criminal law magistrate court has all other powers, duties, immunities, and privileges provided by law for:

(1) justices of the peace when acting in a Class C misdemeanor case;
(2) county court at law judges when acting in a Class A or Class B misdemeanor case; and

(3) district court judges when acting in a felony case.

(b) A judge of the criminal law magistrate court may hold an indigency hearing and a capias pro fine hearing. When acting as the judge who issued the capias pro fine, a judge of the criminal law magistrate court may make all findings of fact and conclusions of law required of the judge who issued the capias pro fine. In conducting a hearing under this subsection, the judge of the criminal law magistrate court is empowered to make all findings of fact and conclusions of law and to issue all orders necessary to properly dispose of the capias pro fine or indigency hearing in accordance with the provisions of the Code of Criminal Procedure applicable to a misdemeanor or felony case of the same type and level.

(c) A judge of the magistrate court may accept a plea of guilty or nolo contendere from a defendant charged with a misdemeanor or felony offense.

Sec. 54.2505. TRANSFER AND ASSIGNMENT OF CASES. (a) Except as provided by Subsection (b) or local administrative rules, the local administrative judge or a judge of the criminal law magistrate court may transfer between courts a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an unindicted felony case;
(2) a Class A or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor case.

(b) A case may not be transferred from or to the magistrate docket of a district court judge, county court at law judge, or justice of the peace without the consent of the judge of the court to which it is transferred.

(c) Except as provided by Subsection (d) or local administrative rules, the local administrative judge may assign a judge of the criminal law magistrate court to act as presiding judge in a case that is pending in the court of any magistrate in the criminal law magistrate court's jurisdiction if the case is:

(1) an unindicted felony case;
(2) a Class A or Class B misdemeanor case if an information has not been filed; or

(3) a Class C misdemeanor case.

(d) A case may not be assigned to a district court judge, county court at law judge, or justice of the peace without the assigned judge's consent.

(e) This section applies only to the district courts, county courts at law, and justice courts in the county.

Sec. 54.2506. PROCEEDING THAT MAY BE REFERRED. A district judge, county court at law judge, or justice of the peace may refer to a judge of the criminal law magistrate court any criminal case or matter relating to a criminal case for any proceeding other than presiding over a criminal trial on the merits, whether or not the trial is before a jury.

Sec. 54.2507. OATH OF OFFICE. A judge of the criminal law magistrate court must take the constitutional oath of office prescribed for appointed officers.

Sec. 54.2508. JUDICIAL IMMUNITY. A judge of the criminal law magistrate court has the same judicial immunity as a district judge.

Sec. 54.2509. CLERK. The clerk of a district court or county court at law that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

Sec. 54.2510. SHERIFF. The county sheriff, either in person or by deputy, shall attend the criminal law magistrate court as required by the judge of that court.

Sec. 54.2511. WITNESSES. (a) A witness who is sworn and who appears before a magistrate is subject to the penalties for perjury and aggravated perjury provided by law.

(b) A referring court may fine or imprison a witness or other court participant for failure to appear after being summoned, refusal to answer questions, or other acts of direct contempt before a magistrate.

SECTION 5.04. Chapter 54, Government Code, is amended by adding Subchapter QQ to read as follows:

SUBCHAPTER QQ. CRIMINAL LAW MAGISTRATES IN TOM GREEN COUNTY

Sec. 54.2601. APPOINTMENT. (a) The judges of the district courts of Tom Green County, with the consent and approval of the commissioners court of Tom Green County, shall jointly appoint the number of magistrates set by the commissioners court to perform the duties authorized by this subchapter.

(b) Each magistrate's appointment must be made with the approval of at least two-thirds of all the judges described in Subsection (a).

(c) If the number of magistrates is less than the number of district judges, each magistrate shall serve equally in the courts of those judges.

Sec. 54.2602. QUALIFICATIONS. To be eligible for appointment as a magistrate, a person must:

(1) be a resident of this state; and

(2) have been licensed to practice law in this state for at least four years.

Sec. 54.2603. COMPENSATION. (a) A full-time magistrate is entitled to the salary determined by the commissioners court of Tom Green County. The salary may not be less than an amount equal to the salary, supplements, and allowances paid to a justice of the peace of Tom Green County as set by the annual budget of Tom Green County.

(b) A magistrate's salary is paid from the county fund available for payment of officers' salaries.

(c) The salary of a part-time magistrate is equal to the per-hour salary of a full-time magistrate. The per-hour salary is determined by dividing the annual salary by a 2,080 work-hour year. The judges of the courts trying criminal cases in Tom Green County shall approve the number of hours for which a part-time magistrate is to be paid.

Sec. 54.2604. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.2605. TERMINATION OF SERVICES. (a) A magistrate who serves a single court serves at the will of the judge.

(b) The services of a magistrate who serves more than one court may be terminated by a majority vote of all the judges whom the magistrate serves.

Sec. 54.2606. PROCEEDING THAT MAY BE REFERRED. (a) A judge may refer to a magistrate any criminal case or matter relating to a criminal case for proceedings involving:

(1) a negotiated plea of guilty or no contest and sentencing before the court;

(2) a bond forfeiture, remittitur, and related proceedings;

(3) a pretrial motion;

(4) a writ of habeas corpus;

(5) an examining trial;

(6) an occupational driver's license;

(7) a petition for an order of expunction under Chapter 55, Code of Criminal Procedure;

(8) an asset forfeiture hearing as provided by Chapter 59, Code of Criminal Procedure;

(9) a petition for an order of nondisclosure of criminal history record information or an order of nondisclosure of criminal history record information that does not require a petition provided by Subchapter E-1, Chapter 411;

(10) a motion to modify or revoke community supervision or to proceed with an adjudication of guilty;

(11) setting conditions, modifying, revoking, and surrendering of bonds, including surety bonds;

(12) specialty court proceedings;

(13) a waiver of extradition; and

(14) any other matter the judge considers necessary and proper.

(b) A judge may refer to a magistrate a civil case arising out of Chapter 59, Code of Criminal Procedure, for any purpose authorized by that chapter, including issuing orders, accepting agreed judgments, enforcing judgments, and presiding over a case on the merits if a party has not requested a jury trial.

(c) A magistrate may accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses.

(d) A magistrate may select a jury. A magistrate may not preside over a criminal trial on the merits, whether or not the trial is before a jury.

(e) A magistrate may not hear a jury trial on the merits of a bond forfeiture.

(f) A judge of a designated juvenile court may refer to a magistrate any proceeding over which a juvenile court has exclusive original jurisdiction under Title 3, Family Code, including any matter ancillary to the proceeding.

Sec. 54.2607. ORDER OF REFERRAL. (a) To refer one or more cases to a magistrate, a judge must issue an order of referral specifying the magistrate's duties.

(b) An order of referral may:

(1) limit the powers of the magistrate and direct the magistrate to report only on specific issues, perform particular acts, or only receive and report on evidence;

(2) set the time and place for the hearing;

(3) prescribe a closing date for the hearing;

(4) provide a date for filing the magistrate's findings;

(5) designate proceedings for more than one case over which the magistrate shall preside;

(6) direct the magistrate to call the court's docket; and

(7) provide the general powers and limitations of authority of the magistrate applicable to any case referred.

Sec. 54.2608. POWERS. (a) Except as limited by an order of referral, a magistrate to whom a case is referred may:

(1) conduct hearings;

(2) hear evidence;

(3) compel production of relevant evidence;

(4) rule on admissibility of evidence;

(5) issue summons for the appearance of witnesses;

(6) examine witnesses;

(7) swear witnesses for hearings;

(8) make findings of fact on evidence;

(9) formulate conclusions of law;

(10) rule on a pretrial motion;

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) accept a plea of guilty from a defendant charged with misdemeanor, felony, or both misdemeanor and felony offenses;

(14) select a jury;

(15) accept a negotiated plea on probation revocation;

(16) conduct a contested probation revocation hearing;

(17) sign a dismissal in a misdemeanor case;

(18) in any case referred under Section 54.656(a)(1), accept a negotiated plea of guilty or no contest and:

(A) enter a finding of guilty and impose or suspend the sentence; or

(B) defer adjudication of guilty; and

(19) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the order of referral.

(b) A magistrate may sign a motion to dismiss submitted by an attorney representing the state on cases referred to the magistrate, or on dockets called by the magistrate, and may consider adjudicated cases at sentencing under Section 12.45, Penal Code.

(c) A magistrate has all the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

Sec. 54.2609. COURT REPORTER. At the request of a party in a felony case, the court shall provide a court reporter to record the proceedings before the magistrate.

Sec. 54.2610. WITNESS. (a) A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54.2611. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, a magistrate shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54.2612. JUDICIAL ACTION. (a) A referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate.

(b) If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.

(c) At the conclusion of each term during which the services of a magistrate are used, the referring court shall enter a decree on the minutes adopting the actions of the magistrate of which the court approves.

Sec. 54.2613. MAGISTRATE. (a) If a magistrate appointed under this subchapter is absent or unable to serve, the judge referring the case may appoint another magistrate to serve for the absent magistrate.

(b) A magistrate serving for another magistrate under this section has the powers and shall perform the duties of the magistrate for whom the magistrate is serving.

Sec. 54.2614. CLERK. The clerk of a district court that refers a proceeding to a magistrate under this subchapter shall perform the statutory duties necessary for the magistrate to perform the duties authorized by this subchapter.

SECTION 5.05. Section 54.653(b), Government Code, is repealed.

ARTICLE 6. ELECTRONIC FILING SYSTEM

SECTION 6.01. Section 72.031(a), Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "State court document database" means a database accessible by the public and established or authorized by the supreme court for storing documents filed with a court in this state.

SECTION 6.02. Section 72.031(b), Government Code, is amended to read as follows:

(b) The office as authorized by supreme court rule or order may:

(1) implement an electronic filing system for use in the courts of this state;

(2) allow public access to view information or documents in the state court document database; and

(3) charge a reasonable fee for additional optional features in the state court document database.

ARTICLE 7. TRANSFER OF CASES

SECTION 7.01. Section 155.207, Family Code, is amended to read as follows:

Sec. 155.207. TRANSFER OF COURT FILES. (a) Not later than the 10th working day after the date an order of transfer is signed, the clerk of the court transferring a proceeding shall send, using the electronic filing system established under Section 72.031, Government Code, to the proper court in the county to which transfer is being made:

(1) a transfer certificate and index of transferred documents [the pleadings in the pending proceeding and any other document specifically requested by a party];

(2) certified copies of all entries in the minutes;

~~(3)~~ a [certified] copy of each final order;

(3) ~~and~~

~~(4)~~ a [certified] copy of the order of transfer signed by the transferring court;

(4) a copy of the original papers filed in the transferring court;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any costs that have accrued in the transferring court.

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037, Government Code, when transferring a proceeding under this section.

(b) The clerk of the transferring court shall keep a copy of [the] transferred pleadings [and other requested documents. If the transferring court retains jurisdiction of another child who was the subject of the suit, the clerk shall send a copy of the pleadings and other requested documents to the court to which the transfer is made and shall keep the original pleadings and other requested documents].

(c) The [On receipt of the pleadings, documents, and orders from the transferring court, the] clerk of the transferee court shall:

(1) accept documents transferred under Subsection (a);

(2) docket the suit; and

(3) [shall] notify, using the electronic filing system established under Section 72.031, Government Code [the judge of the transferee court], all parties, the clerk of the transferring court, and, if appropriate, the transferring court's local registry that the suit has been docketed.

(c-1) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(d) The clerk of the transferring court shall send a certified copy of the order directing payments to the transferee court:

(1) [s] to any party [or employer] affected by the [that] order, and, if appropriate, to the local registry of the transferee court using the electronic filing system established under Section 72.031, Government Code; and

(2) to an employer affected by the order electronically or by first class mail.

(e) The clerks of both the transferee and transferring courts may each produce under Chapter 51, Government Code, certified or uncertified copies of documents filed in a case transferred under this section, but shall also include a copy of the transfer certificate and index of transferred documents with each document produced.

(f) Sections 80.001 and 80.002, Government Code, do not apply to the transfer of documents under this section.

SECTION 7.02. Section 51.3071, Government Code, is amended to read as follows:

Sec. 51.3071. TRANSFER OF CASES. (a) If a case is transferred from a district court to a county court, the clerk of the district court shall [may] send to the county clerk using the electronic filing system established under Section 72.031 [in electronic or paper form]:

(1) a transfer certificate and index of transferred documents [certified transcript of the proceedings held in the district court];

(2) a copy of the original papers filed in the transferring [district] court;
[and]

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any [the] costs that have accrued in the transferring [district] court.

(b) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(c) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(d) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (c), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(e) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.03. Section 51.403, Government Code, is amended to read as follows:

Sec. 51.403. TRANSFER OF CASES. (a) If a case is transferred from a county court to a district court, the clerk of the county court shall send to the district clerk using the electronic filing system established under Section 72.031 ~~[in electronic or paper form]~~:

(1) a transfer certificate and index of transferred documents ~~[certified transcript of the proceedings held in the county court]~~;

(2) a copy of the original papers filed in the transferring ~~[county]~~ court; ~~[and]~~

(3) a copy of the order of transfer signed by the transferring court;

(4) a copy of each final order;

(5) a copy of the transfer certificate and index of transferred documents from each previous transfer; and

(6) a bill of any ~~[the]~~ costs that have accrued in the transferring ~~[county]~~ court.

(a-1) The clerk of the transferring court shall use the standardized transfer certificate and index of transferred documents form created by the Office of Court Administration of the Texas Judicial System under Section 72.037 when transferring a case under this section.

(a-2) The clerk of the transferee court shall accept documents transferred under Subsection (a) and docket the case.

(a-3) The clerk of the transferee court shall physically or electronically mark or stamp the transfer certificate and index of transferred documents to evidence the date and time of acceptance under Subsection (a-2), but may not physically or electronically mark or stamp any other document transferred under Subsection (a).

(b) If civil or criminal jurisdiction of a county court is transferred to a district court, the clerk of the county court shall send using the electronic filing system established under Section 72.031 a certified copy of the judgments rendered in the county court that remain unsatisfied ~~[, in electronic or paper form,]~~ to the district clerks of the appropriate counties.

(c) Sections 80.001 and 80.002 do not apply to the transfer of documents under this section.

SECTION 7.04. Subchapter C, Chapter 72, Government Code, is amended by adding Section 72.037 to read as follows:

Sec. 72.037. TRANSFER CERTIFICATE AND INDEX OF TRANSFERRED DOCUMENTS FORM. (a) The office shall develop and make available a standardized transfer certificate and an index of transferred documents form to be used for the transfer of cases and proceedings under Section 155.207, Family Code, and Sections 51.3071 and 51.403 of this code.

(b) In developing a form under this section, the office shall consult with representatives of county and district clerks.

SECTION 7.05. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall adopt rules and develop and make available all forms and materials required by Section 72.037, Government Code, as added by this Act.

ARTICLE 8. HABEAS CORPUS

SECTION 8.01. Section 3(b), Article 11.07, Code of Criminal Procedure, is amended to read as follows:

(b) An application for writ of habeas corpus filed after final conviction in a felony case, other than a case in which the death penalty is imposed, must be filed with the clerk of the court in which the conviction being challenged was obtained, and the clerk shall assign the application to that court. When the application is received by that court, a writ of habeas corpus, returnable to the Court of Criminal Appeals, shall issue by operation of law. The clerk of that court shall make appropriate notation thereof, assign to the case a file number (ancillary to that of the conviction being challenged), and forward a copy of the application by certified mail, return receipt requested, by secure electronic mail, or by personal service to the attorney representing the state in that court, who shall answer the application not later than the 30th [~~15th~~] day after the date the copy of the application is received. Matters alleged in the application not admitted by the state are deemed denied.

SECTION 8.02. Section 5(a), Article 11.072, Code of Criminal Procedure, is amended to read as follows:

(a) Immediately on filing an application, the applicant shall serve a copy of the application on the attorney representing the state~~;~~ by:

(1) [~~either~~] certified mail, return receipt requested;

(2) [~~or~~] personal service;

(3) electronic service through the electronic filing manager authorized by Rule 21, Texas Rules of Civil Procedure; or

(4) a secure electronic transmission to the attorney's e-mail address filed with the electronic filing system as required under Section 80.003, Government Code.

SECTION 8.03. Section 3(b), Article 11.07, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 8.04. Section 5(a), Article 11.072, Code of Criminal Procedure, as amended by this Act, applies only to an application for a writ of habeas corpus filed on or after the effective date of this Act. An application filed before the effective date of this Act is governed by the law in effect when the application was filed, and the former law is continued in effect for that purpose.

ARTICLE 9. PUBLICATION OF CITATION FOR RECEIVERSHIP

SECTION 9.01. Section 64.101(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) Except as provided by Section 17.032, the [The] citation shall be published on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (SB 891), Acts of the 86th Legislature, Regular Session, 2019, and in a newspaper of general circulation:

- (1) once in the county in which the missing person resides; and
- (2) once in each county in which property of the missing person's estate is located.

SECTION 9.02. Section 51.103(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

- (1) if the service is made by a sheriff or constable, the return of service;
- (2) if the service is made by a private person, the person's affidavit;
- (3) if the service is made by mail:
 - (A) the certificate of the county clerk making the service, or the affidavit of the personal representative or other person making the service, stating that the citation or notice was mailed and the date of the mailing; and
 - (B) the return receipt attached to the certificate or affidavit, as applicable, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

- (A) a statement [~~an affidavit~~]:
 - (i) made by the Office of Court Administration of the Texas Judicial System or an employee of the office;
 - (ii) that contains or to which is attached a copy of the published citation or notice; and
 - (iii) that states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (SB 891), Acts of the 86th Legislature, Regular Session, 2019; and

(B) an affidavit:

- (i) made by the publisher of the newspaper in which the citation or notice was published or an employee of the publisher;
- (ii) that contains or to which is attached a copy of the published citation or notice; and
- (iii) that states the date of publication printed on the newspaper in which the citation or notice was published.

SECTION 9.03. Section 1051.153(b), Estates Code, is amended to read as follows:

(b) Proof of service consists of:

- (1) if the service is made by a sheriff or constable, the return of service;
- (2) if the service is made by a private person, the person's affidavit;
- (3) if the service is made by mail:
 - (A) the certificate of the county clerk making the service, or the affidavit of the guardian or other person making the service that states that the citation or notice was mailed and the date of the mailing; and

(B) the return receipt attached to the certificate, if the mailing was by registered or certified mail and a receipt has been returned; and

(4) if the service is made by publication:

(A) a statement ~~[an affidavit]~~ that:

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

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

(iii) states the date of publication on the public information Internet website maintained as required by Section 72.034, Government Code, as added by Chapter 606 (**SB 891**), Acts of the 86th Legislature, Regular Session, 2019; and

(B) an affidavit that:

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

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

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

ARTICLE 10. EVIDENCE

SECTION 10.01. Section 2, Article 38.01, Code of Criminal Procedure, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Forensic examination or test not subject to accreditation" means an examination or test described by Article 38.35(a)(4)(A), (B), (C), or (D) that is exempt from accreditation.

SECTION 10.02. Article 38.01, Code of Criminal Procedure, is amended by adding Section 3-b to read as follows:

Sec. 3-b. CODE OF PROFESSIONAL RESPONSIBILITY. (a) The commission shall adopt a code of professional responsibility to regulate the conduct of persons, laboratories, facilities, and other entities regulated under this article.

(b) The commission shall publish the code of professional responsibility adopted under Subsection (a).

(c) The commission shall adopt rules establishing sanctions for code violations.

(d) The commission shall update the code of professional responsibility as necessary to reflect changes in science, technology, or other factors affecting the persons, laboratories, facilities, and other entities regulated under this article.

SECTION 10.03. Sections 4(a), (a-1), (b-1), and (c), Article 38.01, Code of Criminal Procedure, are amended to read as follows:

(a) The commission shall:

(1) develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;

(2) require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and

(3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of:

(A) the results of a forensic analysis conducted by a crime laboratory;

(B) an examination or test that is conducted by a crime laboratory and that is a forensic examination or test not subject to accreditation; or

(C) testimony related to an analysis, examination, or test described by Paragraph (A) or (B).

(a-1) The commission may initiate ~~[for educational purposes]~~ an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint~~;~~ submitted through the reporting system implemented under Subsection (a)(1), ~~[that contains an allegation of professional negligence or professional misconduct involving the forensic analysis conducted]~~ if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the ~~[forensic]~~ analysis, examination, or test would advance the integrity and reliability of forensic science in this state.

(b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation involves a forensic examination or test not subject to accreditation ~~[is conducted pursuant to an allegation involving a forensic method or methodology that is not an accredited field of forensic science]~~, the investigation may include the preparation of a written report that contains:

(1) observations of the commission regarding the integrity and reliability of the applicable ~~[forensic]~~ analysis, examination, or test conducted;

(2) best practices identified by the commission during the course of the investigation; or

(3) other recommendations that are relevant, as determined by the commission.

(c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) and Sections 4-d(b)(1), (b-1), and (d) to any person the commission determines to be qualified to assume those duties.

SECTION 10.04. Section 4-a(c), Article 38.01, Code of Criminal Procedure, is amended to read as follows:

(c) The commission by rule may establish voluntary licensing programs for forensic examinations or tests ~~[disciplines that are]~~ not subject to accreditation ~~[under this article]~~.

SECTION 10.05. Section 4-d(b-1), Article 38.01, Code of Criminal Procedure, is amended to read as follows:

(b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may:

(1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws;

(2) validate or approve specific forensic methods or methodologies; and

(3) establish procedures, policies, standards, and practices to improve the quality of forensic analyses conducted in this state.

SECTION 10.06. Article 38.01, Code of Criminal Procedure, is amended by adding Section 14 to read as follows:

Sec. 14. FUNDING FOR TRAINING AND EDUCATION. The commission may use appropriated funds for the training and education of forensic analysts.

SECTION 10.07. Section 2254.002(2), Government Code, is amended to read as follows:

(2) "Professional services" means services:

(A) within the scope of the practice, as defined by state law, of:

- (i) accounting;
- (ii) architecture;
- (iii) landscape architecture;
- (iv) land surveying;
- (v) medicine;
- (vi) optometry;
- (vii) professional engineering;
- (viii) real estate appraising; [~~or~~]
- (ix) professional nursing; or
- (x) forensic science;

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (i) a certified public accountant;
- (ii) an architect;
- (iii) a landscape architect;
- (iv) a land surveyor;
- (v) a physician, including a surgeon;
- (vi) an optometrist;
- (vii) a professional engineer;
- (viii) a state certified or state licensed real estate appraiser; [~~or~~]
- (ix) a registered nurse; or
- (x) a forensic analyst or forensic science expert; or

(C) provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Chapter 1053, Occupations Code.

ARTICLE 11. JURY SERVICE

SECTION 11.01. Sections 61.003(a) and (c), Government Code, are amended to read as follows:

(a) Each person who reports for jury service shall be personally provided a form letter that when signed by the person directs the county treasurer to donate all, or a specific amount designated by the person, of the person's daily reimbursement under this chapter to:

(1) the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure;

(2) the child welfare, child protective services, or child services board of the county appointed under Section 264.005, Family Code, that serves abused and neglected children;

(3) any program selected by the commissioners court that is operated by a public or private nonprofit organization and that provides shelter and services to victims of family violence;

(4) any other program approved by the commissioners court of the county, including a program established under Article 56A.205, Code of Criminal Procedure, that offers psychological counseling in criminal cases involving graphic evidence or testimony; ~~or~~

(5) a veterans treatment court program established by the commissioners court as provided by Chapter 124; or

(6) a veterans county service office established by the commissioners court as provided by Subchapter B, Chapter 434.

(c) The county treasurer shall:

(1) send all donations made under Subsection (a)(1) to the comptroller, at the time and in the manner prescribed by the attorney general, for deposit to the credit of the compensation to victims of crime fund;

(2) deposit donations made to the county child welfare board under Subsection (a)(2) in a fund established by the county to be used by the child welfare board in a manner authorized by the commissioners court of the county; and

(3) send all donations made under Subsection (a)(3), ~~(a)(4)~~, or (a)(6) directly to the program or office, as applicable, specified on the form letter signed by the person who reported for jury service.

SECTION 11.02. Section 62.202(b), Government Code, is amended to read as follows:

(b) The district judge may draw a warrant on the jury fund or other appropriate fund of the county in which the civil case is tried to cover the cost of buying and transporting the meals to the jury room. The judge may spend a reasonable amount [Not more than \$3] per meal [may be spent] for a juror serving on a jury in a civil case.

SECTION 11.03. Section 434.032, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioners court of a county that maintains an office:

(1) may not consider a juror's donation to the office of the juror's daily reimbursement under Section 61.003 for purposes of determining the county's budget for the office; and

(2) may use donations described by Subdivision (1) only to supplement, rather than supplant, amounts budgeted by the county for the office.

ARTICLE 12. SPECIALTY COURT PROGRAMS

SECTION 12.01. Chapter 121, Government Code, is amended by adding Sections 121.003 and 121.004 to read as follows:

Sec. 121.003. APPOINTMENT OF PRESIDING JUDGE OR MAGISTRATE FOR REGIONAL SPECIALTY COURT PROGRAM. A judge or magistrate of a district court or statutory county court who is authorized by law to hear criminal cases may be appointed to preside over a regional specialty court program recognized under this subtitle only if:

(1) the local administrative district and statutory county court judges of each county participating in the program approve the appointment by majority vote or another approval method selected by the judges; and

(2) the presiding judges of each of the administrative judicial regions in which the participating counties are located sign an order granting the appointment.

Sec. 121.004. JURISDICTION AND AUTHORITY OF JUDGE OR MAGISTRATE IN REGIONAL SPECIALTY COURT PROGRAM. (a) A judge or magistrate appointed to preside over a regional specialty court program may hear any misdemeanor or felony case properly transferred to the program by an originating trial court participating in the program, regardless of whether the originating trial court and specialty court program are in the same county. The appointed judge or magistrate may exercise only the authority granted under this subtitle.

(b) The judge or magistrate of a regional specialty court program may for a case properly transferred to the program:

(1) enter orders, judgments, and decrees for the case;

(2) sign orders of detention, order community service, or impose other reasonable and necessary sanctions;

(3) send recommendations for dismissal and expunction to the originating trial court for a defendant who successfully completes the program; and

(4) return the case and documentation required by this subtitle to the originating trial court for final disposition on a defendant's successful completion of or removal from the program.

(c) A visiting judge assigned to preside over a regional specialty court program has the same authority as the judge or magistrate appointed to preside over the program.

SECTION 12.02. Section 124.003(b), Government Code, is amended to read as follows:

(b) A veterans treatment court program established under this chapter shall make, establish, and publish local procedures to ensure maximum participation of eligible defendants in the program [~~county or counties in which those defendants reside~~].

SECTION 12.03. Sections 124.006(a) and (d), Government Code, are amended to read as follows:

(a) A veterans treatment court program that accepts placement of a defendant may transfer responsibility for supervising the defendant's participation in the program to another veterans treatment court program that is located in the county where the defendant works or resides or in a county adjacent to the county

where the defendant works or resides. The defendant's supervision may be transferred under this section only with the consent of both veterans treatment court programs and the defendant.

(d) If a defendant is charged with an offense in a county that does not operate a veterans treatment court program, the court in which the criminal case is pending may place the defendant in a veterans treatment court program located in the county where the defendant works or resides or in a county adjacent to the county where the defendant works or resides, provided that a program is operated in that county and the defendant agrees to the placement. A defendant placed in a veterans treatment court program in accordance with this subsection must agree to abide by all rules, requirements, and instructions of the program.

SECTION 12.04. (a) Section 121.003, Government Code, as added by this Act, applies only to the appointment of a judge or magistrate to preside over a regional specialty court program that occurs on or after the effective date of this Act.

(b) Section 121.004, Government Code, as added by this Act, applies to a case pending in a regional specialty court program on or after the effective date of this Act.

ARTICLE 13. PROTECTIVE ORDERS

SECTION 13.01. Section 72.151(3), Government Code, is amended to read as follows:

(3) "Protective order" means:

(A) an order issued by a court in this state under Chapter 83 or 85, Family Code, to prevent family violence, as defined by Section 71.004, Family Code;

(B) an order issued by a court in this state under Subchapter A, Chapter 7B, Code of Criminal Procedure, to prevent sexual assault or abuse, stalking, trafficking, or other harm to the applicant; or

(C) ~~["The term includes"]~~ a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

SECTION 13.02. Section 72.152, Government Code, is amended to read as follows:

Sec. 72.152. APPLICABILITY. This subchapter applies only to:

(1) an application for a protective order filed under:

(A) Chapter 82, Family Code;

(B) Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(C) ~~[(B)]~~ Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence; and

(2) a protective order issued under:

(A) Chapter 83 or 85, Family Code;

(B) Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(C) ~~[(B)]~~ Article 17.292, Code of Criminal Procedure, with respect to a person who is arrested for an offense involving family violence.

SECTION 13.03. Sections 72.154(b) and (d), Government Code, are amended to read as follows:

(b) Publicly accessible information regarding each protective order must consist of the following:

- (1) the court that issued the protective order;
- (2) the case number;
- (3) the full name, county of residence, birth year, and race or ethnicity of the person who is the subject of the protective order;
- (4) the dates the protective order was issued and served; and
- (5) ~~the date the protective order was vacated, if applicable; and~~ the date the protective order expired or will expire, as applicable.

(d) The office may not allow a member of the public to access through the registry any information related to:

- (1) a protective order issued under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code; or
- (2) a protective order that was vacated.

SECTION 13.04. Section 72.155(a), Government Code, is amended to read as follows:

(a) The registry must include a copy of each application for a protective order filed in this state and a copy of each protective order issued in this state, including an ~~a vacated or~~ expired order, or a vacated order other than an order that was vacated as the result of an appeal or bill of review from a district or county court. Only an authorized user, the attorney general, a district attorney, a criminal district attorney, a county attorney, a municipal attorney, or a peace officer may access that information under the registry.

SECTION 13.05. Section 72.157, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), for ~~For~~ a protective order that is vacated or that has expired, the clerk of the applicable court shall modify the record of the order in the registry to reflect the order's status as vacated or expired. The clerk shall ensure that a record of a vacated order is not accessible by the public.

(b-1) For a protective order that is vacated as the result of an appeal or bill of review from a district or county court, the clerk of the applicable court shall notify the office not later than the end of the next business day after the date the protective order was vacated. The office shall remove the record of the order from the registry not later than the third business day after the date the notice from the clerk was received.

SECTION 13.06. Section 72.158(a), Government Code, is amended to read as follows:

(a) The office shall ensure that the public may access information about protective orders, other than information about vacated orders or orders under Article 7B.002 or 17.292, Code of Criminal Procedure, or Chapter 83, Family Code, through the registry, only if:

- (1) a protected person requests that the office grant the public the ability to access the information described by Section 72.154(b) for the order protecting the person; and
- (2) the office approves the request.

SECTION 13.07. Section 72.152, Government Code, as amended by this Act, applies only to an application for a protective order filed or a protective order issued on or after the effective date of this Act.

SECTION 13.08. As soon as practicable after the effective date of this Act, the Office of Court Administration of the Texas Judicial System shall:

(1) remove the record of any protective orders that have been vacated as the result of an appeal or bill of review from a district or county court from the protective order registry established under Subchapter F, Chapter 72, Government Code, as amended by this Act; and

(2) ensure that the records of vacated orders, other than orders described by Subdivision (1) of this section that are removed from the registry, are not accessible by the public.

ARTICLE 14. DISTRICT AND COUNTY ATTORNEYS

SECTION 14.01. Section 43.137, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) In addition to exercising the duties and authority conferred on district attorneys by general law, the district attorney represents the state in the district and inferior courts in Ector County in all criminal cases, juvenile matters under Title 3, Family Code, and matters involving children's protective services.

(d) The district attorney has no power, duty, or privilege in any civil matter, other than civil asset forfeiture and civil bond forfeiture matters.

SECTION 14.02. Subchapter B, Chapter 45, Government Code, is amended by adding Section 45.168 to read as follows:

Sec. 45.168. ECTOR COUNTY. (a) It is the primary duty of the county attorney in Ector County to represent the state, Ector County, and the officials of the county in all civil matters, other than asset forfeiture and bond forfeiture matters for which the district attorney is responsible, pending before the courts of Ector County and any other court in which the state, Ector County, or the county officials have matters pending.

(b) The county attorney has no power, duty, or privilege in Ector County relating to criminal matters, juvenile matters under Title 3, Family Code, or matters involving children's protective services.

SECTION 14.03. Section 43.137, Government Code, as amended by this Act, and Section 45.168, Government Code, as added by this Act, apply only to a proceeding commenced on or after the effective date of this Act. A proceeding commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

ARTICLE 15. APPELLATE COURTS

SECTION 15.01. Subchapter A, Chapter 22, Government Code, is amended by adding Section 22.0042 to read as follows:

Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF PROPERTY; FORM. (a) The supreme court shall adopt rules that:

(1) establish a simple and expedited procedure for a judgment debtor to assert an exemption to the seizure of personal property by a judgment creditor or a receiver appointed under Section 31.002, Civil Practice and Remedies Code;

(2) require a court to stay a proceeding, for a reasonable period, to allow for the assertion of an exemption under Subdivision (1); and

(3) require a court to promptly set a hearing and stay proceedings until a hearing is held, if a judgment debtor timely asserts an exemption under Subdivision (1).

(b) Rules adopted under this section shall require the provision of a notice in plain language to a judgment debtor regarding the right of the judgment debtor to assert one or more exemptions under Subsection (a)(1). The notice must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court;

(2) include the form promulgated under Subsection (c);

(3) list all exemptions under state and federal law to the seizure of personal property; and

(4) provide information for accessing free or low-cost legal assistance.

(c) Rules adopted under this section shall include the promulgation of a form in plain language for asserting an exemption under Subsection (a)(1). A form promulgated under this subsection must:

(1) be in English with an integrated Spanish translation that can be readily understood by the public and the court; and

(2) include instructions for the use of the form.

(d) A court shall accept a form promulgated under Subsection (c) unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

SECTION 15.02. Not later than May 1, 2022, the Supreme Court of Texas shall adopt rules and promulgate forms under Section 22.0042, Government Code, as added by this article.

ARTICLE 16. MISDEMEANOR CASES

SECTION 16.01. The heading to Article 45.0445, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0445. RECONSIDERATION OF SATISFACTION OF FINE OR COSTS.

SECTION 16.02. Article 66.252, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) At any time before final disposition of the case, the justice or judge of a court having jurisdiction of the case of a misdemeanor described by Subsection (b)(3) may order a law enforcement officer to use the uniform incident fingerprint card to take the fingerprints of an offender who is charged with the misdemeanor, but was not placed under custodial arrest at the time of the offense.

SECTION 16.03. The changes in law made by this article apply only to a misdemeanor case that is initially filed in a justice or municipal court on or after the effective date of this Act, regardless of whether the offense for which the case is filed occurred before, on, or after the effective date of this Act.

ARTICLE 17. COURT REPORTERS

SECTION 17.01. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.25 to read as follows:

Art. 42.25. FILING OF REPORTER NOTES. A court reporter may comply with Rule 13.6, Texas Rules of Appellate Procedure, by electronically filing with the trial court clerk not later than the 20th day after the expiration of the time the defendant is allotted to perfect the appeal the untranscribed notes created by the court reporter using computer-aided software.

SECTION 17.02. Section 52.001(a)(4), Government Code, is amended to read as follows:

(4) "Shorthand reporter" and "court reporter" mean a person who is certified as a court reporter, apprentice court reporter, or provisional court reporter under Chapter 154 to engage ~~[engages]~~ in shorthand reporting.

SECTION 17.03. Section 52.011, Government Code, is amended to read as follows:

Sec. 52.011. PROVISION OF SIGNED DEPOSITION CERTIFICATE; CERTIFICATE REQUIREMENTS ~~[CERTIFICATION]~~. (a) A court reporting firm representative or a court reporter who reported a deposition for a case shall complete and sign a deposition certificate, known as the further certification.

(b) On request of a court reporter who reported a deposition for a case, a court reporting firm shall provide the reporter with a copy of the deposition certificate ~~[document related to the deposition, known as the further certification,]~~ that the reporter has signed or to which the reporter's signature has been applied.

(c) The deposition certificate must include:

(1) a statement that the deposition transcript was submitted to the deponent or the deponent's attorney for examination and signature;

(2) the date the transcript was submitted to the deponent or the deponent's attorney;

(3) the date the deponent returned the transcript, if returned, or a statement that the deponent did not return the transcript;

(4) a statement that any changes the deponent made to the transcript are reflected in a separate document attached to the transcript;

(5) a statement that the transcript was delivered in accordance with Rule 203.3, Texas Rules of Civil Procedure;

(6) the amount charged for preparing the original deposition transcript;

(7) a statement that a copy of the certificate was served on all parties to the case; and

(8) the date the copy of the certificate was served on the parties to the case.

SECTION 17.04. Section 52.046(d), Government Code, is amended to read as follows:

(d) A judge of a county court or county court at law shall appoint a ~~[certified]~~ shorthand reporter to report the oral testimony given in any contested probate matter in that judge's court.

SECTION 17.05. Section 154.001(a)(4), Government Code, is amended to read as follows:

(4) "Shorthand reporter" and "court reporter" mean a person who is certified as a court reporter, apprentice court reporter, or provisional court reporter under this chapter to engage ~~[engages]~~ in shorthand reporting.

SECTION 17.06. Section 154.101(e), Government Code, is amended to read as follows:

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter or provisional court reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated ~~[by a noncertified court reporter pursuant and]~~ according to rules adopted or approved by the supreme court.

SECTION 17.07. Section 154.105, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) A ~~[certified]~~ shorthand reporter may administer oaths to witnesses:

(1) anywhere in this state;

(2) in a jurisdiction outside this state if:

(A) the reporter is at the same location as the witness; and

(B) the witness is or may be a witness in a case filed in this state;

and

(3) at any location authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b).

(c) Notwithstanding Subsection (b), a shorthand reporter may administer an oath as provided under this subsection to a person who is or may be a witness in a case filed in this state without being at the same location as the witness:

(1) if the reporter is physically located in this state at the time the oath is administered; or

(2) as authorized in a reciprocity agreement between this state and another jurisdiction under Section 152.202(b) if:

(A) the witness is at a location in the other jurisdiction; and

(B) the reporter is at a location in the same jurisdiction as the

witness.

(d) The identity of a witness who is not in the physical presence of a shorthand reporter may be proven by:

(1) a statement under oath on the record by a party to the case stating that the party has actual knowledge of the witness's identity;

(2) a statement on the record by an attorney for a party to the case, or an attorney for the witness, verifying the witness's identity;

(3) a statement on the record by a notary who is in the presence of the witness verifying the witness's identity; or

(4) the witness's presentation for inspection by the court reporter of an official document issued by this state, another state, a federal agency, or another jurisdiction that verifies the witness's identity.

(e) A shorthand reporter to which this section applies shall state on the record and certify in each transcript of the deposition the physical location of:

(1) the witness; and

(2) the reporter.

SECTION 17.08. Section 154.112, Government Code, is amended to read as follows:

Sec. 154.112. EMPLOYMENT OF NONCERTIFIED PERSON FOR SHORTHAND REPORTING ~~[REPORTERS]~~. (a) A person who is not certified as a court ~~[noncertified shorthand]~~ reporter may be employed to engage in shorthand reporting until a certified shorthand reporter is available.

(b) A person who is not certified as a court ~~[noncertified shorthand]~~ reporter may engage in shorthand reporting to report an oral deposition only if:

(1) the person ~~[noncertified shorthand reporter]~~ delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or

(2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.

(c) This section does not apply to a deposition taken outside this state for use in this state.

SECTION 17.09. The changes in law made by this article apply only to a deposition taken on or after the effective date of this Act. A deposition taken before that date is governed by the law in effect on the date the deposition was taken, and the former law is continued in effect for that purpose.

ARTICLE 18. TRANSITION

SECTION 18.01. A state agency subject to this Act is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the state agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

ARTICLE 19. EFFECTIVE DATE

SECTION 19.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2021.

Representative Leach moved to adopt the conference committee report on **HB 3774**.

The motion to adopt the conference committee report on **HB 3774** prevailed by (Record 1786): 134 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez;

Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Walle; Wilson; Wu; Zwiener.

Nays — Perez; Thompson, S.; White.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Deshotel; Gervin-Hawkins; King, K.; Minjarez; Morales Shaw; Pacheco; Vo.

STATEMENT OF VOTE

When Record No. 1786 was taken, my vote failed to register. I would have voted yes.

Morales Shaw

HB 1987 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1987, A bill to be entitled An Act relating to eligibility requirements to hold a political party office.

HB 1987 - REMARKS

REPRESENTATIVE TINDERHOLT: So there's been a lot of contention with this bill all day, and we've been scurrying with potential points of order and different things on it. So I want to make sure. Essentially, what you're doing is you're removing the language that several people didn't like that came from the senate. It'll go back to the senate—well, with the conference committee. It'll go back to the senate and it'll revert back, essentially, to the original bill, which essentially was that the chair, any executive, has to vacate their position to run for another office. Is that a fair assessment?

REPRESENTATIVE VASUT: The end result will be as you said. I want to make sure that it's clear, though, that rather than having the senate take the final action, we're going to take the final action. This will discharge the conference committee, so the conference report is gone. If you vote for this, we'll then adopt the senate's version of **HB 1987**, which, if you may recall, only changed a few words in the version of **HB 1987** that we sent over.

TINDERHOLT: And to make it clear for the handful of people that are really, really concerned about this, those three words—does it change the intent of the bill in any way whatsoever, the original bill that you had?

VASUT: No. The original bill dealt only with resign to run. We're going to kill the provisions that dealt with the election of the SRECs, so that's done. And we're back to just to resign to run. That's it.

Representative Vasut moved to discharge the conferees and concur in the senate amendments to **HB 1987**.

The motion to discharge the conferees and concur in the senate amendments to **HB 1987** prevailed by (Record 1787): 99 Yeas, 18 Nays, 13 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Cook; Cortez; Craddick; Cyrier; Darby; Dean; Deshotel; Dominguez; Ellzey; Frank; Frullo; Gates; Geren; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Larson; Leach; Leman; Lopez; Martinez; Metcalf; Meyer; Middleton; Moody; Morales, C.; Morales Shaw; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Rogers; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; White; Wilson; Wu.

Nays — Beckley; Canales; Collier; Fierro; González, J.; González, M.; Goodwin; Hinojosa; Johnson, A.; Morales, E.; Muñoz; Neave; Ordaz Perez; Ramos; Romero; Sherman; Thompson, S.; Walle.

Present, not voting — Mr. Speaker; Anchia; Bernal; Bucy; Goldman(C); Howard; Israel; Landgraf; Meza; Ortega; Talarico; Turner, C.; Zwiener.

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Bailes; Crockett; Davis; Dutton; Gervin-Hawkins; Hernandez; Jetton; Johnson, J.D.; Johnson, J.E.; Lozano; Martinez Fischer; Minjarez; Pacheco; Reynolds; Rodriguez; Vo.

STATEMENTS OF VOTE

When Record No. 1787 was taken, my vote failed to register. I would have voted yes.

Jetton

When Record No. 1787 was taken, my vote failed to register. I would have voted yes.

Lozano

When Record No. 1787 was taken, I was in the house but away from my desk. I would have voted no.

Martinez Fischer

When Record No. 1787 was taken, I was shown voting yes. I intended to vote no.

Morales Shaw

When Record No. 1787 was taken, I was in the house but away from my desk. I would have voted no.

Rodriguez

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

Amend **HB 1987** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, strike added Section 161.005(a-1), Election Code (page 1, lines 34-37), and substitute the following:

(a-1) For purposes of this section, the following are officers of a political party:

(1) a precinct chair;

(2) a county chair; and

(3) a member, other than a chair or vice chair, of a state executive committee of a political party.

(2) Strike SECTION 2 of the bill, adding transition language (page 1, lines 42-44), and renumber subsequent SECTIONS of the bill accordingly.

**SB 1648 - RULES SUSPENDED
CONFERENCE COMMITTEE REPORT ADOPTED**

Representative Krause moved to suspend all necessary rules to submit at this time the conference committee report on **SB 1648**.

The motion prevailed.

Representative Krause submitted the conference committee report on **SB 1648**.

SB 1648 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HULL: I just want to ask a couple of clarifying questions for legislative intent. Last session you passed **SB 1207**, which allowed children in the Medically Dependent Children Program—which was about 6,200 children with truly complex medical needs—to continue seeing their specialty physicians who aren't enrolled as in-network providers within Medicaid managed care. Is that correct?

REPRESENTATIVE KRAUSE: Correct.

HULL: Thank you for that. Is it your intent with **SB 1648** for it to not only apply to children in the Medically Dependent Children Program but to any of the 170,000 children in the STAR Kids program regardless of whether or not Medicaid is their primary health insurance?

KRAUSE: That's right. The continuity of care applies to all of the kids in the STAR Kids program.

HULL: Okay, so to all 170,000?

KRAUSE: Well, I think it's at 13,000 universe of just those complex medical needs kids. All those—the 13,000 that comprise that—that's really what **SB 1207** is for, those in the MDC Program and a couple of others.

HULL: Okay. So then it would not be for all children in STAR Kids, which is about 170,000. It would truly be more of the MDCP kids.

KRAUSE: Medically complex needs kids, that's correct.

HULL: Okay, thank you. And then do you agree that the managed care Medicaid model works for the majority of Medicaid participants and the single-case agreements for specialty providers only applies to that small population of children?

KRAUSE: Yes, we've heard from quite a few parents that it's not working out for as well, which is why we're having this **SB 1648**. I do think those single-case agreements can make that system work for them, which is why we're so insistent of making sure that that is part of HHSC policy.

HULL: And the compromised language in here ensures that an MCO must make a good faith effort to negotiate a single-case agreement with these specialty providers, rather than mandating that they must. Is it your intent that this change is to ensure that MCOs are not forced to contract with providers without the ability to negotiate, to prevent the possibility that a provider could be unreasonable in the contract negotiations because they know that the state was mandating the MCO to contract with them?

KRAUSE: Yes, we would hope that the MCOs would be good partners and do everything they can to have that continuity of care continue for this small population of kids, those complex medical needs kids. And so we would hope the MCOs—you're right, it's not as strong a language as maybe some of us would've liked, but that's what we have at the end of the day. And we hope the MCOs—in the spirit of the law that we passed in **SB 1207** and, I would say, the letter of the law in **SB 1207** and **SB 1648**—would work on those single-case agreements to get these kids the help that they need.

HULL: And additionally, under this bill, the MCOs will maintain their ability to audit providers, including those in these single-case agreements to prevent fraud, waste, and abuse of the state's Medicaid funds. Is that correct?

KRAUSE: Yes, we want to do everything we can to cut down on those three things while also giving the optimal care to these kids with complex medical needs.

HULL: I just wanted to make sure that these vulnerable kids are provided the continuity of care with their specialty providers without creating the perverse incentive for providers to remain outside of the Medicaid provider network.

KRAUSE: I think we can all agree on that.

Representative Krause moved to adopt the conference committee report on **SB 1648**.

The motion to adopt the conference committee report on **SB 1648** prevailed by (Record 1788): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Dominguez; Gervin-Hawkins; Martinez Fischer; Middleton; Minjarez; Pacheco; Ramos.

STATEMENTS OF VOTE

When Record No. 1788 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1788 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1788 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

HB 572 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Dutton submitted the following conference committee report on **HB 572**:

Austin, Texas, May 29, 2021

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 572** 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.

Lucio	Dutton
Bettencourt	K. Bell
Buckingham	Huberty
Powell	K. King
On the part of the senate	On the part of the house

HB 572, A bill to be entitled An Act relating to the inclusion of students enrolled in a dropout recovery school as students at risk of dropping out of school for purposes of compensatory, intensive, and accelerated instruction and to a study by the Texas Education Agency on competency-based educational programs.

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

SECTION 1. Section 29.081(d), Education Code, as amended by Chapters 403 (**SB 1746**), 597 (**SB 668**), and 1060 (**HB 1051**), Acts of the 86th Legislature, Regular Session, 2019, is reenacted and amended to read as follows:

(d) For purposes of this section, "student at risk of dropping out of school" includes each student who:

(1) is under 26 years of age and who:

(A) was not advanced from one grade level to the next for one or more school years;

(B) if the student is in grade 7, 8, 9, 10, 11, or 12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

(C) did not perform satisfactorily on an assessment instrument administered to the student under Subchapter B, Chapter 39, and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

(D) if the student is in prekindergarten, kindergarten, or grade 1, 2, or 3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

(E) is pregnant or is a parent;

(F) has been placed in an alternative education program in accordance with Section 37.006 during the preceding or current school year;

(G) has been expelled in accordance with Section 37.007 during the preceding or current school year;

(H) is currently on parole, probation, deferred prosecution, or other conditional release;

(I) was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

(J) is a student of limited English proficiency, as defined by Section 29.052;

(K) is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

(L) is homeless;

(M) resided in the preceding school year or resides in the current school year in a residential placement facility in the district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; ~~or~~

(N) ~~[(14)]~~ has been incarcerated or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Section 1.07, Penal Code; or

(O) is enrolled in a school district or open-enrollment charter school, or a campus of a school district or open-enrollment charter school, that is designated as a dropout recovery school under Section 39.0548; or

(2) regardless of the student's age, participates in an adult education program provided under a high school diploma and industry certification charter school program under Section 29.259.

SECTION 2. Subchapter Z, Chapter 29, Education Code, is amended by adding Section 29.928 to read as follows:

Sec. 29.928. STUDY ON COMPETENCY-BASED EDUCATIONAL PROGRAMS. (a) The agency shall conduct a study on the implementation of competency-based educational programs by public schools in the state.

(b) The study must analyze methods of:

(1) providing funding for competency-based educational programs that do not rely on average daily attendance;

(2) assessing the performance of competency-based educational programs under the public school accountability system; and

(3) providing competency-based educational programs to nontraditional students, including adult students.

(c) The agency may solicit and accept gifts, grants, and donations from any public or private source to fund the study.

(d) Not later than December 1, 2022, the agency shall prepare and submit to the legislature a report on the results of the study and any recommendations for legislative or other action.

(e) This section expires September 1, 2023.

SECTION 3. The Texas Education Agency is required to implement Section 29.928, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement that section using other money available for that purpose.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

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, 2021.

Representative Dutton moved to adopt the conference committee report on **HB 572**.

The motion to adopt the conference committee report on **HB 572** prevailed by (Record 1789): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Dominguez; Gervin-Hawkins; Martinez Fischer; Minjarez; Pacheco; Ramos.

STATEMENTS OF VOTE

When Record No. 1789 was taken, my vote failed to register. I would have voted yes.

Dominguez

When Record No. 1789 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1789 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

REMARKS ORDERED PRINTED

Representative Hull moved to print remarks between Representative Krause and Representative Hull on **SB 1648**.

The motion prevailed.

Representative Reynolds moved to print remarks between Representative Paddie and Representative Reynolds on **SB 3**.

The motion prevailed.

Representative Tinderholt moved to print remarks between Representative Vasut and Representative Tinderholt on **HB 1987**.

The motion prevailed.

HR 1994 - ADOPTED

(by Frank)

The following privileged resolution was laid before the house:

HR 1994

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 2658** (the Medicaid program, including the administration and operation of the Medicaid managed care program) to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTION to the bill:

SECTION 8. Section 32.0261, Human Resources Code, is amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section applies only to a child younger than 19 years of age who is determined eligible for medical assistance under this chapter.

(b) The executive commissioner shall adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to provide for two consecutive periods of [a period of continuous] eligibility for a child between each certification and recertification of the child's eligibility, subject to Subsections (f) and (h) [under 19 years of age who is determined to be eligible for medical assistance under this chapter].

(c) The first of the two consecutive periods of eligibility described by Subsection (b) must be continuous in accordance with Subsection (d). The second of the two consecutive periods of eligibility is not continuous and may be affected by changes in a child's household income, regardless of whether those changes occurred or whether the commission became aware of the changes during the first or second of the two consecutive periods of eligibility.

(d) A [The rules shall provide that the] child remains eligible for medical assistance during the first of the two consecutive periods of eligibility, without additional review by the commission and regardless of changes in the child's household [resources or] income, until [the earlier of:

[(1) the end of the six-month period following the date on which the child's eligibility was determined, except as provided by Subsections (f)(1) and (h) [; or

[(2) the child's 19th birthday].

(e) During the sixth month following the date on which a child's eligibility for medical assistance is certified or recertified, the commission shall, in a manner that complies with federal law, including verification plan requirements under 42 C.F.R. Section 435.945(j), review the child's household income using electronic income data available to the commission. The commission may conduct this review only once during the child's two consecutive periods of eligibility. Based on the review:

(1) the commission shall, if the review indicates that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c); or

(2) the commission may, if the review indicates that the child's household income exceeds the maximum income for eligibility for the medical assistance program, request additional documentation to verify the child's household income in a manner that complies with federal law.

(f) If, after reviewing a child's household income under Subsection (e), the commission determines that the household income exceeds the maximum income for eligibility for the medical assistance program, the commission shall continue to provide medical assistance to the child until:

(1) the commission provides the child's parent or guardian with a period of not less than 30 days to provide documentation demonstrating that the child's household income does not exceed the maximum income for eligibility; and

(2) the child's parent or guardian fails to provide the documentation during the period described by Subdivision (1).

(g) If a child's parent or guardian provides to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c).

(h) Notwithstanding any other period prescribed by this section, a child's eligibility for medical assistance ends on the child's 19th birthday.

(i) The commission may not recertify a child's eligibility for medical assistance more frequently than every 12 months as required by federal law.

(j) If a child's parent or guardian fails to provide to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide the child's parent or guardian with written notice of termination following that period. The notice must include a statement that the child may be eligible for enrollment in the child health plan under Chapter 62, Health and Safety Code.

(k) In developing the notice, the commission shall consult with health care providers, children's health care advocates, family members of children enrolled in the medical assistance program, and other stakeholders to determine the most user-friendly method to provide the notice to a child's parent or guardian.

(l) The executive commissioner may adopt rules as necessary to implement this section.

Explanation: This addition is necessary to provide for continuous eligibility and a periodic eligibility review for a child for Medicaid.

HR 1994 was adopted by (Record 1790): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Gervin-Hawkins; Martinez Fischer; Minjarez; Pacheco; Ramos; Vasut.

STATEMENT OF VOTE

When Record No. 1790 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

HB 2658 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Frank submitted the following conference committee report on **HB 2658**:

Austin, Texas, May 29, 2021

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 2658** 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.

Kolkhorst	Frank
Blanco	Bonnen
Campbell	Neave
Nelson	Capriglione
Perry	Noble
On the part of the senate	On the part of the house

HB 2658, A bill to be entitled An Act relating to the Medicaid program, including the administration and operation of the Medicaid managed care program.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Sections 531.0501 and 531.0512 to read as follows:

Sec. 531.0501. MEDICAID WAIVER PROGRAMS: INTEREST LIST MANAGEMENT. (a) The commission, in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee established under Section 534.053, shall study the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list. As part of the study, the commission shall determine the most cost-effective automated method for determining the level of need of an individual seeking services through a Medicaid waiver program.

(b) Not later than January 1, 2023, the commission shall prepare and submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing legislative committees with primary jurisdiction over health and human services that summarizes the commission's findings and conclusions from the study.

(c) Subsections (a) and (b) and this subsection expire September 1, 2023.

(d) The commission shall develop a protocol in the office of the ombudsman to improve the capture and updating of contact information for an individual who contacts the office of the ombudsman regarding Medicaid waiver programs or services.

Sec. 531.0512. NOTIFICATION REGARDING CONSUMER DIRECTION MODEL. The commission shall:

(1) develop a procedure to:

(A) verify that a Medicaid recipient or the recipient's parent or legal guardian is informed regarding the consumer direction model and provided the option to choose to receive care under that model; and

(B) if the individual declines to receive care under the consumer direction model, document the declination; and

(2) ensure that each Medicaid managed care organization implements the procedure.

SECTION 2. Section 533.00251, Government Code, is amended by adding Subsection (h) to read as follows:

(h) In addition to the minimum performance standards the commission establishes for nursing facility providers seeking to participate in the STAR+PLUS Medicaid managed care program, the executive commissioner shall adopt rules establishing minimum performance standards applicable to nursing facility providers that participate in the program. The commission is responsible for monitoring provider performance in accordance with the standards and requiring corrective actions, as the commission determines necessary, from providers that do not meet the standards. The commission shall share data regarding the requirements of this subsection with STAR+PLUS Medicaid managed care organizations as appropriate.

SECTION 3. Section 533.005(a), Government Code, is amended to read as follows:

(a) A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation rates that:

(A) include acuity and risk adjustment methodologies that consider the costs of providing acute care services and long-term services and supports, including private duty nursing services, provided under the plan; and

(B) ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education;

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan on any claim for payment that is received with documentation reasonably necessary for the managed care organization to process the claim:

(A) not later than:

(i) the 10th day after the date the claim is received if the claim relates to services provided by a nursing facility, intermediate care facility, or group home;

(ii) the 30th day after the date the claim is received if the claim relates to the provision of long-term services and supports not subject to Subparagraph (i); and

(iii) the 45th day after the date the claim is received if the claim is not subject to Subparagraph (i) or (ii); or

(B) within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization;

(7-a) a requirement that the managed care organization demonstrate to the commission that the organization pays claims described by Subdivision (7)(A)(ii) on average not later than the 21st day after the date the claim is received by the organization;

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid certification date;

(9) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal;

(10) a requirement that the managed care organization provide the information required by Section 533.012 and otherwise comply and cooperate with the commission's office of inspector general and the office of the attorney general;

(11) a requirement that the managed care organization's usages of out-of-network providers or groups of out-of-network providers may not exceed limits for those usages relating to total inpatient admissions, total outpatient services, and emergency room admissions determined by the commission;

(12) if the commission finds that a managed care organization has violated Subdivision (11), a requirement that the managed care organization reimburse an out-of-network provider for health care services at a rate that is equal to the allowable rate for those services, as determined under Sections 32.028 and 32.0281, Human Resources Code;

(13) a requirement that, notwithstanding any other law, including Sections 843.312 and 1301.052, Insurance Code, the organization:

(A) use advanced practice registered nurses and physician assistants in addition to physicians as primary care providers to increase the availability of primary care providers in the organization's provider network; and

(B) treat advanced practice registered nurses and physician assistants in the same manner as primary care physicians with regard to:

(i) selection and assignment as primary care providers;

(ii) inclusion as primary care providers in the organization's provider network; and

(iii) inclusion as primary care providers in any provider network directory maintained by the organization;

(14) a requirement that the managed care organization reimburse a federally qualified health center or rural health clinic for health care services provided to a recipient outside of regular business hours, including on a weekend day or holiday, at a rate that is equal to the allowable rate for those services as determined under Section 32.028, Human Resources Code, if the recipient does not have a referral from the recipient's primary care physician;

(15) a requirement that the managed care organization develop, implement, and maintain a system for tracking and resolving all provider appeals related to claims payment, including a process that will require:

(A) a tracking mechanism to document the status and final disposition of each provider's claims payment appeal;

(B) the contracting with physicians who are not network providers and who are of the same or related specialty as the appealing physician to resolve claims disputes related to denial on the basis of medical necessity that remain unresolved subsequent to a provider appeal;

(C) the determination of the physician resolving the dispute to be binding on the managed care organization and provider; and

(D) the managed care organization to allow a provider with a claim that has not been paid before the time prescribed by Subdivision (7)(A)(ii) to initiate an appeal of that claim;

(16) a requirement that a medical director who is authorized to make medical necessity determinations is available to the region where the managed care organization provides health care services;

(17) a requirement that the managed care organization ensure that a medical director and patient care coordinators and provider and recipient support services personnel are located in the South Texas service region, if the managed care organization provides a managed care plan in that region;

(18) a requirement that the managed care organization provide special programs and materials for recipients with limited English proficiency or low literacy skills;

(19) a requirement that the managed care organization develop and establish a process for responding to provider appeals in the region where the organization provides health care services;

(20) a requirement that the managed care organization:

(A) develop and submit to the commission, before the organization begins to provide health care services to recipients, a comprehensive plan that describes how the organization's provider network complies with the provider access standards established under Section 533.0061;

(B) as a condition of contract retention and renewal:

(i) continue to comply with the provider access standards established under Section 533.0061; and

(ii) make substantial efforts, as determined by the commission, to mitigate or remedy any noncompliance with the provider access standards established under Section 533.0061;

(C) pay liquidated damages for each failure, as determined by the commission, to comply with the provider access standards established under Section 533.0061 in amounts that are reasonably related to the noncompliance; and

(D) regularly, as determined by the commission, submit to the commission and make available to the public a report containing data on the sufficiency of the organization's provider network with regard to providing the care and services described under Section 533.0061(a) and specific data with respect to access to primary care, specialty care, long-term services and supports, nursing services, and therapy services on the average length of time between:

(i) the date a provider requests prior authorization for the care or service and the date the organization approves or denies the request; and

(ii) the date the organization approves a request for prior authorization for the care or service and the date the care or service is initiated;

(21) a requirement that the managed care organization demonstrate to the commission, before the organization begins to provide health care services to recipients, that, subject to the provider access standards established under Section 533.0061:

(A) the organization's provider network has the capacity to serve the number of recipients expected to enroll in a managed care plan offered by the organization;

(B) the organization's provider network includes:

(i) a sufficient number of primary care providers;

(ii) a sufficient variety of provider types;

(iii) a sufficient number of providers of long-term services and supports and specialty pediatric care providers of home and community-based services; and

(iv) providers located throughout the region where the organization will provide health care services; and

(C) health care services will be accessible to recipients through the organization's provider network to a comparable extent that health care services would be available to recipients under a fee-for-service or primary care case management model of Medicaid managed care;

(22) a requirement that the managed care organization develop a monitoring program for measuring the quality of the health care services provided by the organization's provider network that:

(A) incorporates the National Committee for Quality Assurance's Healthcare Effectiveness Data and Information Set (HEDIS) measures or, as applicable, the national core indicators adult consumer survey and the national core indicators child family survey for individuals with an intellectual or developmental disability;

(B) focuses on measuring outcomes; and

(C) includes the collection and analysis of clinical data relating to prenatal care, preventive care, mental health care, and the treatment of acute and chronic health conditions and substance abuse;

(23) subject to Subsection (a-1), a requirement that the managed care organization develop, implement, and maintain an outpatient pharmacy benefit plan for its enrolled recipients:

(A) that, except as provided by Paragraph (L)(ii), exclusively employs the vendor drug program formulary and preserves the state's ability to reduce waste, fraud, and abuse under Medicaid;

(B) that adheres to the applicable preferred drug list adopted by the commission under Section 531.072;

(C) that, except as provided by Paragraph (L)(i), includes the prior authorization procedures and requirements prescribed by or implemented under Sections 531.073(b), (c), and (g) for the vendor drug program;

(C-1) that does not require a clinical, nonpreferred, or other prior authorization for any antiretroviral drug, as defined by Section 531.073, or a step therapy or other protocol, that could restrict or delay the dispensing of the drug except to minimize fraud, waste, or abuse;

(D) for purposes of which the managed care organization:

(i) may not negotiate or collect rebates associated with pharmacy products on the vendor drug program formulary; and

(ii) may not receive drug rebate or pricing information that is confidential under Section 531.071;

(E) that complies with the prohibition under Section 531.089;

(F) under which the managed care organization may not prohibit, limit, or interfere with a recipient's selection of a pharmacy or pharmacist of the recipient's choice for the provision of pharmaceutical services under the plan through the imposition of different copayments;

(G) that allows the managed care organization or any subcontracted pharmacy benefit manager to contract with a pharmacist or pharmacy providers separately for specialty pharmacy services, except that:

(i) the managed care organization and pharmacy benefit manager are prohibited from allowing exclusive contracts with a specialty pharmacy owned wholly or partly by the pharmacy benefit manager responsible for the administration of the pharmacy benefit program; and

(ii) the managed care organization and pharmacy benefit manager must adopt policies and procedures for reclassifying prescription drugs from retail to specialty drugs, and those policies and procedures must be consistent with rules adopted by the executive commissioner and include notice to network pharmacy providers from the managed care organization;

(H) under which the managed care organization may not prevent a pharmacy or pharmacist from participating as a provider if the pharmacy or pharmacist agrees to comply with the financial terms and conditions of the contract as well as other reasonable administrative and professional terms and conditions of the contract;

(I) under which the managed care organization may include mail-order pharmacies in its networks, but may not require enrolled recipients to use those pharmacies, and may not charge an enrolled recipient who opts to use this service a fee, including postage and handling fees;

(J) under which the managed care organization or pharmacy benefit manager, as applicable, must pay claims in accordance with Section 843.339, Insurance Code;

(K) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) to place a drug on a maximum allowable cost list, must ensure that:

(a) the drug is listed as "A" or "B" rated in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book, has an "NR" or "NA" rating or a similar rating by a nationally recognized reference; and

(b) the drug is generally available for purchase by pharmacies in the state from national or regional wholesalers and is not obsolete;

(ii) must provide to a network pharmacy provider, at the time a contract is entered into or renewed with the network pharmacy provider, the sources used to determine the maximum allowable cost pricing for the maximum allowable cost list specific to that provider;

(iii) must review and update maximum allowable cost price information at least once every seven days to reflect any modification of maximum allowable cost pricing;

(iv) must, in formulating the maximum allowable cost price for a drug, use only the price of the drug and drugs listed as therapeutically equivalent in the most recent version of the United States Food and Drug Administration's Approved Drug Products with Therapeutic Equivalence Evaluations, also known as the Orange Book;

(v) must establish a process for eliminating products from the maximum allowable cost list or modifying maximum allowable cost prices in a timely manner to remain consistent with pricing changes and product availability in the marketplace;

(vi) must:

(a) provide a procedure under which a network pharmacy provider may challenge a listed maximum allowable cost price for a drug;

(b) respond to a challenge not later than the 15th day after the date the challenge is made;

(c) if the challenge is successful, make an adjustment in the drug price effective on the date the challenge is resolved and make the adjustment applicable to all similarly situated network pharmacy providers, as determined by the managed care organization or pharmacy benefit manager, as appropriate;

(d) if the challenge is denied, provide the reason for the denial; and

(e) report to the commission every 90 days the total number of challenges that were made and denied in the preceding 90-day period for each maximum allowable cost list drug for which a challenge was denied during the period;

(vii) must notify the commission not later than the 21st day after implementing a practice of using a maximum allowable cost list for drugs dispensed at retail but not by mail; and

(viii) must provide a process for each of its network pharmacy providers to readily access the maximum allowable cost list specific to that provider; and

(L) under which the managed care organization or pharmacy benefit manager, as applicable:

(i) may not require a prior authorization, other than a clinical prior authorization or a prior authorization imposed by the commission to minimize the opportunity for waste, fraud, or abuse, for or impose any other barriers to a drug that is prescribed to a child enrolled in the STAR Kids managed care program for a particular disease or treatment and that is on the vendor drug program formulary or require additional prior authorization for a drug included in the preferred drug list adopted under Section 531.072;

(ii) must provide for continued access to a drug prescribed to a child enrolled in the STAR Kids managed care program, regardless of whether the drug is on the vendor drug program formulary or, if applicable on or after August 31, 2023, the managed care organization's formulary;

(iii) may not use a protocol that requires a child enrolled in the STAR Kids managed care program to use a prescription drug or sequence of prescription drugs other than the drug that the child's physician recommends for the child's treatment before the managed care organization provides coverage for the recommended drug; and

(iv) must pay liquidated damages to the commission for each failure, as determined by the commission, to comply with this paragraph in an amount that is a reasonable forecast of the damages caused by the noncompliance;

(24) a requirement that the managed care organization and any entity with which the managed care organization contracts for the performance of services under a managed care plan disclose, at no cost, to the commission and, on request, the office of the attorney general all discounts, incentives, rebates, fees, free goods, bundling arrangements, and other agreements affecting the net cost of goods or services provided under the plan;

(25) a requirement that the managed care organization not implement significant, nonnegotiated, across-the-board provider reimbursement rate reductions unless:

(A) subject to Subsection (a-3), the organization has the prior approval of the commission to make the reductions; or

(B) the rate reductions are based on changes to the Medicaid fee schedule or cost containment initiatives implemented by the commission; and

(26) a requirement that the managed care organization make initial and subsequent primary care provider assignments and changes.

SECTION 4. Subchapter A, Chapter 533, Government Code, is amended by adding Section 533.00515 to read as follows:

Sec. 533.00515. MEDICATION THERAPY MANAGEMENT. The executive commissioner shall collaborate with Medicaid managed care organizations to implement medication therapy management services to lower costs and improve quality outcomes for recipients by reducing adverse drug events.

SECTION 5. Section 533.009(c), Government Code, is amended to read as follows:

(c) The executive commissioner, by rule, shall prescribe the minimum requirements that a managed care organization, in providing a disease management program, must meet to be eligible to receive a contract under this section. The managed care organization must, at a minimum, be required to:

(1) provide disease management services that have performance measures for particular diseases that are comparable to the relevant performance measures applicable to a provider of disease management services under Section 32.057, Human Resources Code; ~~and~~

(2) show evidence of ability to manage complex diseases in the Medicaid population; and

(3) if a disease management program provided by the organization has low active participation rates, identify the reason for the low rates and develop an approach to increase active participation in disease management programs for high-risk recipients.

SECTION 6. Section 32.054, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) To prevent serious medical conditions and reduce emergency room visits necessitated by complications resulting from a lack of access to dental care, the commission shall provide medical assistance reimbursement for preventive dental services, including reimbursement for one preventive dental care visit per year, for an adult recipient with a disability who is enrolled in the STAR+PLUS Medicaid managed care program. This subsection does not apply to an adult recipient who is enrolled in the STAR+PLUS home and community-based services (HCBS) waiver program. This subsection may not be construed to reduce dental services available to persons with disabilities that are otherwise reimbursable under the medical assistance program.

SECTION 7. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0317 to read as follows:

Sec. 32.0317. REIMBURSEMENT FOR SERVICES PROVIDED UNDER SCHOOL HEALTH AND RELATED SERVICES PROGRAM. The executive commissioner shall adopt rules requiring parental consent for services provided under the school health and related services program in order for a school district to receive reimbursement for the services. The rules must allow a school district to seek a waiver to receive reimbursement for services provided to a student who does not have a parent or legal guardian who can provide consent.

SECTION 8. Section 32.0261, Human Resources Code, is amended to read as follows:

Sec. 32.0261. CONTINUOUS ELIGIBILITY. (a) This section applies only to a child younger than 19 years of age who is determined eligible for medical assistance under this chapter.

(b) The executive commissioner shall adopt rules in accordance with 42 U.S.C. Section 1396a(e)(12), as amended, to provide for two consecutive periods of [a period of continuous] eligibility for a child between each certification and recertification of the child's eligibility, subject to Subsections (f) and (h) [under 19 years of age who is determined to be eligible for medical assistance under this chapter].

(c) The first of the two consecutive periods of eligibility described by Subsection (b) must be continuous in accordance with Subsection (d). The second of the two consecutive periods of eligibility is not continuous and may be affected by changes in a child's household income, regardless of whether those changes occurred or whether the commission became aware of the changes during the first or second of the two consecutive periods of eligibility.

(d) A [The rules shall provide that the] child remains eligible for medical assistance during the first of the two consecutive periods of eligibility, without additional review by the commission and regardless of changes in the child's household [resources or] income, until [the earlier of:

(1) the end of the six-month period following the date on which the child's eligibility was determined, except as provided by Subsections (f)(1) and (h) [; or

(2) the child's 19th birthday].

(e) During the sixth month following the date on which a child's eligibility for medical assistance is certified or recertified, the commission shall, in a manner that complies with federal law, including verification plan requirements under 42 C.F.R. Section 435.945(j), review the child's household income using electronic income data available to the commission. The commission may conduct this review only once during the child's two consecutive periods of eligibility. Based on the review:

(1) the commission shall, if the review indicates that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c); or

(2) the commission may, if the review indicates that the child's household income exceeds the maximum income for eligibility for the medical assistance program, request additional documentation to verify the child's household income in a manner that complies with federal law.

(f) If, after reviewing a child's household income under Subsection (e), the commission determines that the household income exceeds the maximum income for eligibility for the medical assistance program, the commission shall continue to provide medical assistance to the child until:

(1) the commission provides the child's parent or guardian with a period of not less than 30 days to provide documentation demonstrating that the child's household income does not exceed the maximum income for eligibility; and

(2) the child's parent or guardian fails to provide the documentation during the period described by Subdivision (1).

(g) If a child's parent or guardian provides to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide for a second consecutive period of eligibility for the child until the child's required annual recertification, except as provided by Subsection (h) and subject to Subsection (c).

(h) Notwithstanding any other period prescribed by this section, a child's eligibility for medical assistance ends on the child's 19th birthday.

(i) The commission may not recertify a child's eligibility for medical assistance more frequently than every 12 months as required by federal law.

(j) If a child's parent or guardian fails to provide to the commission within the period described by Subsection (f) documentation demonstrating that the child's household income does not exceed the maximum income for eligibility for the medical assistance program, the commission shall provide the child's parent or guardian with written notice of termination following that period. The notice must include a statement that the child may be eligible for enrollment in the child health plan under Chapter 62, Health and Safety Code.

(k) In developing the notice, the commission shall consult with health care providers, children's health care advocates, family members of children enrolled in the medical assistance program, and other stakeholders to determine the most user-friendly method to provide the notice to a child's parent or guardian.

(l) The executive commissioner may adopt rules as necessary to implement this section.

SECTION 9. (a) In this section, "commission," "executive commissioner," and "Medicaid" have the meanings assigned by Section 531.001, Government Code.

(b) Using existing resources, the commission shall:

(1) review the commission's staff rate enhancement programs to:

(A) identify and evaluate methods for improving administration of those programs to reduce administrative barriers that prevent an increase in direct care staffing and direct care wages and benefits in nursing homes; and

(B) develop recommendations for increasing participation in the programs;

(2) revise the commission's policies regarding the quality incentive payment program (QIPP) to require improvements to staff-to-patient ratios in nursing facilities participating in the program by January 1, 2025; and

(3) identify factors influencing active participation by Medicaid recipients in disease management programs by examining variations in:

(A) eligibility criteria for the programs; and

(B) participation rates by health plan, disease management program, and year.

(c) The executive commissioner may approve a capitation payment system that provides for reimbursement for physicians under a primary care capitation model or total care capitation model.

SECTION 10. (a) In this section, "commission" and "Medicaid" have the meanings assigned by Section 531.001, Government Code.

(b) As soon as practicable after the effective date of this Act, the commission shall conduct a study to determine the cost-effectiveness and feasibility of providing to Medicaid recipients who have been diagnosed with diabetes, including Type 1 diabetes, Type 2 diabetes, and gestational diabetes:

(1) diabetes self-management education and support services that follow the National Standards for Diabetes Self-Management Education and Support and that may be delivered by a certified diabetes educator; and

(2) medical nutrition therapy services.

(c) If the commission determines that providing one or both of the types of services described by Subsection (b) of this section would improve health outcomes for Medicaid recipients and lower Medicaid costs, the commission shall, notwithstanding Section 32.057, Human Resources Code, or Section 533.009, Government Code, and to the extent allowed by federal law develop a program to provide the benefits and seek prior approval from the Legislative Budget Board before implementing the program.

SECTION 11. (a) In this section, "commission" and "Medicaid" have the meanings assigned by Section 531.001, Government Code.

(b) As soon as practicable after the effective date of this Act, the commission shall conduct a study to:

(1) identify benefits and services provided under Medicaid that are not provided in this state under the Medicaid managed care model; and

(2) evaluate the feasibility, cost-effectiveness, and impact on Medicaid recipients of providing the benefits and services identified under Subdivision (1) of this subsection through the Medicaid managed care model.

(c) Not later than December 1, 2022, the commission shall prepare and submit a report to the legislature that includes:

(1) a summary of the commission's evaluation under Subsection (b)(2) of this section; and

(2) a recommendation as to whether the commission should implement providing benefits and services identified under Subsection (b)(1) of this section through the Medicaid managed care model.

SECTION 12. (a) In this section:

(1) "Commission," "Medicaid," and "Medicaid managed care organization" have the meanings assigned by Section 531.001, Government Code.

(2) "Dually eligible individual" has the meaning assigned by Section 531.0392, Government Code.

(b) The commission shall conduct a study regarding dually eligible individuals who are enrolled in the Medicaid managed care program. The study must include an evaluation of:

- (1) Medicare cost-sharing requirements for those individuals;
- (2) the cost-effectiveness for a Medicaid managed care organization to provide all Medicaid-eligible services not covered under Medicare and require cost-sharing for those services; and
- (3) the impact on dually eligible individuals and Medicaid providers that would result from the implementation of Subdivision (2) of this subsection.

(c) Not later than September 1, 2022, the commission shall prepare and submit a report to the legislature that includes:

- (1) a summary of the commission's findings from the study conducted under Subsection (b) of this section; and
- (2) a recommendation as to whether the commission should implement Subsection (b)(2) of this section.

SECTION 13. (a) Using existing resources, the Health and Human Services Commission shall conduct a study to assess the impact of revising the capitation rate setting strategy used to cover long-term care services and supports provided to recipients under the STAR+PLUS Medicaid managed care program from a strategy based on the setting in which services are provided to a strategy based on a blended rate. The study must:

- (1) assess the potential impact using a blended capitation rate would have on recipients' choice of setting;
- (2) include an actuarial analysis of the impact using a blended capitation rate would have on program spending; and
- (3) consider the experience of other states that use a blended capitation rate to reimburse managed care organizations for the provision of long-term care services and supports under Medicaid.

(b) Not later than September 1, 2022, the Health and Human Services Commission shall prepare and submit a report that summarizes the findings of the study conducted under Subsection (a) of this section to the governor, the lieutenant governor, the speaker of the house of representatives, the House Human Services Committee, and the Senate Health and Human Services Committee.

SECTION 14. Notwithstanding Section 2, Chapter 1117 (**HB 3523**), Acts of the 84th Legislature, Regular Session, 2015, Section 533.00251(c), Government Code, as amended by Section 2 of that Act, takes effect September 1, 2023.

SECTION 15. (a) Section 533.005(a), Government Code, as amended by this Act, applies only to a contract between the Health and Human Services Commission and a managed care organization that is entered into or renewed on or after the effective date of this Act.

(b) To the extent permitted by the terms of the contract, the Health and Human Services Commission shall seek to amend a contract entered into before the effective date of this Act with a managed care organization to comply with Section 533.005(a), Government Code, as amended by this Act.

SECTION 16. As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall conduct the study and make the determination required by Section 531.0501(a), Government Code, as added by this Act.

SECTION 17. 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 18. The Health and Human Services Commission is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement this Act using other appropriations available for the purpose.

SECTION 19. This Act takes effect September 1, 2021.

Representative Frank moved to adopt the conference committee report on **HB 2658**.

The motion to adopt the conference committee report on **HB 2658** prevailed by (Record 1791): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Anchia; Gervin-Hawkins; Leach; Martinez Fischer; Minjarez; Pacheco; Ramos; Thierry; Turner, C.

STATEMENTS OF VOTE

When Record No. 1791 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1791 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1791 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

HB 1525 - CONFERENCE COMMITTEE REPORT ADOPTED

Representative Huberty submitted the following conference committee report on **HB 1525**:

Austin, Texas, May 29, 2021

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 1525** 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.

Taylor
Bettencourt
West
Paxton
Lucio

Huberty
Bernal
K. King
Dutton
VanDeaver

On the part of the senate

On the part of the house

HB 1525, A bill to be entitled An Act relating to the public school finance system and public education.

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

SECTION 1. Section 8.051(d), Education Code, is amended to read as follows:

(d) Each regional education service center shall maintain core services for purchase by school districts and campuses. The core services are:

(1) training and assistance in:

(A) teaching each subject area assessed under Section 39.023; and

(B) providing instruction in personal financial literacy as required

under Section 28.0021;

(2) training and assistance in providing [~~a gifted and talented program and~~] each program that qualifies for a funding allotment under Section 48.102, 48.104, [~~or~~] 48.105, or 48.109;

(3) assistance specifically designed for a school district or campus assigned an unacceptable performance rating under Section 39.054;

(4) training and assistance to teachers, administrators, members of district boards of trustees, and members of site-based decision-making committees;

(5) assistance specifically designed for a school district that is considered out of compliance with state or federal special education requirements, based on the agency's most recent compliance review of the district's special education programs; and

(6) assistance in complying with state laws and rules.

SECTION 2. Section 11.156, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A school district shall:

(1) accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus; and

(2) spend the donation accepted under Subdivision (1) for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated.

(d) Subsection (c) and this subsection expire September 1, 2025.

SECTION 3. Section 12.106, Education Code, is amended by adding Subsections (a-5) and (a-6) to read as follows:

(a-5) To ensure compliance with the requirements for the maintenance of state financial support for special education under 20 U.S.C. Section 1412(a)(18), in determining the funding for an open-enrollment charter school under Subsection (a) for the Section 48.102 allotment, the commissioner shall:

(1) if necessary, increase the amount of that allotment to an amount equal to the amount the charter holder was entitled to receive for the charter school under the allotment under former Section 42.151, Education Code, for the 2018-2019 school year; and

(2) reduce the amount of the allotment the charter holder is entitled to receive for the charter school under Subsection (a-2) by the amount of any increase provided for the charter school under Subdivision (1).

(a-6) Subsection (a-5) and this subsection expire September 1, 2025.

SECTION 4. Sections 12.133(b), (b-1), and (c), Education Code, are amended to read as follows:

(b) Each school year, ~~[using state funds received by the charter holder for that purpose under Subsection (d),]~~ a charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,500.

(b-1) A [~~Using state funds received by the charter holder for that purpose under Subsection (d-1), a~~] charter holder that participated in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in average compensation increases as follows:

(1) for full-time employees other than employees who would be entitled to a minimum salary under Section 21.402 if employed by a school district, an average increase at least equal to \$500; and

(2) for part-time employees, an average increase at least equal to \$250.

(c) Each school year, [~~using state funds received by the charter holder for that purpose under Subsection (e),~~] a charter holder that did not participate in the program under Chapter 1579, Insurance Code, for the 2005-2006 school year shall provide employees of the charter holder, other than administrators, compensation in the form of annual salaries, incentives, or other compensation determined appropriate by the charter holder that results in an average compensation increase for classroom teachers, full-time librarians, full-time school counselors, and full-time school nurses who are employed by the charter holder and who would be entitled to a minimum salary under Section 21.402 if employed by a school district, in an amount at least equal to \$2,000.

SECTION 5. Section 21.3521(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (b), a school district or open-enrollment charter school may designate a [~~certified~~] classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals that comply with Section 21.351 or 21.352.

SECTION 6. Section 22.092(d), Education Code, is amended to read as follows:

(d) The agency shall provide [~~private schools and public schools~~] equivalent access to the registry maintained under this section to:

(1) private schools;

(2) public schools; and

(3) nonprofit teacher organizations approved by the commissioner for the purpose of participating in the tutoring program established under Section 33.913.

SECTION 7. Section 28.004, Education Code, is amended by amending Subsections (d-1), (h), (i), (i-1), and (j) and adding Subsections (d-2), (e-1), (e-2), (e-3), (i-2), (i-3), (j-1), and (p) to read as follows:

(d-1) The local school health advisory council shall meet at least four times each year. For each meeting, the council shall:

(1) at least 72 hours before the meeting:

(A) post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the school district; and

(B) ensure that the notice required under Paragraph (A) is posted on the district's Internet website, if the district has an Internet website;

(2) prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;

(3) make an audio or video recording of the meeting; and

(4) not later than the 10th day after the meeting, submit the minutes and audio or video recording of the meeting to the district.

(d-2) As soon as practicable after receipt of the minutes and audio or video recording under Subsection (d-1)(4), the school district shall post the minutes and audio or video recording on the district's Internet website, if the district has an Internet website.

(e-1) The board of trustees shall adopt a policy establishing a process for the adoption of curriculum materials for the school district's human sexuality instruction. The policy must require:

(1) the board to adopt a resolution convening the local school health advisory council for the purpose of making recommendations regarding the curriculum materials;

(2) the local school health advisory council to:

(A) after the board's adoption of the resolution under Subdivision (1), hold at least two public meetings, at which an opportunity for public comment is provided, on the curriculum materials before adopting recommendations; and

(B) provide the recommendations adopted under Paragraph (A) to the board at a public meeting of the board, at which an opportunity for public comment is provided; and

(3) the board, after receipt of the local school health advisory council's recommendations under Subdivision (2), to take action on the adoption of the recommendations by a record vote at a public meeting.

(e-2) Curriculum materials proposed to be adopted for the school district's human sexuality instruction must be made available as provided by Subsection (j)(1) or (2)(A) or (C), as applicable.

(e-3) Before adopting curriculum materials for the school district's human sexuality instruction, the board of trustees shall ensure that the curriculum materials are:

(1) based on the advice of the local school health advisory council;

(2) suitable for the subject and grade level for which the curriculum materials are intended; and

(3) reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

(h) The board of trustees shall determine the specific content of the district's instruction in human sexuality, in accordance with this section [~~Subsections (e), (f), and (g)~~].

(i) Before each school year, a school district shall provide written notice to a parent of each student enrolled in the district of the board of trustees' decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

(1) a [summary of the basic content of the district's human sexuality instruction to be provided to the student, including a] statement informing the parent of the human sexuality instruction [instructional] requirements under state law;

(2) a detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;

(3) a statement of the parent's right to:

(A) at the parent's discretion, review or purchase a copy of curriculum materials as provided by Subsection (j); ~~and~~

(B) remove the student from any part of the district's human sexuality instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

(C) use the grievance procedure as provided by Subsection (i-1) or the appeals process under Section 7.057 concerning a complaint of a violation of this section;

(4) a statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's Internet website, if the district has an Internet website, and the Internet website address at which the curriculum materials are located; and

(5) ~~(3)~~ information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the local school health advisory council established under Subsection (a).

(i-1) A parent may use the grievance procedure adopted under Section 26.011 concerning a complaint of a violation of this section ~~[Subsection (i)].~~

(i-2) Before a student may be provided with human sexuality instruction, a school district must obtain the written consent of the student's parent. A request for written consent under this subsection:

(1) may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Subsection (i); and

(2) must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins.

(i-3) Subsection (i-2) and this subsection expire August 1, 2024.

(j) A school district shall make all curriculum materials used in the district's human sexuality instruction available by:

(1) for curriculum materials in the public domain:

(A) providing a copy of the curriculum materials by mail or e-mail to a parent of a student enrolled in the district on the parent's request; and

(B) posting the curriculum materials on the district's Internet website, if the district has an Internet website; and

(2) for copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

(A) review the curriculum materials at the student's campus at any time during regular business hours;

(B) purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials under Subsection (j-1); or

(C) review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law [for reasonable public inspection].

(j-1) If a school district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

(p) In this section:

(1) "Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

(2) "Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

SECTION 8. Section 28.0062(a), Education Code, is amended to read as follows:

(a) Each school district and open-enrollment charter school shall:

(1) provide for the use of a phonics curriculum that uses systematic direct instruction in kindergarten through third grade to ensure all students obtain necessary early literacy skills;

(2) ensure that:

(A) not later than the 2022-2023 [~~2021-2022~~] school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Section 21.4552; and

(B) each classroom teacher and each principal initially employed in a grade level or at a campus described by Paragraph (A) for the 2022-2023 [~~2021-2022~~] school year or a subsequent school year has attended a teacher literacy achievement academy developed under Section 21.4552 by the end of [~~before~~] the teacher's or principal's first year of placement in that grade level or campus; and

(3) certify to the agency that the district or school:

(A) prioritizes placement of highly effective teachers in kindergarten through second grade; and

(B) has integrated reading instruments used to diagnose reading development and comprehension to support each student in prekindergarten through third grade.

SECTION 9. Section 29.026, Education Code, is amended by amending Subsections (c), (h), (k), and (o) and adding Subsection (l-1) to read as follows:

(c) A program is eligible for a grant under this section if the program:

(1) ~~[the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;~~

~~[(2) the program] incorporates:~~

(A) evidence-based and research-based design;

(B) the use of empirical data on student achievement and improvement;

(C) parental support and collaboration;

(D) the use of technology;

(E) meaningful inclusion; and

(F) the ability to replicate the program for students statewide; and

(2) ~~[(3) the program]~~ gives priority for enrollment to students with autism[;]

~~[(4) the program limits enrollment and services to students who are:~~

~~[(A) at least three years of age; and~~

~~[(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and~~

~~[(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year].~~

(h) ~~[The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (e).]~~ In selecting programs to receive a grant under this section, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.

(k) The commissioner shall use ~~[set aside an amount not to exceed \$20 million from the total amount of]~~ funds appropriated or otherwise available ~~[for the 2018-2019 fiscal biennium]~~ to fund grants under this section. ~~[The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.]~~

(l-1) A regional education service center may administer grants awarded under this section.

(o) This section expires September 1, 2023 [2024].

SECTION 10. Section 29.027, Education Code, is amended to read as follows:

Sec. 29.027. GRANT PROGRAM PROVIDING TRAINING IN [SERVICES TO STUDENTS WITH] DYSLEXIA FOR TEACHERS AND STAFF. (a) The commissioner shall establish a program to award grants to school districts and open-enrollment charter schools to increase local capacity to appropriately serve [that provide innovative services to] students with dyslexia.

(b) A school district, including a school district acting through a district charter issued under Subchapter C, Chapter 12, or ~~and~~ an open-enrollment charter school, including a charter school that primarily serves students with disabilities, as provided under Section 12.1014, is eligible to [may] apply for a grant under this section[-:

~~[(e) A program is eligible for a grant under this section] if the district or school submits to the commissioner a proposal on the use of grant funds that:~~

~~(1) [the program operates as an independent campus or a separate program from the campus in which the program is located, with a separate budget;~~

~~[(2) the program] incorporates[-:~~

~~[(A)] evidence-based and research-based design; and~~

~~(2) increases local capacity to appropriately serve students with dyslexia by providing:~~

~~(A) high-quality training to classroom teachers and administrators in meeting the needs of students with dyslexia; or~~

~~(B) training to intervention staff resulting in appropriate credentialing related to dyslexia [the use of empirical data on student achievement and improvement;~~

~~[(C) parental support and collaboration;~~

~~[(D) the use of technology;~~

~~[(E) meaningful inclusion; and~~

~~[(F) the ability to replicate the program for students statewide;~~

~~[(3) the program gives priority for enrollment to students with dyslexia;~~

~~[(4) the program limits enrollment and services to students who are:~~

~~[(A) at least three years of age; and~~

~~[(B) younger than nine years of age or are enrolled in the third grade or a lower grade level; and~~

~~[(5) the program allows a student who turns nine years of age or older during a school year to remain in the program until the end of that school year].~~

~~(c) [(d) A school district or open enrollment charter school may not:~~

~~[(1) charge a fee for the program, other than those authorized by law for students in public schools;~~

~~[(2) require a parent to enroll a child in the program;~~

~~[(3) allow an admission, review, and dismissal committee to place a student in the program without the written consent of the student's parent or guardian; or~~

~~[(4) continue the placement of a student in the program after the student's parent or guardian revokes consent, in writing, to the student's placement in the program.~~

~~[(e) A program under this section may:~~

~~[(1) alter the length of the school day or school year or the number of minutes of instruction received by students;~~

~~[(2) coordinate services with private or community based providers;~~

~~[(3) allow the enrollment of students without disabilities or with other disabilities, if approved by the commissioner; and~~

~~[(4) adopt staff qualifications and staff to student ratios that differ from the applicable requirements of this title.~~

~~[(f) The commissioner shall adopt rules creating an application and selection process for grants awarded under this section.~~

~~[(g)] The commissioner shall create an external panel of stakeholders, including parents of students with disabilities, to provide assistance in the selection of applications for the award of grants under this section.~~

~~(d) [(h) The commissioner shall award grants to fund not more than 10 programs that meet the eligibility criteria under Subsection (e). In selecting programs, the commissioner shall prioritize programs that are collaborations between multiple school districts, multiple charter schools, or school districts and charter schools. The selected programs must reflect the diversity of this state.~~

~~[(i)] The commissioner shall select grant recipients [programs] and award grant funds [to these programs] beginning in the 2021-2022 [2018-2019] school year. The grants [selected programs] are to be awarded [funded] for two years.~~

~~(e) [(j)] A grant awarded to a school district or open-enrollment charter school under this section is in addition to the Foundation School Program funds that the district or charter school is otherwise entitled to receive. A grant awarded under this section may not come out of Foundation School Program funds.~~

~~(f) [(k)] The commissioner shall use [set aside an amount not to exceed \$20 million from the total amount of] funds appropriated or otherwise available [for the 2018-2019 fiscal biennium] to fund grants under this section. [The commissioner shall use \$10 million for the purposes of this section for each school year in the state fiscal biennium. A grant recipient may not receive more than \$1 million for the 2018-2019 fiscal biennium. The commissioner shall reduce each district's and charter school's allotment proportionally to account for funds allocated under this section.]~~

~~(g) [(l)] The commissioner and any grant recipient [program] selected under this section may accept gifts, grants, and donations from any public or private source, person, or group to implement and administer the grant [program]. The commissioner and any grant recipient [program] selected under this section may not require any financial contribution from parents to implement and administer the grant [program].~~

~~(h) A regional education service center may administer grants awarded under this section.~~

~~(i) [(m) The commissioner may consider a student with dyslexia who is enrolled in a program funded under this section as funded in a mainstream placement, regardless of the amount of time the student receives services in a regular classroom setting.~~

~~[(n) Not later than December 31, 2020, the commissioner shall publish a report on the grant program established under this section. The report must include:~~

~~[(1) recommendations for statutory or funding changes necessary to implement successful innovations in the education of students with dyslexia; and~~

~~[(2) data on the academic and functional achievements of students enrolled in a program that received a grant under this section.~~

~~[(*)]~~ This section expires September 1, 2023 [2021].

SECTION 11. Section 29.153(d-1), Education Code, is amended to read as follows:

(d-1) A district may not receive an exemption under Subsection (d) unless the district has solicited ~~[and considered at a public meeting]~~ proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the agency regarding soliciting partnerships and considered submitted proposals at a public meeting. A decision of the board of trustees regarding a partnership described by this subsection is final.

SECTION 12. Subchapter Z, Chapter 29, Education Code, is amended by adding Sections 29.929, 29.930, 29.931, 29.932, 29.933, and 29.934 to read as follows:

Sec. 29.929. PROGRAMS TO ENSURE ONE-TIME INTENSIVE EDUCATIONAL SUPPORTS FOR OVERCOMING COVID-19 PANDEMIC IMPACT. (a) From state discretionary funds under Section 313(e), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401) and Section 2001(f), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401) and other funds appropriated, the agency shall establish programs that assist school districts and open-enrollment charter schools in implementing intensive supports to ensure students perform at grade level and graduate demonstrating college, career, or military readiness. Programs established under this section must include:

(1) expanding learning options for:

(A) Pathways in Technology Early College High School (P-TECH) programs in participating school districts under Subchapter N, Chapter 29;

(B) the Texas Regional Pathways Network; and

(C) the Jobs and Education for Texans (JET) Grant Program under Chapter 134;

(2) supplemental instructional supports, including tutoring; and

(3) COVID-19 learning acceleration supports, including:

(A) innovation in curriculum and instruction;

(B) diagnosing student mastery;

(C) extended instructional time; and

(D) supports for teachers.

(b) The agency may take actions as necessary in implementing intensive supports under Subsection (a), including providing grants to school districts, open-enrollment charter schools, and regional education service centers.

Sec. 29.930. USE OF ONE-TIME FEDERAL DISCRETIONARY COVID-19 FUNDING TO ENSURE GRADE LEVEL SUPPORT AND REIMBURSEMENTS. (a) To ensure additional resources to pay for unreimbursed costs due to the coronavirus disease (COVID-19) pandemic and for intensive educational supports for students not performing satisfactorily, for each of the 2021-2022 and 2022-2023 school years, except as provided by Subsection (c), from state discretionary funds under Section 2001(f), American Rescue Plan

Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401), the agency shall provide to each school district and open-enrollment charter school an allotment in an amount equal to the sum of:

(1) \$208.35 for each student enrolled in the district or charter school; and

(2) \$1,290 for each student enrolled in the district or charter school during the 2020-2021 school year multiplied by the percentage of students at the district or charter school who are not performing satisfactorily, as determined under Subsection (b).

(b) For purposes of Subsection (a)(2), the agency shall determine the percentage of students not performing satisfactorily by:

(1) dividing the number of students who did not perform satisfactorily on an assessment instrument administered under Section 39.023 by the total number of students who were administered assessment instruments under Section 39.023 during the 2018-2019 school year; and

(2) increasing the resulting number under Subdivision (1) by:

(A) for the 2021-2022 school year, 40 percent; and

(B) for the 2022-2023 school year, 20 percent.

(c) The agency shall reduce the amount of the allotment that a school district or open-enrollment charter school receives under Subsection (a) by the amount that the district or charter school receives from the local educational agency subgrants under Section 313(c), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401) and Section 2001(d), American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(d) If the allotment provided to a school district or open-enrollment charter school under Subsection (a) is reduced in accordance with Subsection (c), the agency shall provide the total allotment amount to which the district or charter school is entitled for the 2021-2022 and 2022-2023 school years to the district or charter school in an equal amount each year.

(e) An allotment provided to a school district or open-enrollment charter school under this section may not reduce funding to which the district or charter school is otherwise entitled.

(f) The agency may not provide allotments to school districts and open-enrollment charter schools under this section after the 2022-2023 school year.

(g) This section expires September 1, 2024.

Sec. 29.931. BROADBAND TECHNICAL SUPPORT FOR STUDENTS.

From appropriated state funds or other funds, including federal funds, available for this section, the agency shall provide technical assistance to school districts and open-enrollment charter schools to ensure Internet access for students who have limited or no access to the Internet.

Sec. 29.932. ONE-TIME TECHNOLOGY REIMBURSEMENT. (a) Using state discretionary funds under Section 18003(e), Coronavirus Aid, Relief, and Economic Security Act (Title VIII, Div. B, Pub. L. No. 116-136, reprinted in note, 20 U.S.C. Section 3401), and Section 313(c), Coronavirus Response and

Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), the agency shall provide reimbursement for technology acquisitions made by school districts and open-enrollment charter schools before February 28, 2021.

(b) This section expires September 1, 2023.

Sec. 29.933. LEGISLATIVE OVERSIGHT ON COVID-19 STATE RESPONSE. (a) At least quarterly, the agency shall update the entities listed under Subsection (b) regarding the state response to the coronavirus disease (COVID-19) pandemic with respect to public education matters, including:

(1) the implementation of and distribution of funds under the following programs:

(A) programs to ensure one-time intensive educational supports for overcoming COVID-19 pandemic impact under Section 29.929;

(B) the use of one-time federal discretionary COVID-19 funding to ensure grade level support and reimbursements under Section 29.930;

(C) broadband technical support for students under Section 29.931;

and

(D) one-time technology reimbursement under Section 29.932; and

(2) the use of state discretionary funds under:

(A) Section 18003(e), Coronavirus Aid, Relief, and Economic Security Act (Title VIII, Div. B, Pub. L. No. 116-136, reprinted in note, 20 U.S.C. Section 3401); and

(B) Section 313(e), Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401).

(b) The agency shall update, in accordance with Subsection (a), the following entities:

(1) the office of the governor;

(2) the office of the lieutenant governor;

(3) the office of the speaker of the house of representatives;

(4) the office of the chair of the Senate Committee on Finance;

(5) the office of the chair of the House Committee on Appropriations;

(6) the office of the chair of the Senate Committee on Education; and

(7) the office of the chair of the House Committee on Public Education.

(c) This section expires September 1, 2024.

Sec. 29.934. RESOURCE CAMPUS. (a) A school district campus that is eligible under Subsection (b) may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students.

(b) To apply to be designated as a resource campus under this section, the campus must have received an overall performance rating under Section 39.054 of F for four years over a 10-year period of time.

(c) A campus notified by the commissioner under Subsection (f) that the campus has been designated as a resource campus qualifies for funding as provided by Section 48.252 for each year the campus maintains approval to operate as a resource campus regardless of whether the campus is unacceptable or does not qualify under Subsection (b).

(d) To be designated as a resource campus, the campus must:

(1) implement a targeted improvement plan as described by Chapter 39A and establish a school community partnership team;

(2) adopt an accelerated campus excellence turnaround plan as provided by Section 39A.105(b) except that a classroom teacher who satisfies the requirements for demonstrated instructional effectiveness under Section 39A.105(b)(3) must also hold a current designation assigned under Section 21.3521;

(3) be in a school district that has adopted an approved local optional teacher designation system under Section 21.3521;

(4) satisfy certain staff criteria by:

(A) requiring a principal or teacher employed at the campus before the designation to apply for a position to continue at the campus;

(B) employing only teachers who have at least three years of teaching experience;

(C) employing at least one school counselor for every 300 students;

and

(D) employing at least one appropriately licensed professional to assist with the social and emotional needs of students and staff, who must be a:

(i) family and community liaison;

(ii) clinical social worker;

(iii) specialist in school psychology; or

(iv) professional counselor;

(5) implement a positive behavior program as provided by Section 37.0013;

(6) implement a family engagement plan as described by Section 29.168;

(7) develop and implement a plan to use high quality instructional materials;

(8) if the campus is an elementary campus, operate the campus for a school year that qualifies for funding under Section 48.0051; and

(9) annually submit to the commissioner data and information required by the commissioner to assess fidelity of implementation.

(e) On the request of a school district, the agency shall assist the district in:

(1) applying for designation of a district campus as a resource campus;

and

(2) developing and implementing a plan to operate a district campus as a resource campus.

(f) The commissioner shall notify a campus if it has been designated as a resource campus not later than the 60th day after the date the commissioner receives the request for the designation.

(g) A campus approved to operate as a resource campus must annually submit to the commissioner data and information requested by the commissioner for purposes of determining whether the campus has met the measure of fidelity of implementation required to maintain status as a resource campus.

(h) If a campus fails to maintain status as a resource campus for two consecutive years, the campus is not eligible for designation as a resource campus. A campus subject to this subsection may reapply for designation as a resource campus if the campus qualifies under Subsection (b).

(i) A decision by the commissioner regarding whether to designate a campus as a resource campus is final and may not be appealed.

(j) The commissioner may adopt rules necessary to implement this section.

SECTION 13. Section 31.0211(c), Education Code, is amended to read as follows:

(c) Subject to Subsection (d), funds allotted under this section may be used to:

(1) purchase:

(A) materials on the list adopted by the commissioner, as provided by Section 31.0231;

(B) instructional materials, regardless of whether the instructional materials are on the list adopted under Section 31.024;

(C) consumable instructional materials, including workbooks;

(D) instructional materials for use in bilingual education classes, as provided by Section 31.029;

(E) instructional materials for use in college preparatory courses under Section 28.014, as provided by Section 31.031;

(F) supplemental instructional materials, as provided by Section 31.035;

(G) state-developed open education resource instructional materials, as provided by Subchapter B-1;

(H) instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;

(I) technological equipment necessary to support the use of materials included on the list adopted by the commissioner under Section 31.0231 or any instructional materials purchased with an allotment under this section; and

(J) inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of the instructional materials; and

(2) pay:

(A) for training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use; ~~and~~

(B) the salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

(C) for costs associated with distance learning, including Wi-Fi, Internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate Internet access.

SECTION 14. Section 32.155, Education Code, is amended to read as follows:

Sec. 32.155. PROTECTION OF COVERED INFORMATION. (a) An operator must implement and maintain reasonable security procedures and practices designed to protect any covered information from unauthorized access, deletion, use, modification, or disclosure.

(b) Any operator that has been approved by the agency or had a product adopted by the agency and possesses any covered information must use the unique identifier established by the Texas Student Data System (TSDS) or a successor data management system maintained by the agency for any account creation, data upload, data transmission, analysis, or reporting to mask all personally identifiable student information. The operator shall adhere to a state-required student data sharing agreement that includes an established unique identifier standard for all operators as prescribed by the agency.

(c) In addition to including the unique identifier in releasing information as provided by Subsection (b), an operator may include any other data field identified by the agency or by a school district, open-enrollment charter school, regional education service center, or other local education agency as necessary for the information being released to be useful.

(d) A school district, open-enrollment charter school, regional education service center, or other local education agency may include additional data fields in an agreement with an operator or the amendment of an agreement with an operator under this section. An operator may agree to include the additional data fields requested by a school district, open-enrollment charter school, regional education service center, or other local education agency but may not require that additional data fields be included.

(e) A school district, open-enrollment charter school, regional education service center, or other local education agency may require an operator that contracts directly with the entity to adhere to a state-required student data sharing agreement that includes the use of an established unique identifier standard for all operators as prescribed by the agency.

(f) A national assessment provider who receives covered information from a student or from a school district or campus on behalf of a student is not required to comply with Subsection (b) or (e) if the provider receives the covered information solely to provide access to:

(1) employment, educational scholarships, financial aid, or postsecondary educational opportunities; or

(2) educational resources for middle school, junior high school, or high school students.

(g) The commissioner may adopt rules as necessary to administer this section.

SECTION 15. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.913 to read as follows:

Sec. 33.913. TUTORING PROGRAM. (a) A member of a nonprofit teacher organization or a person who is not a member but meets the requirements under Subsection (b) may participate in a tutoring program in accordance with this section to provide supplemental instruction to students in kindergarten through grade 12 on an individualized or small-group basis.

(b) To participate in the program as a tutor, a person must:
(1) be an active or retired teacher;
(2) apply for the position in a manner specified by the nonprofit organization;

(3) designate in the application whether the person plans to provide tutoring:

(A) for compensation, on a volunteer basis, or both; and

(B) in person, online, or both; and

(4) not be included in the registry of persons not eligible for employment by a public school under Section 22.092.

(c) The superintendent or chief executive officer of each school district or open-enrollment charter school or the person designated by the superintendent or chief executive officer shall:

(1) oversee the tutoring program within the district or school; and

(2) not later than the last day of each semester, submit a report to the board of trustees of the district or the governing body of the school that includes, with respect to that semester:

(A) the number of active or retired teachers who contacted the district or school to offer tutoring services to students in the district or school; and

(B) the number of active or retired teachers who were used by the district or school as a tutor on a volunteer basis or employed by the district or school to provide tutoring services for compensation.

(d) A school district or open-enrollment charter school may use any available local, state, or federal funds to provide compensation to a person participating in the program as a tutor who is providing tutoring for compensation under the program.

(e) If an active or retired teacher who has been approved for participation in the tutoring program contacts a school district or open-enrollment charter school to provide tutoring to students in the district or school and the district or school needs tutoring assistance, the district or school may:

(1) if the teacher is providing tutoring services on a volunteer basis, use the volunteer tutoring services provided by the teacher; or

(2) if the district or school has local, state, or federal funds for purposes of the tutoring program and the teacher is providing tutoring services for compensation, employ the teacher as a tutor.

(f) At least quarterly, each nonprofit organization participating in the tutoring program shall provide to the organization's members:

(1) a description of the tutoring program and guidance on how to participate in the program; and

(2) the contact information of each person described by Subsection (c) for the school district in which the member resides, any open-enrollment charter schools located within that district, and any adjacent districts.

(g) This section does not create a cause of action or liability or an obligation or duty that provides a basis for a cause of action or liability against a nonprofit teacher organization approved by the commissioner for the purpose of participating in the tutoring program for any action taken by a member of the organization participating in the program as a tutor.

SECTION 16. Section 37.108(b-1), Education Code, is amended to read as follows:

(b-1) In a school district's safety and security audit required under Subsection (b), the district must certify that the district used the funds provided to the district through the school safety allotment under Section 48.115 ~~[42.168]~~ only for the purposes provided by that section.

SECTION 17. Section 39.0261, Education Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the commissioner by rule may allow a student to take at state cost an assessment instrument described by that subdivision if circumstances existed that prevented the student from taking the assessment instrument before the student graduated from high school.

(b) The agency shall:

(1) select and approve vendors of the specific assessment instruments administered under this section and negotiate with each approved vendor a price for each assessment instrument; and

(2) provide reimbursement to a school district in the amount negotiated under Subdivision (1) for ~~[all fees associated with]~~ the administration of the assessment instrument from funds appropriated for that purpose.

SECTION 18. Section 39.053(g-4), Education Code, is amended to read as follows:

(g-4) For purposes of the computation of dropout and completion rates such as high school graduation rates under Subsection (c)(1)(B)(ix), the commissioner shall exclude a student who was reported as having dropped out of school under Section 48.009(b-4) ~~[42.006(a-9)]~~, and the student may not be considered to have dropped out from the school district or campus in which the student was last enrolled.

SECTION 19. Subchapter D, Chapter 39, Education Code, is amended by adding Section 39.087 to read as follows:

Sec. 39.087. COVID-19 ADJUSTMENT FOR FINANCIAL ACCOUNTABILITY. (a) The commissioner shall adjust the financial accountability rating system under Section 39.082 to account for the impact of financial practices necessary as a response to the coronavirus disease (COVID-19) pandemic, including adjustments required to account for federal funding and funding adjustments under Subchapter F, Chapter 48.

(b) This section expires September 1, 2023.

SECTION 20. Section 45.0021, Education Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) A school district may not levy [~~increase the rate of~~] the district's maintenance taxes described by Section 45.002 at a rate intended to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service.

(c) The agency shall:

(1) develop a method to identify school districts that may have adopted a maintenance tax rate in violation of Subsection (a), which must include a review of data over multiple years;

(2) for each school district identified under the method developed under Subdivision (1), investigate as necessary to determine whether the district has adopted a maintenance tax rate in violation of Subsection (a);

(3) if the agency determines that a school district has adopted a maintenance tax rate in violation of Subsection (a):

(A) order the district to comply with Subsection (a) not later than three years after the date of the order; and

(B) assist the district in developing a corrective action plan that, to the extent feasible, does not result in a net increase in the district's total tax rate; and

(4) post on the agency's Internet website a list of each school district the agency has determined to have adopted a maintenance tax rate in violation of Subsection (a).

(d) The implementation of a corrective action plan under Subsection (c)(3)(B) does not prohibit a school district from increasing the district's total tax rate as necessary to achieve other legal purposes.

(e) If a school district fails to take action under a corrective action plan developed under Subsection (c)(3)(B), the commissioner may reduce the district's entitlement under Chapter 48 by an amount equal to the difference between:

(1) the amount of state and local funding the district received as a result of adopting a maintenance tax rate in violation of Subsection (a); and

(2) the amount of state and local funding the district would have received if the district had not adopted a maintenance tax rate in violation of Subsection (a).

(f) This section does not prohibit a school district from:

(1) using a surplus in maintenance tax revenue to pay the district's debt service if:

(A) the district's interest and sinking fund tax revenue is insufficient to pay the district's debt service due to circumstances beyond the district's control; and

(B) the use of the surplus maintenance tax revenue to pay the district's debt service is necessary to prevent a default on the district's debt;

(2) paying a portion of the district's maintenance tax revenue into the tax increment fund for a reinvestment zone under Chapter 311, Tax Code; or

(3) using money disbursed from the tax increment fund for a reinvestment zone under Chapter 311, Tax Code, in accordance with the agreement entered into by the district with the governing body of the municipality or county that designated the zone under Section 311.013(f) of that code.

SECTION 21. Section 48.005(d), Education Code, is amended to read as follows:

(d) The commissioner may adjust the average daily attendance of a school district in which a disaster, flood, extreme weather condition, fuel curtailment, or other calamity has a significant effect on the district's attendance. In addition to providing the adjustment for the amount of instructional days during the semester in which the calamity first occurred, an adjustment under this section may only be provided based on a particular calamity for an additional amount of instructional days equivalent to one school year. The commissioner may divide the adjustment between two consecutive school years.

SECTION 22. Section 48.009, Education Code, is amended by amending Subsection (b) and adding Subsection (b-4) to read as follows:

(b) The commissioner by rule shall require each school district and open-enrollment charter school to report through the Public Education Information Management System information regarding:

(1) the number of students enrolled in the district or school who are identified as having dyslexia;

(2) the availability of school counselors, including the number of full-time equivalent school counselors, at each campus;

(3) the availability of expanded learning opportunities as described by Section 33.252 at each campus;

(4) the total number of students, other than students described by Subdivision (5), enrolled in the district or school with whom the district or school, as applicable, used intervention strategies, as that term is defined by Section 26.004, at any time during the year for which the report is made; ~~and~~

(5) the total number of students enrolled in the district or school to whom the district or school provided aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), at any time during the year for which the report is made;

(6) disaggregated by campus and grade, the number of:

(A) children who are required to attend school under Section 25.085, are not exempted under Section 25.086, and fail to attend school without excuse for 10 or more days or parts of days within a six-month period in the same school year;

(B) students for whom the district initiates a truancy prevention measure under Section 25.0915(a-4); and

(C) parents of students against whom an attendance officer or other appropriate school official has filed a complaint under Section 25.093; and

(7) the number of students who are enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program provided by the district or school and who:

(A) are at least 18 years of age and under 26 years of age;

(B) have not previously been reported to the agency as dropouts;

and

(C) enroll in the program at the district or school after not attending school for a period of at least nine months.

(b-4) A student reported under Subsection (b)(7) as having enrolled in a high school equivalency program, a dropout recovery school, or an adult education program provided under a high school diploma and industry certification charter school program must be reported through the Public Education Information Management System as having previously dropped out of school.

SECTION 23. Section 48.051, Education Code, is amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) A school district employee who received a salary increase under Subsection (c) from a school district for the 2019-2020 school year is, as long as the employee remains employed by the same district and the district is receiving at least the same amount of funding as the amount of funding the district received for the 2019-2020 school year, entitled to salary that is at least equal to the salary the employee received for the 2019-2020 school year. This subsection does not apply if the board of trustees of the school district at which the employee is employed:

(1) complies with Sections 21.4021, 21.4022, and 21.4032 in reducing the employee's salary; and

(2) has adopted a resolution declaring a financial exigency for the district under Section 44.011.

(c-2) A reduction in the salary of a school district employee described by Subsection (c-1) is subject to the rights granted to the employee under this code.

SECTION 24. Section 48.104, Education Code, is amended by adding Subsection (e-1) and amending Subsections (j-1) and (k) to read as follows:

(e-1) For each student who is a homeless child or youth as defined by 42 U.S.C. Section 11434a, a school district is entitled to an annual allotment equal to the basic allotment multiplied by the highest weight provided under Subsection (d).

(j-1) In addition to other purposes for which funds allocated under this section may be used, those funds may also be used to:

(1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as described by Section 29.081(d)(5); ~~or~~

(2) pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) and (3)-(7);

(3) pay costs for services provided by an instructional coach to raise student achievement at a campus in which educationally disadvantaged students are enrolled; or

(4) pay expenses related to reducing the dropout rate and increasing the rate of high school completion, including expenses related to:

(A) duties performed by attendance officers to support educationally disadvantaged students; and

(B) programs that build skills related to managing emotions, establishing and maintaining positive relationships, and making responsible decisions.

(k) At least 55 percent of the funds allocated under this section must be used to:

(1) fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Subchapter B, Chapter 39, or disparity in the rates of high school completion between:

(A) students who are educationally disadvantaged and students who are not educationally disadvantaged; and

(B) students at risk of dropping out of school, as defined by Section 29.081, and all other students; or

(2) support a program eligible under Title I of the Elementary and Secondary Education Act of 1965, as provided by Pub. L. No. 103-382 and its subsequent amendments, and by federal regulations implementing that Act.

SECTION 25. Section 48.106, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (d) to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved career and technology education program in grades 7 through 12, a district is entitled to:

[(+) an annual allotment equal to the basic allotment, or, if applicable, the sum of the basic allotment and the allotment under Section 48.101 to which the district is entitled, multiplied by:

(1) 1.1 for a full-time equivalent student in career and technology education courses not in an approved program of study;

(2) 1.28 for a full-time equivalent student in levels one and two career and technology education courses in an approved program of study, as identified by the agency [a weight of 1.35]; and

(3) 1.47 for a full-time equivalent student in levels three and four career and technology education courses in an approved program of study, as identified by the agency.

(a-1) In addition to the amounts under Subsection (a), for each student in average daily attendance, a district is entitled to

[(2)] \$50 for each of the following in which the student is enrolled:

(1) [(A) two or more advanced career and technology education classes for a total of three or more credits;

[(B)] a campus designated as a P-TECH school under Section 29.556; or

(2) [(C)] a campus that is a member of the New Tech Network and that focuses on project-based learning and work-based education.

(d) The agency shall annually publish a list of career and technology courses that qualify for an allotment under Subsection (a), disaggregated by the weight for which the course qualifies.

SECTION 26. Section 48.106(b), Education Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Approved [~~Career and technology education class~~ and -]career and technology education program";

(A) means a sequence of career and technology education courses, including [~~include~~] technology applications courses, authorized by the State Board of Education; and

(B) includes only courses that qualify for high school credit.

(1-a) "Approved program of study" means a course sequence that:

(A) provides students with the knowledge and skills necessary for success in the students' chosen careers; and

(B) is approved by the agency for purposes of the Strengthening Career and Technical Education for the 21st Century Act (Pub. L. No. 115-224).

SECTION 27. Subchapter C, Chapter 48, Education Code, is amended by adding Section 48.109 to read as follows:

Sec. 48.109. GIFTED AND TALENTED STUDENT ALLOTMENT. (a) For each identified student a school district serves in a program for gifted and talented students that the district certifies to the commissioner as complying with Subchapter D, Chapter 29, a district is entitled to an annual allotment equal to the basic allotment multiplied by 0.07 for each school year or a greater amount provided by appropriation.

(b) Funds allocated under this section, other than the amount that represents the program's share of general administrative costs, must be used in providing programs for gifted and talented students under Subchapter D, Chapter 29, including programs sanctioned by International Baccalaureate and Advanced Placement, or in developing programs for gifted and talented students. Each district must account for the expenditure of state funds as provided by rule of the State Board of Education. If by the end of the 12th month after receiving an allotment for developing a program a district has failed to implement a program, the district must refund the amount of the allotment to the agency within 30 days.

(c) Not more than five percent of a district's students in average daily attendance are eligible for funding under this section.

(d) If the amount of state funds for which school districts are eligible under this section exceeds the amount of state funds appropriated in any year for the programs, the commissioner shall reduce each district's tier one allotments in the same manner described for a reduction in allotments under Section 48.266.

(e) If the total amount of funds allotted under this section before a date set by rule of the State Board of Education is less than the total amount appropriated for a school year, the commissioner shall transfer the remainder to any program for which an allotment under Section 48.104 may be used.

(f) After each district has received allotted funds for this program, the State Board of Education may use up to \$500,000 of the funds allocated under this section for programs such as MATHCOUNTS, Future Problem Solving, Odyssey of the Mind, and Academic Decathlon, as long as these funds are used to train personnel and provide program services. To be eligible for funding under this subsection, a program must be determined by the State Board of Education to provide services that are effective and consistent with the state plan for gifted and talented education.

SECTION 28. Section 48.110(f), Education Code, is amended to read as follows:

(f) For purposes of this section, an annual graduate demonstrates:

(1) college readiness if the annual graduate:

(A) both:

(i) achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(ii) ~~(B)~~ during a time period established by commissioner rule, enrolls at a postsecondary educational institution; or

(B) earns an associate degree from a postsecondary educational institution approved by the Texas Higher Education Coordinating Board while attending high school or during a time period established by commissioner rule;

(2) career readiness if the annual graduate:

(A) achieves college readiness standards used for accountability purposes under Chapter 39 on the ACT, the SAT, or an assessment instrument designated by the Texas Higher Education Coordinating Board under Section 51.334; and

(B) during a time period established by commissioner rule, earns an industry-accepted certificate; and

(3) military readiness if the annual graduate:

(A) achieves a passing score set by the applicable military branch on the Armed Services Vocational Aptitude Battery; and

(B) during a time period established by commissioner rule, enlists in the armed forces of the United States.

SECTION 29. Section 48.111, Education Code, is amended to read as follows:

Sec. 48.111. FAST GROWTH ALLOTMENT. (a) Except as provided by Subsection (c), a [A] school district [in which the growth in student enrollment in the district over the preceding three school years is in the top quartile of student enrollment growth in school districts in the state for that period, as determined by the commissioner,] is entitled to an annual allotment equal to the basic allotment multiplied by the applicable weight under Subsection (a-1) [0.04] for each enrolled student equal to the difference, if the difference is greater than zero, that results from subtracting 250 from the difference between the number of students enrolled in the district during the school year immediately preceding the current school year and the number of students enrolled in the district during the school year six years preceding the current school year [in average daily attendance].

(a-1) For purposes of Subsection (a), the agency shall assign the following weights:

(1) 0.48 for each student enrolled at a district in the top 40 percent of districts, as determined based on the number of students calculated under Subsection (a);

(2) 0.33 for each student enrolled at a district in the middle 30 percent of districts, as determined based on the number of students calculated under Subsection (a); and

(3) 0.18 for each student enrolled at a district in the bottom 30 percent of districts, as determined based on the number of students calculated under Subsection (a).

(a-2) Notwithstanding Subsection (a-1), for the 2021-2022 school year, instead of using the weights under that subsection, the agency shall substitute the following weights:

(1) 0.45 for each student enrolled at a district in the top 40 percent of districts, as determined based on the number of students calculated under Subsection (a);

(2) 0.30 for each student enrolled at a district in the middle 30 percent of districts, as determined based on the number of students calculated under Subsection (a); and

(3) 0.15 for each student enrolled at a district in the bottom 30 percent of districts, as determined based on the number of students calculated under Subsection (a).

(a-3) Subsection (a-2) and this subsection expire September 1, 2024.

(b) For purposes of Subsection (a), in determining the number of students enrolled in a school district, the commissioner shall exclude students enrolled in the district who receive full-time instruction through the state virtual school network under Chapter 30A.

(c) Notwithstanding Subsection (a), the total amount that may be used to provide allotments under Subsection (a) may not exceed \$320 million. If the total amount of allotments to which districts are entitled under Subsection (a) for a school year exceeds the amount permitted under this subsection, the commissioner shall proportionately reduce each district's allotment under this section.

(c-1) Notwithstanding Subsection (c), the total amount that may be used to provide allotments under Subsection (a) may not exceed:

(1) for the 2021-2022 school year, \$270 million;

(2) for the 2022-2023 school year, \$310 million; and

(3) for the 2023-2024 school year, \$315 million.

(c-2) Subsection (c-1) and this subsection expire September 1, 2025.

(d) Subject to the limitation under Subsection (d-1), for the 2021-2022 school year, the agency shall provide to each school district, regardless of whether the district is entitled to an allotment under Subsection (a) for the 2021-2022 school year, an amount equal to the difference, if the difference is greater than zero, between the amount of the allotment for the 2019-2020 school year under this section, as this section existed on September 1, 2019, and the amount of the allotment for the 2021-2022 school year.

(d-1) The total amount that may be used to provide funding under Subsection (d) may not exceed \$40 million. If the total amount of funding to which districts are entitled under Subsection (d) for a school year exceeds the amount permitted under this subsection, the commissioner shall proportionately reduce each district's amount under Subsection (d).

(d-2) The amounts to which school districts are entitled under Subsection (d) are not subject to the amount limitations described by Subsections (c) and (c-1).

(d-3) Subsections (d), (d-1), (d-2), and this subsection expire September 1, 2023.

SECTION 30. Section 48.112, Education Code, is amended by adding Subsection (j) to read as follows:

(j) The Texas School for the Deaf and the Texas School for the Blind and Visually Impaired are entitled to an allotment under this section. If the commissioner determines that assigning point values under Subsections (e) and (f) to students enrolled in the Texas School for the Deaf or the Texas School for the Blind and Visually Impaired is impractical, the commissioner may use the average point value assigned for those students' home districts for purposes of calculating the high needs and rural factor.

SECTION 31. Section 42.168, Education Code, as added by Chapter 464 (SB 11), Acts of the 86th Legislature, Regular Session, 2019, is transferred to Subchapter C, Chapter 48, Education Code, redesignated as Section 48.115, Education Code, and amended to read as follows:

Sec. 48.115 ~~[42.168]~~. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:

(A) improvements to school infrastructure;

(B) the use or installation of physical barriers; and

(C) the purchase and maintenance of:

(i) security cameras or other security equipment; and

(ii) technology, including communications systems or devices,

that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:

(i) providing licensed counselors, social workers, and individuals trained in restorative discipline and restorative justice practices;

(ii) providing mental health personnel and support;

(iii) [(ii)] providing behavioral health services; ~~and~~

(iv) [(iii)] establishing threat reporting systems; and

(v) developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support; and

(4) providing programs related to suicide prevention, intervention, and postvention.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d) The commissioner shall annually publish a report regarding funds allocated under this section including the programs, personnel, and resources purchased by districts using funds under this section and other purposes for which the funds were used ~~[A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.~~

~~[(e) The commissioner may adopt rules to implement this section].~~

SECTION 32. Section 48.252(a), Education Code, is amended to read as follows:

(a) This section applies only to:

(1) a school district and an open-enrollment charter school that enter into a contract to operate a district campus as provided by Section 11.174;

(2) a charter granted by a school district for a program operated by an entity that has entered into a contract under Section 11.174, provided that the district does not appoint a majority of the governing body of the charter holder; ~~and~~

(3) a school district that contracts with an open-enrollment charter school to jointly operate a campus or campus program as provided by Section 11.157(b); and

(4) a school district that operates a resource campus as provided by Section 29.934.

SECTION 33. Section 48.2551, Education Code, is amended by amending Subsections (a) and (c) and adding Subsections (d-1) and (d-2) to read as follows:

(a) In this section:

(1) "DPV" is the taxable value of property in the school district, as determined by the agency by rule, using locally determined property values adjusted in accordance with Section 403.302(d), Government Code ~~[has the meaning assigned by Section 48.256];~~

(2) "E" is the expiration of the exclusion of appraised property value for the preceding tax year that is recognized as taxable property value for the current tax year, which is the sum of the following:

(A) property value that is no longer subject to a limitation on appraised value under Chapter 313, Tax Code; and

(B) property value under Section 311.013(n), Tax Code, that is no longer excluded from the calculation of "DPV" from the preceding year because of refinancing or renewal after September 1, 2019;

(3) "MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per \$100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under this chapter;

(4) "PYDPV" is the district's value of "DPV" for the preceding tax year; and

(5) "PYMCR" is the district's value of "MCR" for the preceding tax year.

(c) Notwithstanding Subsection (b), for a district to which Section 48.2552(b) applies, the district's maximum compressed rate is the value calculated in accordance with Section 48.2552(b) ~~[for "MCR" under Subsection (b)(1)(B)].~~

(d-1) Local appraisal districts, school districts, and the comptroller shall provide any information necessary to the agency to implement this section.

(d-2) A school district may appeal to the commissioner the district's taxable property value as determined by the agency under this section. A decision by the commissioner is final and may not be appealed.

SECTION 34. Section 48.2552(b), Education Code, is amended to read as follows:

(b) If a school district's ~~[district has a]~~ maximum compressed rate as calculated under Section 48.2551(b) would be ~~[that is]~~ less than 90 percent of another school district's maximum compressed rate, the district's maximum compressed rate is the value at which the district's maximum compressed rate would be equal to 90 percent of the other district's maximum compressed rate ~~[calculated under Section 48.2551(c) until the agency determines that the difference between the district's and another district's maximum compressed rates is not more than 10 percent].~~

SECTION 35. Section 48.257(c), Education Code, is amended to read as follows:

(c) For purposes of Subsection (a), state aid to which a district is entitled under this chapter that is not described by Section 48.266(a)(3) ~~[48.266(a)(1), (2), or (3)]~~ may offset the amount by which a district must reduce the district's ~~[tier~~

~~one~~] revenue level under this section [~~Subsection (a)~~]. Any amount of state aid used as an offset under this subsection shall reduce the amount of state aid to which the district is entitled.

SECTION 36. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.2611 to read as follows:

Sec. 48.2611. ONE-TIME REIMBURSEMENT FOR WINTER STORM URI. (a) The agency shall provide reimbursement to school districts in accordance with Section 48.261 for costs incurred as a result of the 2021 North American winter storm (Winter Storm Uri), including any resulting electricity price increases.

(b) This section expires September 1, 2023.

SECTION 37. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.2721 to read as follows:

Sec. 48.2721. RECOVERY OF FUNDS FROM EXCESSIVE TAXATION. The commissioner shall reduce state aid or adjust the limit on local revenue under Section 48.257 in an amount equal to the amount of revenue generated by a school district's tax effort that is not in compliance with Section 45.003 or this chapter.

SECTION 38. Section 48.277, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding any other provision of this chapter, beginning with the 2021-2022 school year, if the total amount of allotments to which school districts and open-enrollment charter schools are entitled under this section for a school year exceeds \$400 million, the commissioner shall proportionately reduce each district's or school's allotment under this section. The reduction in the amount to which a district or school is entitled under this section may not result in an amount that is less than zero.

SECTION 39. Subchapter F, Chapter 48, Education Code, is amended by adding Section 48.281 to read as follows:

Sec. 48.281. MAINTENANCE OF EFFORT AND EQUITY FOR FEDERAL MONEY RELATED TO COVID-19 PANDEMIC. (a) Subject to Subsection (b), the commissioner shall increase a school district's or open-enrollment charter school's entitlement under this chapter as necessary to ensure compliance with requirements regarding maintenance of effort and maintenance of equity under Section 317, Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260, reprinted in note, 20 U.S.C. Section 3401), and Section 2001, American Rescue Plan Act of 2021 (Pub. L. No. 117-2, reprinted in note, 20 U.S.C. Section 3401).

(b) Before making an increase under Subsection (a), the commissioner shall notify the Legislative Budget Board and the governor of the proposed increase. The increase is considered to be approved unless the Legislative Budget Board or the governor issues a written disapproval of the increase not later than the 30th day after the date on which the commissioner provides notice under this subsection.

(c) If the total amount of money available to the commissioner for purposes of making increases under this section for a state fiscal year is insufficient to make an increase the commissioner determines necessary under Subsection (a), the commissioner shall submit to the legislature an estimate of the amount of funding needed to make the increase for that state fiscal year.

(d) This section expires September 1, 2025.

SECTION 40. Section 48.302(b), Education Code, is amended to read as follows:

(b) The agency shall enter into a memorandum of understanding with the commission for the agency to transfer funds to the commission [~~and funds specifically appropriated to the agency~~] for the commission to provide to an individual who is 21 years of age or older a subsidy in an amount equal to the cost of taking one high school equivalency examination administered under Section 7.111.

SECTION 41. Subchapter G, Chapter 48, Education Code, is amended by adding Section 48.303 to read as follows:

Sec. 48.303. ADDITIONAL STATE AID FOR REGIONAL EDUCATION SERVICE CENTER STAFF SALARY INCREASES. (a) A regional education service center is entitled to state aid in an amount equal to the sum of:

(1) the product of \$500 multiplied by the number of full-time center employees, other than administrators or classroom teachers, full-time librarians, full-time school counselors certified under Subchapter B, Chapter 21, or full-time school nurses; and

(2) the product of \$250 multiplied by the number of part-time center employees, other than administrators or teachers, librarians, school counselors certified under Subchapter B, Chapter 21, or school nurses.

(b) A determination by the commissioner under Subsection (a) is final and may not be appealed.

SECTION 42. Chapter 48, Education Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. TEXAS COMMISSION ON SPECIAL EDUCATION FUNDING

Sec. 48.401. DEFINITION. In this subchapter, "commission" means the Texas Commission on Special Education Funding.

Sec. 48.402. TEXAS COMMISSION ON SPECIAL EDUCATION FUNDING. (a) The commission is established to develop and make recommendations regarding methods of financing special education in public schools.

(b) The commission is composed of seven members, appointed as follows:

(1) one member appointed by the governor;

(2) three members appointed by the lieutenant governor; and

(3) three members appointed by the speaker of the house of representatives.

(c) In making appointments under Subsection (b), the governor, lieutenant governor, and speaker of the house of representatives shall coordinate to ensure that membership of the commission, to the extent possible, reflects the ethnic and geographic diversity of this state.

(d) The members appointed by:

- (1) the governor must have an interest in special education;
- (2) the lieutenant governor must be three members of the senate; and
- (3) the speaker of the house of representatives must be three members of the house of representatives.

Sec. 48.403. PRESIDING OFFICER. The governor shall designate the presiding officer of the commission.

Sec. 48.404. COMPENSATION AND REIMBURSEMENT. A member of the commission is not entitled to compensation for service on the commission but is entitled to reimbursement for actual and necessary expenses incurred in performing commission duties.

Sec. 48.405. ADMINISTRATIVE SUPPORT AND FUNDING. (a) The agency shall provide administrative support for the commission.

(b) Funding for the administrative and operational expenses of the commission shall be provided by legislative appropriation made to the agency for that purpose.

Sec. 48.406. RECOMMENDATIONS. (a) The commission shall develop recommendations under this subchapter to address issues related to special education funding.

(b) The commission may establish one or more working groups composed of not more than three members of the commission to study, discuss, and address specific policy issues and recommendations to refer to the commission for consideration.

Sec. 48.407. REPORT. Not later than December 31, 2022, the commission shall prepare and deliver a report to the governor and the legislature that recommends statutory changes to improve funding for special education.

Sec. 48.408. PUBLIC MEETINGS AND PUBLIC INFORMATION. (a) The commission may hold public meetings as needed to fulfill its duties under this subchapter.

(b) The commission is subject to Chapters 551 and 552, Government Code.

Sec. 48.409. COMMISSION ABOLISHED; EXPIRATION OF SUBCHAPTER. The commission is abolished and this subchapter expires January 1, 2023.

SECTION 43. Subchapter A, Chapter 49, Education Code, is amended by adding Section 49.0041 to read as follows:

Sec. 49.0041. LOCAL REVENUE LEVEL IN EXCESS OF ENTITLEMENT AFTER REVIEW NOTIFICATION. If the commissioner determines that a school district has a local revenue level in excess of entitlement after the date the commissioner sends notification for the school year under Section 49.004(a), the commissioner shall include the amount of the district's

local revenue level that exceeded the level established under Section 48.257 for that school year in the annual review for the following school year of the district's local revenue levels under Section 49.004(a).

SECTION 44. Section 49.054(b), Education Code, is amended to read as follows:

(b) A consolidated [~~Except as provided by Subsection (e), a~~] district under this subchapter [~~receiving incentive aid payments under this section~~] is [~~not~~] entitled to incentive aid under Subchapter G, Chapter 13.

SECTION 45. Section 822.201(b), Government Code, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986, if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans;

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district and meeting the requirements of Subsection (e);

(5) the benefit replacement pay a person earns under Subchapter H, Chapter 659, except as provided by Subsection (c);

(6) stipends paid to teachers in accordance with former Section 21.410, 21.411, 21.412, or 21.413, Education Code;

(7) amounts by which the member's salary is reduced or that are deducted from the member's salary as authorized by Subchapter J, Chapter 659;

(8) a merit salary increase made under Section 51.962, Education Code;

(9) amounts received under the relevant parts of the educator excellence awards program under Subchapter O, Chapter 21, Education Code, or a mentoring program under Section 21.458, Education Code, that authorize compensation for service;

(10) salary amounts designated as health care supplementation by an employee under Subchapter D, Chapter 22, Education Code; ~~and~~

(11) to the extent required by Sections 3401(h) and 414(u)(12), Internal Revenue Code of 1986, differential wage payments received by an individual from an employer on or after January 1, 2009, while the individual is performing qualified military service as defined by Section 414(u), Internal Revenue Code of 1986; and

(12) increased compensation paid to a teacher by a school district using funds received by the district under the teacher incentive allotment under Section 48.112, Education Code.

SECTION 46. Section 824.602(a), Government Code, is amended to read as follows:

(a) Subject to Section 825.506, the retirement system may not, under Section 824.601, withhold a monthly benefit payment if the retiree is employed in a Texas public educational institution:

(1) as a substitute only with pay not more than the daily rate of substitute pay established by the employer and, if the retiree is a disability retiree, the employment has not exceeded a total of 90 days in the school year;

(2) in a position, other than as a substitute, on no more than a one-half time basis for the month;

(3) in one or more positions on as much as a full-time basis, if the retiree has been separated from service with all Texas public educational institutions for at least 12 full consecutive months after the retiree's effective date of retirement; ~~or~~

(4) in a position, other than as a substitute, on no more than a one-half time basis for no more than 90 days in the school year, if the retiree is a disability retiree; or

(5) as a tutor under Section 33.913, Education Code.

SECTION 47. Subchapter G, Chapter 825, Government Code, is amended by adding Section 825.604 to read as follows:

Sec. 825.604. INFORMATION PROVIDED TO MEMBERS. The retirement system shall regularly provide information in an electronic format to members and retirees regarding the tutoring program established under Section 33.913, Education Code, that includes:

(1) general information regarding the tutoring program; and

(2) a statement directing members and retirees who want to participate in the tutoring program to contact their local school districts or open-enrollment charter schools for further guidance.

SECTION 48. (a) The following provisions of the Education Code are repealed:

(1) Sections 12.133(d), (d-1), and (e);

(2) Sections 29.026(f) and (m);

(3) Section 29.124;

(4) Section 48.0051(a-1);

(5) Section 48.154; and

(6) Sections 49.054(a) and (c).

(b) The following provisions, which amended Section 42.006, Education Code, are repealed:

(1) Section 2, Chapter 1036 (**HB 548**), Acts of the 86th Legislature, Regular Session, 2019; and

(2) Section 8, Chapter 1060 (**HB 1051**), Acts of the 86th Legislature, Regular Session, 2019.

SECTION 49. (a) Except as provided by Subsection (b) of this section, Section 28.004, Education Code, as amended by this Act, applies beginning with the 2021-2022 school year.

(b) Section 28.004(j-1), Education Code, as added by this Act, applies only to a purchase agreement entered into, amended, or renewed on or after September 1, 2021.

SECTION 50. Section 45.0021, Education Code, as amended by this Act, applies only to a tax rate adopted on or after the effective date of this Act. A tax rate adopted before the effective date of this Act is governed by the law in effect on the date the tax rate was adopted, and the former law is continued in effect for that purpose.

SECTION 51. (a) Subject to Subsection (b) of this section, the changes in law made by this Act apply to a retiree of the Teacher Retirement System of Texas regardless of whether the person retired from employment before, on, or after the effective date of this Act.

(b) Section 824.602(a), Government Code, as amended by this Act, applies only to the employment of a retiree of the Teacher Retirement System of Texas that occurs on or after the effective date of this Act.

SECTION 52. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 53. (a) Except as provided by Subsections (b) and (c) of this section, this Act takes effect September 1, 2021.

(b) Sections 28.004 and 31.0211(c), Education Code, as amended by this Act, take effect immediately if this Act 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, those sections take effect September 1, 2021.

(c) Section 32.155, Education Code, as amended by this Act, takes effect September 1, 2023.

HB 1525 - REMARKS

REPRESENTATIVE BONNEN: Representative Huberty, thank you for your work on this. This is a really important piece of legislation and I know you've spent many, many hours on this. Some members have some concerns about the Technology and Instructional Materials Allotment and that that may be actually reduced in its funding in the budget. Can you speak to that?

REPRESENTATIVE HUBERTY: Yes, absolutely. So we only had a proclamation for three different criteria right now. It was pre-K, health, and PE this biennium, which amounted to about \$450 million. So that's what we funded through the IMA.

BONNEN: Great. So that is actually funded?

HUBERTY: Yes, sir.

BONNEN: And what are the future plans for the Instructional Materials Allotment?

HUBERTY: So we're going to go back to historic levels, which is about 50 percent of the ASF, which is about a \$1 billion—between \$1 billion and \$1.2 billion—based on where we're going to end up, which would be the expectation as we go into the next legislative session. So I know there were concerns about that when we reduce that amount of money for other programs moving forward. That is not the floor at all. That is going to be, as we go forward, what is the need going to be as we look in the future? And we anticipate that when we come back in the 2023 session, that it would be between between \$1 billion and \$1.2 billion.

REPRESENTATIVE C. TURNER: I know you've worked a lot on this over the last several months, and I just want to have a conversation with you about the conference committee report as it relates to the house amendment that you accepted from me a while back pertaining to protecting the hard-fought salary increases that we got into **HB 3** two years ago. We had an amendment in **HB 1525** to preserve those pay increases. I want to know if you can speak to that in the conference committee report.

HUBERTY: Yes. So the amendment that you offered to us that we worked out during the original passing of **HB 1525** out of the house, we tweaked it just a little bit. But the bones of it that we put together are virtually the same, where we said, look, whatever the 2019-2020 salaries are, we're not going backwards, making sure that we're creating the funding mechanism on the basic allotment as we go forward. If for some reason the legislature wanted to make that change, they have to statutorily do it just like they would in the basic allotment, which, as you know, we increased the basic allotment back in the 2019 legislative session. So we wanted to make sure that we tied those salaries together to what we already did and so that has stayed now, statutorily, in law as we go forward.

C. TURNER: That's great. Well, I appreciate your commitment to protecting that language in a modified version and thanks for your work on this bill.

REPRESENTATIVE BERNAL: First, Chairman Huberty, I wanted to thank you for all of your work on this. I know it wasn't easy, and I know this bill contains a lot of different elements that went through a variety of negotiations. And I think it is a good example of people working across the aisle trying to get something that we can all either live with—we either all don't like it or we all kind of hate it—but in the end, it's something that reflects a lot of different voices in one place. So I appreciate that. I wanted to ask you about two amendments you mentioned to make sure that members understand what they do. The first is the inclusion of Representative Talarico's bill, which would allow the use of the comp ed allotment which we increased in **HB 3** significantly. It would allow the use of that money for social workers, for family specialists, for school psychologists, and the programs they run, which is something that we heard at

length in committee. And just to be clear, would you agree with me that we heard more about mental health and suicide in this Public Education Committee than in all of the others that you and I have worked on together combined?

HUBERTY: Absolutely, 100 percent.

BERNAL: And that highlights the importance of Representative Talarico's bill and the inclusion in this bill.

HUBERTY: That is correct. That's why we added it in. We thought it was another good tool that we could add in our toolbox to help our districts for sure. And as we learned when we increased the comp ed waiving to 55 percent versus the 45 percent that we had prior to that, you know, this will give them another program that they can adapt so they can utilize this money and put it in the classroom where it belongs.

BERNAL: And then with regard to my **HB 220**, right now, under **SB 1882**, if a school wanted to get more resources, they would have to hand governance over to either a charter school, a nonprofit, or a university or college. And what we've done here is add another universe of eligibility that is designed to infuse F campuses with the same resources without handing governance over of their school. Is that right?

HUBERTY: Absolutely, and that gives us a chance—as Dr. Allen has talked to us and taught us during our time on the Public Education Committee—that we need to spend the money now to educate them versus trying to pay somebody else to do it in the future and put the money and the resources where they belong and get good principals and good teachers and people in those classrooms. And your concept and idea certainly is something that we need to progressively think about that can be helping these kids right now versus turning our schools over to somebody that doesn't pay attention to them.

REPRESENTATIVE K. KING: We've talked a lot about this bill all session. Can you remind the body how many dollars are tied to this legislation?

HUBERTY: Yes. So there's roughly right now—originally it left here with about \$300 million—there is a general revenue fiscal note of \$475 million. There's another \$1.2 billion of federal dollars that are tied to it. So when you move all the moving parts, we're roughly talking about \$2.3 billion. It left here with \$300 million. And that's all inclusive of general revenue and federal funds. One other important thing—last session, one of the things Chairwoman Nelson wanted, as we talked about in **HB 3** last session, was the gifted and talented. Well, that's back in. So that's another \$100 million on top of it. We fixed the CTE issue and the small/mid-sized adjustment. That's about \$220 million for the rural districts. So that's where it's at.

K. KING: So would you remind the body? I mean, we've talked a lot on these education bills this session about giving the commissioner more power. If this bill doesn't pass, who has discretion over that money?

HUBERTY: The TEA.

K. KING: So we would ultimately be giving the commissioner more power if the bill doesn't pass?

HUBERTY: Yes, sir.

K. KING: One final question, Representative Huberty, just so the body's clear. Is there any of these dollars that you just mentioned in this bill that are still tied to outcome-based funding?

HUBERTY: No, we took that out.

Representative Huberty moved to adopt the conference committee report on **HB 1525**.

The motion to adopt the conference committee report on **HB 1525** prevailed by (Record 1792): 129 Yeas, 3 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Holland; Howard; Huberty; Hull; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Nays — Hunter; Middleton; Schaefer.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Ashby; Campos; Gervin-Hawkins; Hinojosa; Israel; Johnson, J.D.; Martinez Fischer; Minjarez; Ordaz Perez; Pacheco; Ramos; Rodriguez.

STATEMENTS OF VOTE

When Record No. 1792 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1792 was taken, I was shown voting no. I intended to vote yes.

Hunter

When Record No. 1792 was taken, I was in the house but away from my desk. I would have voted yes.

Martinez Fischer

When Record No. 1792 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

When Record No. 1792 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

When Record No. 1792 was taken, I was shown voting yes. I intended to vote no.

Toth

**HB 4492 - RULES SUSPENDED
CONFERENCE COMMITTEE REPORT ADOPTED**

Representative Paddie moved to suspend all necessary rules to submit at this time the conference committee report on **HB 4492**.

The motion prevailed.

Representative Paddie submitted the following conference committee report on **HB 4492**:

Austin, Texas, May 29, 2021

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 4492** 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.

Hancock
West
Paxton

Paddie
P. King
Deshotel
Lucio
Metcalf

On the part of the senate

On the part of the house

HB 4492, A bill to be entitled An Act relating to financing certain costs associated with electric markets; granting authority to issue bonds; authorizing fees.

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

SECTION 1. Section 404.0241, Government Code, is amended by adding Subsections (b-1), (b-2), (b-3), (b-4), and (b-5) to read as follows:

(b-1) Notwithstanding any other law, directly or indirectly through a separately managed account or other investment vehicle, the comptroller shall invest not more than \$800 million of the economic stabilization fund balance to finance the default balance as defined by Section 39.602, Utilities Code, to be repaid by ERCOT market participants through default charges established by the Public Utility Commission of Texas. The interest rate charged in connection with the debt obligations must be calculated by adding the rate determined by the Municipal Market Data Municipal Electric Index, as published by Refinitiv TM3, based on the credit rating of the independent organization, as defined by Section 39.602, Utilities Code, plus 2.5 percent. The term of the debt obligations may not exceed 30 years.

(b-2) A person may not bring a civil action against this state, the Texas Treasury Safekeeping Trust Company, or an employee, independent contractor, or official of this state, including the comptroller, for any claim, including breach of fiduciary duty or violation of any constitutional, statutory, or regulatory requirement, in connection with any action, inaction, decision, divestment, investment, report, or other determination made or taken in connection with Subsections (b-1), (b-4), and (b-5).

(b-3) A person who brings an action described by Subsection (b-2) is liable to the defendant for the defendant's costs and attorney's fees resulting from the action.

(b-4) The comptroller shall manage the investments required by Subsection (b-1) as a separate investment portfolio. The comptroller shall provide separate accounting and reporting for the investments in that portfolio. The comptroller shall credit to that portfolio all payments, distributions, interest, and other earnings on the investments in that portfolio.

(b-5) The comptroller has any power necessary to accomplish the purposes of managing and investing the assets of the portfolio described by Subsection (b-4). In managing the assets of that portfolio, through procedures and subject to restrictions the comptroller considers appropriate, the comptroller may acquire, sell, transfer, or otherwise assign the investments as appropriate, taking into consideration the purposes, terms, distribution requirements, and other circumstances of that portfolio then prevailing.

SECTION 2. Section 39.002, Utilities Code, is amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.151, 39.1516, 39.155, 39.157(e), 39.159, 39.203, 39.904, 39.9051, 39.9052, and 39.914(e), and Subchapters M and N, does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 3. Section 39.151, Utilities Code, is amended by adding Subsection (j-1) to read as follows:

(j-1) Notwithstanding Subsection (j) of this section, Section 39.653(c), or any other law, the independent system operator in the ERCOT power region may not reduce payments to or uplift short-paid amounts to a municipally owned utility that becomes subject to the jurisdiction of that independent system operator on or after May 29, 2021, and before December 30, 2021, related to a default on a payment obligation by a market participant that occurred before May 29, 2021.

SECTION 4. Subchapter D, Chapter 39, Utilities Code, is amended by adding Section 39.159 to read as follows:

Sec. 39.159. AMOUNTS OWED TO INDEPENDENT ORGANIZATION BY MARKET PARTICIPANTS. (a) The commission shall require that all market participants fully and promptly pay to the independent organization certified under Section 39.151 for the ERCOT power region all amounts owed to the independent organization, or provide for the full and prompt payment of those amounts owed, which must be calculated solely according to the protocols of the independent organization in effect during the period of emergency and subject to the jurisdiction of the commission, to qualify, or to continue to qualify, as a market participant in the ERCOT power region.

(b) The independent organization shall report to the commission that a market participant is in default for the failure to pay, or provide for the full and prompt payment of, all amounts owed to the independent organization as calculated in accordance with this section. The commission may not allow the defaulting market participant to continue to be a market participant in the ERCOT power region for any purpose or allow the independent organization to accept the defaulting market participant's loads or generation for scheduling in the ERCOT power region until all amounts owed to the independent organization by the market participant as calculated in this section are fully paid.

(c) The commission and the independent organization shall pursue collection in full of amounts owed to the independent organization by any market participant to reduce the costs that would otherwise be borne by other market participants or their customers.

SECTION 5. Chapter 39, Utilities Code, is amended by adding Subchapters M and N to read as follows:

SUBCHAPTER M. WINTER STORM URI DEFAULT BALANCE
FINANCING

Sec. 39.601. PURPOSE. (a) The purpose of this subchapter is to address the Winter Storm Uri default balance, as defined by Section 39.602, in a manner that benefits the public interest by:

(1) enabling the independent organization to finance the payment of the default balance with debt obligations; and

(2) authorizing the commission to contract with the comptroller under Section 404.0241, Government Code, to finance the payment of the default balance with debt obligations.

(b) Financing the default balance in the manner provided by this subchapter will:

(1) allow wholesale market participants that are owed money to be paid in a more timely manner;

(2) replenish financial revenue auction receipts temporarily used by the independent organization to reduce the Winter Storm Uri-related amounts short-paid to the wholesale market participants; and

(3) allow the wholesale market to repay the default balance over time.

(c) The legislature finds that the financing authorized by this subchapter serves the public purpose of preserving the integrity of the electricity market in the ERCOT power region.

(d) The proceeds of debt obligations issued under this subchapter must be used solely for the purpose of financing default balances that otherwise would be or have been uplifted to the wholesale market.

(e) The commission shall ensure that the structuring and pricing of debt obligations issued under this subchapter result in the lowest financing costs consistent with market conditions and the terms of the commission's order. The present value calculation must use a discount rate equal to the proposed interest rate on the debt obligations.

Sec. 39.602. DEFINITIONS. In this subchapter:

(1) "Default balance" means an amount of money of not more than \$800 million that includes only:

(A) amounts owed to the independent organization by competitive wholesale market participants from the period of emergency that otherwise would be or have been uplifted to other wholesale market participants;

(B) financial revenue auction receipts used by the independent organization to temporarily reduce amounts short-paid to wholesale market participants related to the period of emergency; and

(C) reasonable costs incurred by a state agency or the independent organization to implement a debt obligation order under Sections 39.603 and 39.604, including the cost of retiring or refunding existing debt.

(2) "Default charges" means charges assessed to wholesale market participants to repay amounts financed under this subchapter to pay the default balance.

(3) "Independent organization" means the independent organization certified under Section 39.151 for the ERCOT power region.

(4) "Period of emergency" means the period beginning 12:01 a.m., February 12, 2021, and ending 11:59 p.m., February 20, 2021.

Sec. 39.603. DEBT OBLIGATION ORDER. (a) On application by the independent organization, the commission by order may authorize the independent organization to establish a debt financing mechanism to finance the default balance if the commission finds that the debt obligations are needed to preserve the integrity of the wholesale market and the public interest, after considering:

(1) the need to timely replenish financial revenue auction receipts used by the independent organization to reduce amounts short-paid to wholesale market participants;

(2) the interests of wholesale market participants that are owed balances; and

(3) the potential effects of uplifting those balances to the wholesale market without a financing vehicle.

(b) The order must state:

(1) the default balance to be financed; and

(2) the period over which the default charges must be assessed to repay the debt obligations, which may not exceed 30 years.

(c) The order must include an adjustment mechanism requiring the independent organization to adjust default charges to refund, over the remaining period of the default charges, any payments made by a market participant toward unpaid obligations from the period of emergency that were included in the financed default balance.

(d) The independent organization shall collect from and allocate among wholesale market participants the default charges using the same allocated pro rata share methodology under which the charges would otherwise be uplifted under the protocols in effect on March 1, 2021. The default charges must be assessed on all wholesale market participants, including market participants who are in default but still participating in the wholesale market and who enter the market after a debt obligation order is issued under this subchapter, and may be based on periodically updated transaction data to prevent market participants from engaging in behavior designed to avoid the default charges.

(e) Not later than the 30th day after the date the independent organization receives a default charge payment from a wholesale market participant, the independent organization shall remit the payment to the comptroller toward repayment of debt obligations in which the comptroller made an investment under Section 404.0241(b-1), Government Code, if applicable.

(f) Notwithstanding another provision of this subchapter, default charges may not be collected from or allocated to a market participant that:

(1) otherwise would be subject to a default charge solely as a result of acting as a central counterparty clearinghouse in wholesale market transactions in the ERCOT power region; and

(2) is regulated as a derivatives clearing organization, as defined by Section 1a, Commodity Exchange Act (7 U.S.C. Section 1a).

(g) Not later than the 90th day after the date the independent organization files an application for an order under Subsection (a), the commission shall issue an order described by Subsection (a) or an order denying the application. The order becomes effective in accordance with its terms and the order, together with the default charges authorized in the order, shall be irrevocable and not subject to reduction, impairment, or adjustment by further action of the commission after the order takes effect. Notwithstanding this requirement, the commission may refinance any debt obligations created by an order issued under this subchapter if the commission determines that the refinancing is in the public interest, considering the interest of both the ERCOT market and the state's interest in the economic stabilization fund, and otherwise meets the requirements of this subchapter.

(h) An order described by Subsection (a) or (g) is not subject to rehearing by the commission. The order may be reviewed by appeal by a party to the proceeding to a Travis County district court that is filed not later than the 15th day after the date the order is signed by the commission. The judgment of the district court may be reviewed only by a direct appeal to the Supreme Court of Texas that is filed not later than the 15th day after the date of the entry of judgment. All appeals shall be heard and determined by the district court and the Supreme Court of Texas as expeditiously as possible with lawful precedence over other matters. Review on appeal shall be based solely on the record before the commission and briefs to the court and shall be limited to whether the order conforms to the constitution and laws of this state and the United States and is within the authority of the commission under this chapter.

(i) A debt obligation issued under this section is a nonrecourse debt secured solely by the default charges explicitly assessed to repay the obligation. The independent organization's obligations authorized under this section do not create personal liability for the independent organization.

Sec. 39.604. COMMISSION-AUTHORIZED FINANCING. (a) The commission may contract with another state agency with expertise in public financing to establish a debt financing mechanism for the payment of the default balance as defined in this subchapter, under an order that meets the requirements of Section 39.603. This section does not apply to a default balance securitized under Subchapter D, Chapter 41.

(b) The contracted state agency and any issuer, along with the independent organization, must be a party to the commission's proceedings that address the issuance of an order.

(c) In addition to the other applicable requirements of this subtitle, an order issued under this section must:

(1) require the sale, assignment, or other transfer to the contracted state agency of default charges created by the order and, following that sale, assignment, or transfer, require that default charges paid under any order be created, assessed, and collected as the property of the contracted state agency, subject to subsequent sale, assignment, or transfer by the contracted state agency as authorized under this subchapter;

(2) authorize:

(A) the issuance of debt obligations by the contracted state agency secured by a pledge of default charge revenue, and the application of the proceeds of those debt obligations, net of issuance costs, to the independent organization; or

(B) the acquisition of default charge revenue from the independent organization by the contracted state agency, financed:

(i) by a loan by an issuer to the contracted state agency of the proceeds of debt obligations, net of issuance costs; or

(ii) by the acquisition by an issuer from the contracted state agency of the default charge revenue and in each case the pledge of the revenue to the repayment of the loan or other debt obligation, as applicable; and

(3) authorize the independent organization to serve as collection agent to collect the default charges and transfer the collected default charges to the contracted state agency or the issuer, as appropriate.

(d) After issuance of the order, the contracted state agency shall arrange for the issuance of debt obligations, as specified by the order, by the contracted state agency or another issuer selected by the contracted state agency and approved by the commission.

(e) Debt obligations issued pursuant to an order issued under this section are secured only by the default charge revenue and any other funds pledged under the bond documents. No assets of the state or the independent organization are subject to claims by the holders of the debt obligations. Following assignment of the default charge revenue, the independent organization does not have any beneficial interest or claim of right in the revenue.

(f) Effective on the date the first debt obligations are issued under this subchapter, if any provision of this title or portion of this title is held to be invalid or is invalidated, superseded, replaced, or repealed, or expires for any reason, that occurrence does not affect the validity or continuation of this subchapter or any other provision of this title that is relevant to the issuance, administration, payment, retirement, or refunding of debt obligations authorized under this subchapter or to any actions of the independent organization, its successors, an assignee, a collection agent, the contracted state agency, or an issuer and those provisions shall remain in full force and effect.

Sec. 39.605. DEFAULT CHARGES NONBYPASSABLE. An order issued under Section 39.603 or 39.604 must:

(1) include terms ensuring that the imposition and collection of default charges authorized in the order shall be nonbypassable by wholesale market participants; and

(2) authorize the independent organization to establish appropriate fees and other methods for pursuing amounts owed from entities exiting the wholesale market.

Sec. 39.606. TRUE-UP MECHANISM. An order issued under Section 39.603 or 39.604 must include a mechanism requiring that default charges be reviewed and adjusted at least annually, not later than the 45th day after the anniversary date of the issuance of the order, to:

(1) correct over-collections or under-collections over the preceding 12 months; and

(2) ensure the expected recovery of amounts sufficient to timely provide all payments of debt service.

Sec. 39.607. TAX EXEMPTION. The transfer and receipt of default charges are exempt from state and local sales and use, franchise, and gross receipts taxes.

Sec. 39.608. PROPERTY RIGHTS. (a) The rights and interests of the independent organization or its successor under a debt obligation order issued under this subchapter, including the right to impose, collect, and receive default charges, shall be only contract rights until they are first transferred to an assignee

or pledged in connection with an investment agreement entered into under Section 404.0241, Government Code, or the issuance of debt obligations, at which time they will become default property, as described by Subsection (b).

(b) Default property shall constitute a present property right for purposes of contracts concerning the sale or pledge of property, even though the imposition and collection of default charges depends on further acts of the independent organization or others that have not yet occurred. A debt obligation order issued under this subchapter shall remain in effect and the property shall continue to exist for the same period as the pledge of the state described by Section 39.609.

(c) All revenues and collections resulting from default charges shall constitute proceeds only of the default property arising from the debt obligation order.

Sec. 39.609. PLEDGE OF STATE. Debt obligations issued pursuant to this subchapter, including any bonds, are not a debt or obligation of the state and are not a charge on its full faith and credit or taxing power. The state pledges, however, for the benefit and protection of financing parties and the independent organization that it will not take or permit any action that would impair the value of default property, or reduce, alter, or impair the default charges to be imposed, collected, and remitted to financing parties, until the principal, interest and premium, and any other charges incurred and contracts to be performed in connection with the related debt obligations have been paid and performed in full. Any party issuing a debt obligation under this subchapter is authorized to include this pledge in any documentation relating to the obligation.

SUBCHAPTER N. WINTER STORM URI UPLIFT FINANCING

Sec. 39.651. PURPOSE; USE OF PROCEEDS. (a) The purpose of this subchapter is to address the Winter Storm Uri uplift balance by:

(1) enabling the independent organization certified under Section 39.151 for the ERCOT power region to finance the uplift balance on behalf of wholesale market participants through debt obligations; and

(2) authorizing the commission to contract with another state agency to finance the payment of the uplift balance with debt obligations or use any another financial mechanism consistent with this subchapter for that purpose.

(b) Financing the uplift balance in the manner provided by this subchapter will allow wholesale market participants who were assessed extraordinary uplift charges due to consumption during the period of emergency to pay those charges over a longer period of time, alleviating liquidity issues and reducing the risk of additional defaults in the wholesale market.

(c) The legislature finds that authorizing financing under this subchapter serves the public purpose of allowing the commission to stabilize the wholesale electricity market in the ERCOT power region.

(d) The proceeds of debt obligations issued under this subchapter must be used solely for the purpose of financing reliability deployment price adder charges and ancillary service costs that exceeded the commission's system-wide offer cap and were uplifted to load-serving entities based on consumption during the period of emergency. A load-serving entity that receives proceeds from the debt obligations may use the proceeds solely for the purposes of fulfilling

payment obligations directly related to such costs and refunding such costs to retail customers who have paid or otherwise would be obligated to pay such costs:

(e) The commission shall ensure that the structuring and pricing of the debt obligations results in the lowest uplift charges consistent with market conditions and the terms of the order issued under this subchapter. The present value calculation must use a discount rate equal to the proposed interest rate on the debt obligations.

Sec. 39.652. DEFINITIONS. In this subchapter:

(1) "Independent organization" means the independent organization certified under Section 39.151 for the ERCOT power region.

(2) "Load-serving entity" means a municipally owned utility, an electric cooperative, or a retail electric provider.

(3) "Period of emergency" means the period beginning 12:01 a.m., February 12, 2021, and ending 11:59 p.m., February 20, 2021.

(4) "Uplift balance" means an amount of money of not more than \$2.1 billion that was uplifted to load-serving entities on a load ratio share basis due to energy consumption during the period of emergency for reliability deployment price adder charges and ancillary services costs in excess of the commission's system-wide offer cap, excluding amounts securitized under Subchapter D, Chapter 41. The term does not include amounts that were part of the prevailing settlement point price during the period of emergency.

(5) "Uplift charges" means charges assessed to load-serving entities to repay amounts financed under this subchapter to pay the uplift balance and reasonable costs incurred by a state agency or the independent organization to implement a debt obligation order under Section 39.653, 39.654, or 39.655, including the cost of retiring or refunding existing debt.

Sec. 39.653. DEBT OBLIGATION ORDER. (a) The independent organization shall file an application with the commission to establish a debt financing mechanism for the payment of the uplift balance if the commission finds that such financing will support the financial integrity of the wholesale market and is necessary to protect the public interest, considering the impacts on both wholesale market participants and retail customers.

(b) An order issued under this section must:

(1) state the uplift balance to be financed;

(2) state the period over which the uplift charges must be assessed to repay the debt obligations, which may not exceed 30 years; and

(3) provide the process for remitting the proceeds of the financing to load-serving entities who were exposed to the costs included in the uplift balance, including a requirement for the load-serving entities to submit documentation of their exposure.

(c) The independent organization shall assess uplift charges to all load-serving entities on a load ratio share basis, which may be translated to a kWh charge, including load serving entities who enter the market after an order has been issued under this subchapter, but excluding the load of entities that opt out under Subsection (d).

(d) The commission shall develop a one-time process that allows municipally owned utilities, electric cooperatives, river authorities, a retail electric provider that has the same corporate parent as each of the provider's customers, a retail electric provider that is an affiliate of each of the provider's customers, and transmission-voltage customers served by a retail electric provider to opt out of the uplift charges by paying in full all invoices owed for usage during the period of emergency. Load-serving entities and transmission-voltage customers that opt out under this subsection shall not receive any proceeds from the uplift financing.

(e) An order issued under this section must include a requirement that any load-serving entity that receives proceeds from the financing that exceed the entity's actual exposure to uplift charges from consumption during the period of emergency notify the independent organization and remit any excess receipts. Any payments received under this subsection must be credited against the uplift balance to reduce the remaining uplift charges.

(f) Not later than the 90th day after the date the independent organization files an application for an order under Subsection (a), the commission shall issue an order described by Subsection (a) or an order denying the application. The order becomes effective in accordance with its terms and the order, together with the uplift charges authorized in the order, shall be irrevocable and not subject to reduction, impairment, or adjustment by further action of the commission after it takes effect. Notwithstanding this requirement, the commission may refinance any debt obligations created by an order under this subchapter if the commission determines that the refinancing is in the public interest and otherwise meets the requirements of this subchapter.

(g) An order issued under this section is not subject to rehearing by the commission. An order may be reviewed by appeal by a party to the proceeding to a Travis County district court filed not later than the 15th day after the date the order is signed by the commission. The judgment of the district court may be reviewed only by direct appeal to the Supreme Court of Texas filed not later than the 15th day after the date of the entry of judgment. All appeals shall be heard and determined by the district court and the Supreme Court of Texas as expeditiously as possible with lawful precedence over other matters. Review on appeal shall be based solely on the record before the commission and briefs to the court and shall be limited to whether the order conforms to the constitution and laws of this state and the United States and is within the authority of the commission under this chapter.

(h) A debt obligation issued under this section is a nonrecourse debt secured solely by the uplift charges explicitly assessed to repay the obligation. The independent organization's obligations authorized under this section do not create personal liability for the independent organization.

(i) This section does not apply to any balance securitized under Subchapter D, Chapter 41.

Sec. 39.654. COMMISSION-AUTHORIZED FINANCING. (a) The commission may contract with another state agency with expertise in public financing to establish a debt financing mechanism to finance the payment of the uplift balance under an order that meets the requirements of Section 39.653.

(b) The contracted state agency and any issuer must be a party to the commission's proceedings that address the issuance of an order along with the independent organization.

(c) In addition to the other applicable requirements of this subtitle, an order issued under this section must:

(1) require the sale, assignment, or other transfer to the contracted state agency of uplift charges created by the order and, following that sale, assignment, or transfer, require that uplift charges paid under any order be created, assessed, and collected as the property of the contracted state agency, subject to subsequent sale, assignment, or transfer by the contracted state agency as authorized under this subchapter;

(2) authorize:

(A) the issuance of debt obligations by the contracted state agency secured by a pledge of uplift charge revenue, and the application of the proceeds of those debt obligations, net of issuance costs, to the independent organization;
or

(B) the acquisition of uplift charge revenue from the independent organization by the contracted state agency, financed:

(i) by a loan by an issuer to the contracted state agency of the proceeds of debt obligations, net of issuance costs; or

(ii) by the acquisition by an issuer from the contracted state agency of the uplift charge revenue and in each case the pledge of the revenue to the repayment of the loan or debt obligations, as applicable; and

(3) authorize the independent organization to serve as collection agent to collect the uplift charges and transfer the collected uplift charges to the contracted state agency or the issuer, as appropriate.

(d) After issuance of the order, the contracted state agency shall arrange for the issuance of debt obligations, as specified by the order, by the contracted state agency or another issuer selected by the contracted state agency and approved by the commission.

(e) Debt obligations issued pursuant to an order issued under this section are secured only by the uplift charge revenue and any other funds pledged under the bond documents. No assets of the state or the independent organization are subject to claims by the holders of the debt obligations. Following assignment of the uplift charge revenue, the independent organization does not have any beneficial interest or claim of right in the revenue.

Sec. 39.655. OTHER FINANCIAL MECHANISM. The commission may use a financial mechanism other than the mechanisms described by Sections 39.653 and 39.654 that meets the requirements of this subchapter to accomplish the purposes of this subchapter.

Sec. 39.656. UPLIFT CHARGES NONBYPASSABLE. An order issued under Section 39.653, 39.654, or 39.655 must:

(1) include terms ensuring that the imposition and collection of uplift charges authorized in the order shall be nonbypassable, except for entities excluded under Section 39.653(d); and

(2) authorize the independent organization to establish appropriate fees and other methods for pursuing amounts owed from entities exiting the wholesale market.

Sec. 39.657. TRUE-UP. An order shall include a mechanism requiring that uplift charges be reviewed and adjusted at least annually, not later than the 45th day after the anniversary date of the issuance of the debt obligations, to:

(1) correct over-collections or under-collections over the preceding 12 months; and

(2) ensure the expected recovery of amounts sufficient to timely provide all payments of debt service and other required amounts and charges in connection with the debt obligations.

Sec. 39.658. TAX EXEMPTION. Transactions involving the transfer and ownership of uplift property and the receipt of uplift charges are exempt from state and local income, sales, franchise, gross receipts, and other taxes or similar charges.

Sec. 39.659. SEVERABILITY. Effective on the date the first debt obligations are issued under this subchapter, if any provision in this title or portion of this title is held to be invalid or is invalidated, superseded, replaced, repealed, or expires for any reason, that occurrence does not affect the validity or continuation of this subchapter or any other provision of this title that is relevant to the issuance, administration, payment, retirement, or refunding of debt obligations or to any actions of the independent organization, its successors, an assignee, a collection agent, or a financing party, which shall remain in full force and effect.

Sec. 39.660. CUSTOMER CHARGES. All load-serving entities that receive offsets to specific uplift charges from the independent organization under this subchapter must adjust customer invoices to reflect the offsets for any charges that were or would otherwise be passed through to customers under the terms of service with the load-serving entity, including by providing a refund for any offset charges that were previously paid. An electric cooperative, including an electric cooperative that elects to receive offsets, shall not otherwise become subject to rate regulation by the commission and receipt of offsets does not affect the applicability of Chapter 41 to an electric cooperative.

Sec. 39.661. ENFORCEMENT. The commission may use any enforcement mechanism established by Chapter 15 or this chapter, including revocation of certification by the commission, against any entity that fails to remit excess receipts from the uplift balance financing under Section 39.653(e) or otherwise misappropriates or misuses amounts received from the uplift balance financing this subchapter.

Sec. 39.662. PROPERTY RIGHTS. (a) The rights and interests of the independent organization or its successor under a debt obligation order issued under this subchapter, including the right to impose, collect, and receive uplift charges authorized in a debt obligation order under this subchapter, shall be only

contract rights until they are first transferred to an assignee or pledged in connection with the issuance of a financing agreement entered into under Section 39.654(a) or the issuance of debt obligations, at which time they will become uplift property, as described by Subsection (b).

(b) Uplift property shall constitute a present property right for purposes of contracts concerning the sale or pledge of property, even though the imposition and collection of uplift charges depends on further acts of the independent organization or others that have not yet occurred. A debt obligation order issued under this subchapter shall remain in effect and the property shall continue to exist for the same period as the pledge of the state described by Section 39.663.

(c) All revenues and collections resulting from uplift charges shall constitute proceeds only of the uplift property arising from the debt obligation order.

Sec. 39.663. PLEDGE OF STATE. Debt obligations issued pursuant to this subchapter, including any bonds, are not a debt or obligation of the state and are not a charge on its full faith and credit or taxing power. The state pledges, however, for the benefit and protection of financing parties and the independent organization that it will not take or permit any action that would impair the value of uplift property, or reduce, alter, or impair the uplift charges to be imposed, collected, and remitted to financing parties, until the principal, interest and premium, and any other charges incurred and contracts to be performed in connection with the related debt obligations have been paid and performed in full. Any party issuing a debt obligation under this subchapter is authorized to include this pledge in any documentation relating to the obligation.

Sec. 39.664. LEGAL ACTIONS INVOLVING PRICING OR UPLIFT ACTIONS. A load-serving entity that receives proceeds from the financing under this subchapter shall return an amount of the proceeds equal to any amount of money received by the entity due to litigation seeking judicial review of pricing or uplift actions taken by the commission or the independent organization in connection with the period of emergency.

SECTION 6. The independent organization to which Section 39.653(a), Utilities Code, applies shall file the application required by that section not later than the 30th day after the effective date of this Act.

SECTION 7. Sections 404.0241(b-2) and (b-3), Government Code, as added by this Act, apply only to a cause of action that accrues on or after the effective date of this Act.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

HB 4492 - REMARKS

REPRESENTATIVE PADDIE: **HB 4492**, you all will remember, was the last of the securitization bills that we worked on. This deals with the default balance of ERCOT. This is largely a similar bill that we passed 129 to 15 out of this body. There were a couple of amendments. The senate amendments did direct the comptroller to make a loan for the investment portion of ESF for the \$800 million

default balance that would be left after the co-op securitization. Also, it cleaned up some senate language on lawsuits. And also we maintained the senate's amendment that put a \$2.1 billion cap on the ancillary services, providing limits on how much market participants can securitize. And just for the purposes of legislative intent, I just want folks to know that by placing a cap on the uplift amount of \$2.1 billion, it is my intent that this be applied to all load serving entities on a load-proportionate and equitable basis. It is crucial that we do not discriminate between load-serving entities, in order to protect against market imbalances.

Representative Paddie moved to adopt the conference committee report on **HB 4492**.

The motion to adopt the conference committee report on **HB 4492** prevailed by (Record 1793): 116 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Geren; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Hernandez; Holland; Howard; Huberty; Hull; Hunter; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Schofield; Shaheen; Sherman; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, J.; VanDeaver; Vo; Walle; White; Wu; Zwiener.

Nays — Biedermann; Cain; Canales; Cason; Cyrier; Gates; Harris; Hefner; Krause; Metcalf; Middleton; Oliverson; Sanford; Schaefer; Slaton; Toth; Vasut; Wilson.

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

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Campos; Gervin-Hawkins; Hinojosa; Israel; Johnson, J.D.; Martinez Fischer; Minjarez; Pacheco; Ramos; Shine.

STATEMENTS OF VOTE

When Record No. 1793 was taken, I was temporarily out of the house chamber. I would have voted yes.

Gervin-Hawkins

When Record No. 1793 was taken, I was shown voting no. I intended to vote yes.

Metcalf

When Record No. 1793 was taken, I was shown voting yes. I intended to vote no.

Parker

When Record No. 1793 was taken, I was in the house but away from my desk. I would have voted yes.

Ramos

When Record No. 1793 was taken, I was shown voting yes. I intended to vote no.

Tinderholt

REMARKS ORDERED PRINTED

Representative Buckley moved to print all remarks on **HB 1525**.

The motion prevailed.

(Speaker in the chair)

HR 2007 - ADOPTED (by Cain)

The following privileged resolution was laid before the house:

HR 2007

BE IT RESOLVED by the House of Representatives of the State of Texas, 87th Legislature, Regular Session, 2021, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 7** (election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties) to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 2.04 of the bill, by adding amended Section 31.006, Election Code, to read as follows:

Sec. 31.006. REFERRAL [~~OF COMPLAINT~~] TO ATTORNEY GENERAL. (a) If, after receiving or discovering information indicating that [~~a complaint alleging~~] criminal conduct in connection with an election has occurred, the secretary of state determines that there is reasonable cause to suspect that [~~the alleged~~] criminal conduct occurred, the secretary shall promptly refer the information [~~complaint~~] to the attorney general. The secretary shall deliver to the attorney general all pertinent documents and information in the secretary's possession.

(b) The documents and information submitted under Subsection (a) are not considered public information until:

(1) the secretary of state makes a determination that the information [~~complaint~~] received does not warrant an investigation; or

(2) if referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information [complaint] referred does not warrant an investigation.

Explanation: The change is necessary to require the secretary of state to take certain actions upon the receipt or discovery of information indicating that criminal conduct in connection with an election has occurred.

(2) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 2.05 of the bill, by adding Section 31.019, Election Code, to read as follows:

Sec. 31.019. ENFORCEMENT OF VOTER ROLL MAINTENANCE PROVISIONS. (a) In order to ensure compliance with voter roll maintenance provisions, the secretary of state shall monitor each county's list of registered voters to ensure that no county has a number of registered voters in the county equal to or greater than the number of people eligible to register to vote in the county.

(b) If the secretary of state determines that a county has a number of registered voters equal to or greater than the number of people eligible to register to vote in the county, the secretary of state shall notify the appropriate registrar in writing.

(c) Not later than 30 days after receiving notice under Subsection (b), a registrar must:

(1) refute, in writing, that the number of registered voters is equal to or greater than the number of people eligible to register to vote in the county and the failure to comply alleged by the notice; or

(2) develop a remediation plan to address failures to comply with voter roll maintenance provisions and send a copy of the plan to the secretary of state.

(d) If a voter registrar fails to respond to a notice under Subsection (c), refutes an allegation under Subsection (c)(1), or fails to comply with a provision of the remediation plan developed by the registrar under Subsection (c)(2), the secretary of state shall:

(1) require the registrar to attend a training course developed under Subsection (h);

(2) publish notice that the county is undergoing an audit under this subsection on the secretary of state's Internet website;

(3) audit the voter registration list for the county in which the registrar serves; and

(4) identify voter roll maintenance provisions with which the registrar is failing to comply and provide a list to the registrar.

(e) If the secretary of state determines that a voter registrar has not performed any overt actions in pursuance of compliance with the provisions identified under Subsection (d)(4) within 14 days of receiving the list under Subsection (d)(4), the secretary of state shall:

(1) withhold distribution of state funds for financing voter registration to the county until the registrar takes action in pursuance of compliance; and

(2) inform the attorney general that the county which the registrar serves may be subject to a civil penalty under Subsection (f).

(f) A county is liable to this state for a civil penalty of \$1,000 for each day after the 14th day following the receipt of a list under Subsection (d)(4) that the county's voter registrar fails to take overt action to comply with provisions identified under that subsection. The attorney general may bring an action to recover a civil penalty imposed under this section.

(g) A civil penalty collected by the attorney general under this section shall be deposited in the state treasury to the credit of the general revenue fund.

(h) The secretary of state shall develop and implement a three-hour training course for county clerks and registrars on the maintenance of voter rolls required and permitted by law.

(i) The secretary of state shall adopt rules and prescribe procedures for the implementation of this section.

Explanation: The change is necessary to require the secretary of state to take certain actions in order to ensure compliance with voter roll maintenance provisions.

(3) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3.05 of the bill, by adding to amended Section 64.007(c), Election Code, the following:

The secretary of state shall create and promulgate a form to be used for this purpose.

Explanation: The change is necessary to require the secretary of state to create and promulgate a form to be used by an election officer in maintaining a register of spoiled ballots at the polling place.

(4) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 3.07 of the bill, by adding Section 66.004, Election Code, to read as follows:

SECTION 3.07. Subchapter A, Chapter 66, Election Code, is amended by adding Section 66.004 to read as follows:

Sec. 66.004. CLOSING POLLING PLACE. The secretary of state shall adopt rules and create a checklist or similar guidelines to assist the presiding judge of a polling place in processing forms and conducting procedures required by this code at the closing of the polling place.

Explanation: The change is necessary to require the secretary of state to adopt rules and create a checklist or similar guidelines to assist in the closing of a polling place.

(5) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 3.10 of the bill, in amended Section 85.006(e), Election Code, to read as follows:

(e) In a primary election or the general election for state and county officers in a county with a population of 30,000 [~~100,000~~] or more, the early voting clerk shall order voting by personal appearance [~~voting~~] at the main early voting polling place to be conducted on the last Saturday of the early voting period for at

least 12 hours, except that voting may not be conducted earlier than 6 a.m. or later than 9 p.m., [on the last Saturday] and on the last Sunday of the early voting period for at least six [five] hours, except that voting may not be conducted earlier than 1 p.m. or later than 9 p.m. [on the last Sunday of the early voting period]. The early voting clerk shall order voting to be conducted at those times in those elections in a county with a population under 30,000 [100,000] on receipt of a written request for those hours submitted by at least 15 registered voters of the county. The request must be submitted in time to enable compliance with Section 85.007. This subsection supersedes any provision of this subchapter to the extent of any conflict.

Explanation: The change is necessary to regulate the hours for voting on a Saturday or Sunday in counties with population of 30,000 or more and certain counties with a population under 30,000.

(6) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 4.06 of the bill, in added Section 33.063, Election Code, to read as follows:

SECTION 4.06. Subchapter C, Chapter 33, Election Code, is amended by adding Section 33.063 to read as follows:

Sec. 33.063. RELIEF. (a) A watcher, or the appointing authority for a watcher, who believes that the watcher was unlawfully prevented or obstructed from the performance of the watcher's duties may seek:

(1) injunctive relief under Section 273.081, including issuance of temporary orders;

(2) a writ of mandamus under Section 161.009 or 273.061; and

(3) any other remedy available under law.

(b) The relief provided by this section is available to a state inspector appointed under Chapter 34 or any other election inspector authorized by law.

Explanation: The change is necessary to provide relief for a watcher, the appointing authority for a watcher, or any election inspector authorized by law, who believes that they were unlawfully prevented or obstructed from the performance of their duties.

(7) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 4.16 of the bill, by adding Section 127.131(f), Election Code, to read as follows:

SECTION 4.16. Section 127.131, Election Code, is amended by adding Subsection (f) to read as follows:

(f) The presiding judge of the central counting station shall provide and attest to a written reconciliation of votes and voters at the close of tabulation for election day and again after the central counting station meets for the last time to process late-arriving ballots by mail and provisional ballots. The secretary of state shall create and promulgate rules and a form to facilitate compliance with this subsection. The form shall be posted on a website maintained by the county along with election returns and results.

Explanation: The change is necessary to regulate the duties of the presiding judge of the central counting station and the secretary of state regarding the preparing of election returns.

(8) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5.01 of the bill, by adding amended Section 82.002, Election Code, to read as follows:

SECTION 5.01. Section 82.002, Election Code, is amended to read as follows:

Sec. 82.002. DISABILITY. (a) A qualified voter is eligible for early voting by mail if the voter is not capable of ~~[has a sickness or physical condition that prevents the voter from]~~ appearing at the polling place on election day without ~~[a likelihood of]~~ needing personal assistance or ~~[of]~~ injuring the voter's health due to the voter's:

(1) illness;

(2) injury;

(3) medical confinement ordered by a health care professional; or

(4) mental or physical disability.

(b) The following do not constitute ~~[Expected or likely confinement for childbirth on election day is]~~ sufficient cause to entitle a voter to vote under Subsection (a):

(1) a lack of transportation;

(2) an illness, injury, or disability that does not prevent the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health; or

(3) a requirement to appear at the voter's place of employment on election day.

(c) An application for a ballot to be voted by mail on the ground of disability must require the applicant to specifically select the grounds on which the voter is eligible under Subsection (a).

Explanation: The change is necessary to regulate qualified voters eligible for early voting by mail on the grounds of disability.

(9) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5.02 of the bill, by adding amended Section 84.001(b), Election Code, to read as follows:

(b) An application must be submitted in writing and signed by the applicant using ink on paper. An electronic signature or photocopied signature is not permitted.

Explanation: The change is necessary to regulate the manner in which an application for an early voting ballot to be voted by mail may be submitted and signed.

(10) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5.03 of the bill, by adding amended Section 84.002(a), Election Code, and Section 84.002(c), Election Code, to read as follows:

SECTION 5.03. Section 84.002, Election Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name and the address at which the applicant is registered to vote;

(1-a) the following information:

(A) the number of the applicant's driver's license or personal identification card issued by the Department of Public Safety;

(B) if the applicant has not been issued a number described by Paragraph (A), the last four digits of the applicant's social security number; or

(C) a statement by the applicant that the applicant has not been issued a number described by Paragraph (A) or (B);

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail on the ground of age or disability:

(A) [;] the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote; and

(B) if applicable, the selected specific grounds on which the voter is eligible for a ballot to be voted by mail on the ground of disability, as required by Section 82.002(c);

(4) for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5) for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and

(6) an indication of the ground of eligibility for early voting.

(c) A person may use the number of a driver's license or personal identification card that has expired for the purpose of fulfilling the requirement under Subsection (a)(1-a) if the license or identification is otherwise valid.

Explanation: The change is necessary to regulate the content of an application for an early voting ballot.

(11) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 5.04 of the bill, in amended Section 84.011(a), Election Code, by amending Section 84.011(a)(1) and adding Section 84.011(a)(3-a), to read as follows:

(1) immediately preceding the signature space the statement: "I certify that the information given in this application is true, and I understand that giving false information in this application is a crime.";

(3-a) a space for entering the information required under Section 84.002(a)(1-a); and

Explanation: The change is necessary to regulate the contents of the officially prescribed application form for an early voting ballot.

(12) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5.06 of the bill, by adding Section 86.001(f), Election Code, to read as follows:

(f) If the information required under Section 84.002(a)(1-a) included on the application does not match the information on the applicant's application for voter registration under Section 13.002(c)(8), the clerk shall reject the application.

Explanation: The change is necessary to require an early voting clerk to reject an application for a ballot to be voted by mail if certain information included in the application does not match the information on the applicant's application for voter registration.

(13) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5.07 of the bill, by adding Sections 86.002(g), (h), and (i), Election Code, to read as follows:

(g) The carrier envelope must include a space that is hidden from view when the envelope is sealed for the voter to enter the following information:

(1) the number of the voter's driver's license or personal identification card issued by the Department of Public Safety;

(2) if the voter has not been issued a number described by Subdivision (1), the last four digits of the voter's social security number; or

(3) a statement by the applicant that the applicant has not been issued a number described by Subdivision (1) or (2).

(h) A person may use the number of a driver's license or personal identification card that has expired for purposes of Subsection (g) if the license or identification is otherwise valid.

(i) No record associating an individual voter with a ballot may be created.

Explanation: The change is necessary to regulate the contents of the carrier envelope for a ballot to be voted by mail.

(14) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 5.15 of the bill, by adding Section 87.128, Election Code, to read as follows:

Sec. 87.128. NOTES. Each member of an early voting ballot board and each member of a signature verification committee is entitled to take and keep any notes reasonably necessary to perform the member's duties under this chapter.

Explanation: The change is necessary to provide that members of early voting ballot boards and of signature verification committees may take and keep certain notes.

(15) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8.04 of the bill, by amending Sections 232.008(b), (c), and (d), Election Code, to read as follows:

(b) Except as provided by Subsection (c), a contestant must file the petition not later than the later of the 45th [~~30th~~] day after the date the election records are publicly available under Section 1.012 or the official result of the contested election is determined.

(c) A contestant must file the petition not later than the later of the 15th [~~10th~~] day after the date the election records are publicly available under Section 1.012 or the official result is determined in a contest of:

(1) a primary or runoff primary election; or

(2) a general or special election for which a runoff is necessary according to the official result or will be necessary if the contestant prevails.

(d) A contestant must deliver, electronically or otherwise, a copy of the petition to the secretary of state by the same deadline prescribed for the filing of the petition.

Explanation: The change is necessary to regulate the filing and delivery of a petition in an election contest.

(16) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8.04 of the bill, by adding Section 232.063, Election Code, to read as follows:

Sec. 232.063. OVERTURNING ELECTION. If the number of votes illegally cast in the election is equal to or greater than the number of votes necessary to change the outcome of an election, the court may declare the election void without attempting to determine how individual voters voted.

Explanation: The change is necessary to provide certain circumstances in which a court may declare an election void.

(17) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8.06 of the bill, by amending Section 273.061, Election Code, to read as follows:

Sec. 273.061. JURISDICTION. (a) The supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election or a political party convention, regardless of whether the person responsible for performing the duty is a public officer.

(b) The court of criminal appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the provision, sequestration, transfer, or impoundment of evidence in or records relating to a criminal investigation conducted under this code or conducted in connection with

the conduct of an election or political party convention. If a writ of mandamus is issued under this subsection, it shall include an order requiring the provision, sequestration, transfer, or impoundment of the evidence or record.

Explanation: The change is necessary to permit the court of criminal appeals to issue writs of mandamus to compel the performance of certain duties relating to elections.

(18) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8.09 of the bill, by adding Sections 23.301(c), (d), and (e), Government Code, to read as follows:

(c) Notwithstanding any other law or rule, a proceeding entitled to priority under Section 23.101(b-1) relating to a temporary injunction shall have a court assigned under Subsection (b) not later than 24 hours after the proceeding is filed and, if a temporary injunction is granted, the injunction may not remain in effect for longer than four days.

(d) A person, including a public official, commits an offense if the person communicates with a county or district clerk with the intention of influencing or attempting to influence the court or judge assigned to a proceeding under this section.

(e) An offense under this section is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the person committed the offense while acting in the person's official capacity as an election official.

Explanation: The change is necessary to regulate the assignment of certain election proceedings and describe the conduct constituting an offense under Section 23.301, Government Code, as well as the punishment for that offense.

(19) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 8.09 of the bill, by adding Section 23.302, Government Code, to read as follows:

Sec. 23.302. DEADLINES IN CERTAIN ELECTION PROCEEDINGS.

(a) Not later than 24 hours after the proceeding is filed, a judge to whom a case is assigned under Section 23.301(b) who wishes to be recused from the proceeding must, before recusal:

- (1) hear an application for any emergency temporary relief sought;
- (2) grant or deny any emergency temporary relief sought; and
- (3) set a scheduling order that provides:

(A) a date for a hearing on any injunction sought not later than five days after the date on which the proceeding was filed; and

(B) discovery and deposition deadlines before the expiration of any emergency relief order entered.

(b) The presiding judge of an administrative region shall assign a new judge to a proceeding assigned under Section 23.301(b) not later than 12 hours after the original judge assigned to the proceeding is recused under Subsection (a).

(c) A final order in a proceeding filed under Section 273.081, Election Code, shall be submitted in writing to the parties not later than 24 hours after the judge makes a final determination in the proceeding.

(d) If a district judge does not comply with this section, a person may seek from the supreme court, the court of criminal appeals, or a court of appeals a writ of mandamus as provided by Section 273.061, Election Code, to compel compliance with this section.

(e) Notwithstanding Section 23.101(b-1), a proceeding relating to a permanent injunction being sought in connection to a challenge under Section 141.034, Election Code, may be heard after the primary election has been canvassed.

Explanation: The change is necessary to provide for deadlines in certain election proceedings.

(20) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 9.02 of the bill, by adding amended Article 42.01, Code of Criminal Procedure, to read as follows:

~~Sec. 4. The Court of Criminal Appeals [Office of Court Administration of the Texas Judicial System] shall promulgate a standardized felony judgment form that conforms to the requirements of Section 1 of this article. A court entering a felony judgment [judgement] shall use the form promulgated under this section.~~

Sec. 16. In addition to the information described by Section 1, the judgment should reflect the affirmative finding and instruction entered pursuant to Article 42.0194.

Explanation: The change is necessary to require the Court of Criminal Appeals to promulgate a standardized felony judgment form including certain information entered pursuant to Article 42.0194, Code of Criminal Procedure.

(21) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 11.03(d) of the bill, in the transition language, to read as follows:

(d) The changes in law made by this Act apply only to an application to vote an early voting ballot by mail submitted on or after the effective date of this Act. An application to vote an early voting ballot by mail submitted before the effective date of this Act is governed by the law in effect when the application was submitted, and the former law is continued in effect for that purpose.

Explanation: The change is necessary to ensure that any change in law made by the Act applies only to an application to vote an early voting ballot by mail submitted on or after the effective date of the Act.

(22) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill in proposed SECTION 11.04 of the bill, in the transition language, to read as follows:

SECTION 11.04. Not later than January 1, 2022, the secretary of state shall develop the training course required by Section 31.019, Election Code, as added by this Act.

Explanation: The change is necessary to require the secretary of state to develop the training course required by added Section 31.019, Election Code, before January 1, 2022.

(23) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend text not in disagreement in proposed SECTION 11.06 of the bill, providing for an effective, to read as follows:

SECTION 11.06. 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, 2021.

Explanation: The change is necessary to allow the provisions of the Act to take effect immediately if the measure receives a vote of two-thirds of all the members elected to each house.

HR 2007 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g), of the House Rules on the grounds that the resolution suspending limitations on the conference committee does not specify in detail the reasons that the suspension of the limitations is being requested.

(Harris in the chair)

The point of order was withdrawn.

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 No. 36).

(Speaker in the chair)

COMMITTEE GRANTED PERMISSION TO MEET

Representative Guillen requested permission for the Committee on Resolutions Calendars to meet while the house is in session, at 9 p.m. today, in 1W.14, to consider a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

At 8:21 p.m., the following committee meeting was announced:

Resolutions Calendars, 9 p.m. today, 1W.14, for a formal meeting, to consider a calendar.

HR 2007 - (consideration continued)

HR 2007 - POINT OF ORDER

Representative Zwiener raised a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g)(4), of the House Rules. The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on House Resolution 2007

Announced in the House on May 30, 2021

Representative Zwiener raises a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g)(4), of the House Rules on the grounds that the explanation of reasons that suspension of the limitations is being requested lacks the required detail.

Subdivision (13) of the resolution suspends the limitations on the conferees to permit the addition of proposed SECTION 5.07, amending Section 86.002, Election Code. The proposed section would require a voter to enter certain personally identifiable information on the carrier envelope for a mail ballot. The proposed section also provides that "[n]o record associating an individual voter with a ballot may be created." The resolution's explanation states that "[t]he change is necessary to regulate the contents of the carrier envelope for a ballot to be voted by mail." Ms. Zwiener argues that the explanation does not indicate that the record creation prohibition would also apply to the statement of residence form required under current law to be included with a mail ballot.

The rule only requires an explanation of the proposed change and not a detailed analysis of the effect of the proposed change to current law. Here, the explanation indicates the major purpose of the proposed change and it is plain that the record creation prohibition is designed to prevent the association of identifiable information on the carrier envelope with the ballot. The explanation complies with the rule.

Accordingly, the point of order is respectfully overruled.

HR 2007 was adopted by (Record 1794): 79 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White.

Nays — Anchia; Beckley; Bernal; Bucy; Canales; Collier; Cortez; Dominguez; Dutton; González, J.; González, M.; Guerra; Guillen; Hernandez; Howard; King, T.; Larson; Martinez; Meza; Moody; Neave; Ortega; Raymond; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Bowers; Campos; Cole; Crockett; Davis; Deshotel; Fierro; Gervin-Hawkins; Goodwin; Hinojosa; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez Fischer; Minjarez; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Noble; Ordaz Perez; Pacheco; Perez; Ramos; Reynolds; Rodriguez; Romero; Wilson.

STATEMENTS OF VOTE

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Allen

When Record No. 1794 was taken, my vote failed to register. I would have voted no.

Bowers

When Record No. 1794 was taken, I was temporarily out of the house chamber. I would have voted no.

Crockett

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Goodwin

When Record No. 1794 was taken, my vote failed to register. I would have voted no.

C. Morales

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

E. Morales

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Morales Shaw

When Record No. 1794 was taken, my vote failed to register. I would have voted no.

Muñoz

When Record No. 1794 was taken, my vote failed to register. I would have voted yes.

Noble

When Record No. 1794 was taken, I was in the house but away from my desk. I would have voted no.

Ramos

When Record No. 1794 was taken, my vote failed to register. I would have voted yes.

Wilson

SB 7 - CONFERENCE COMMITTEE REPORT SUBMITTED

Representative Cain submitted the conference committee report on **SB 7**.

REMARKS ORDERED PRINTED

Representative Collier moved to print all remarks on **HR 2007** and **SB 7**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **HR 2007** and **SB 7**.]

(Harris in the chair)

SB 7 - POINT OF ORDER

Representative Beckley raised a point of order against further consideration of **SB 7** under Rule 13, Section 9(a)(2), of the House Rules.

(Speaker in the chair)

The point of order was overruled and the speaker submitted the following ruling:

RULING BY THE SPEAKER

on Senate Bill 7 (Conference Committee Report)

Announced in the House on May 30, 2021

Representative Beckley raises a point of order against further consideration of the conference committee report on **SB 7** under Rule 13, Section 9(a)(2), of the House Rules on the grounds that the conferees exceeded their jurisdiction by omitting text that was not in disagreement.

Ms. Beckley points to the text of the engrossed Senate bill and House Floor Amendment No. 14 that would enact Section 86.015, Election Code, related to the electronic tracking of mail ballots, in substantially similar language. This text does not appear in the conference committee report.

Both the Senate and House versions of the bill are in wide disagreement on the subject of election administration, including mail balloting. The conferees may omit text in the overall context of adjusting differences on a subject matter in disagreement between the two houses. Here, the Chair determines that the conference committee acted within their jurisdiction in resolving differences on the subject of mail balloting. See 74 H. Jour. 4444-4446 (1995).

Accordingly, the point of order is respectfully overruled.

LEAVE OF ABSENCE

Representative J. Turner requested to grant leave of absence for Representative Moody for the remainder of today because of important business.

The outcome of the request to grant leave of absence for Representative Moody could not be determined (a quorum not being present) by (Record 1795): 86 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Dutton; Ellzey; Frank; Frullo; Gates; Geren; Goldman; Guerra; Guillen; Harless; Harris; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lozano; Metcalf; Meyer; Middleton; Morales, E.; Morrison; Murphy; Murr; Noble; Oliverson; Parker; Patterson; Paul; Price; Raney; Raymond; Rogers; Sanford; Schaefer; Schofield; Shaheen; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman; Herrero; Longoria; Lucio.

Absent — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Canales; Cole; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Lopez; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Pacheco; Paddie; Perez; Ramos; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Shine; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

STATEMENT OF VOTE

When Record No. 1795 was taken, I was absent because of a medical emergency. Had I been present, I would have voted yes.

Shine

PARLIAMENTARY INQUIRY

REPRESENTATIVE TINDERHOLT: We take an oath at the beginning of session, and we collect per diem per day to be here on the house floor to do our job on behalf of almost 30 million Texans. Am I seeing that we don't have a quorum and essentially it looks to me like the democrats left the house floor and they're neglecting their duty that they swore an oath to do?

SPEAKER PHELAN: Mr. Tinderholt, that is not a proper parliamentary inquiry. Not every person left the floor as part of a party or not.

POINT OF ORDER

Representative Geren raised a point of order against further proceedings under Rule 5, Section 6, of the House Rules on the grounds that a quorum was not present on the last roll call. The point of order was sustained.

ADJOURNMENT

Representative Geren moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 10:55 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1970 (By Guillen), In memory of Lauro and Maria Celia Lopez of Rio Grande City.

To Resolutions Calendars.

HR 1971 (By Vasut), In memory of Brazoria County Deputy Constable Brad Andrew Briscoe.

To Resolutions Calendars.

HR 1972 (By Vasut), In memory of Billy Ray Richardson of Angleton.

To Resolutions Calendars.

HR 1973 (By Fierro), Recognizing April as Parkinson's Disease Awareness Month.

To Resolutions Calendars.

HR 1974 (By Smithee), Congratulating Jackson Harwell and Eleanor Archer of Amarillo High School on winning the 5A mixed doubles gold medal at the 2021 UIL Tennis State Tournament.

To Resolutions Calendars.

HR 1975 (By Smithee), Congratulating the Amarillo High School boys' and girls' track teams on their success at the 2021 UIL Track & Field State Meet.

To Resolutions Calendars.

HR 1976 (By Smithee), Congratulating Faith Anderson of Amarillo High School on winning a bronze medal at the 2021 UIL Wrestling State Tournament.

To Resolutions Calendars.

HR 1977 (By Smithee), Congratulating the Amarillo High School boys' basketball team on advancing to the semifinals of the 2021 UIL 5A state tournament.

To Resolutions Calendars.

HR 1978 (By Raymond), Commemorating Memorial Day 2021.

To Resolutions Calendars.

HR 1979 (By Zwiener), In memory of Cheryl Brandner Archer of San Marcos.

To Resolutions Calendars.

HR 1980 (By Zwiener), In memory of William Douglas Payea Rios of San Marcos.

To Resolutions Calendars.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 32

HB 29, HB 222, HB 295, HB 385, HB 547, HB 619, HB 692, HB 707, HB 750, HB 72, HB 246, HB 465, HB 787, HB 872, HB 885, HB 954, HB 981, HB 988, HB 1115, HB 1164, HB 1172, HB 1193, HB 1239, HB 1240, HB 1247, HB 1321, HB 1371, HB 1423, HB 1456, HB 1518, HB 1526, HB 1554, HB 1564, HB 1578, HB 1681, HB 1706, HB 1802, HB 1935, HB 2086, HB 2757, HB 2831, HB 3897, HCR 24, HCR 46, HCR 51

House List No. 33

HB 5, HB 79, HB 133, HB 721, HB 757, HB 1027, HB 1154, HB 1252, HB 1301, HB 1315, HB 1410, HB 1480, HB 1505, HB 1535, HB 1558, HB 1659, HB 1664, HB 1698, HB 1849, HB 1863, HB 1919, HB 1925, HB 1966, HB 2025, HB 2063, HB 2073, HB 2116, HB 2168, HB 2201, HB 2205, HB 2211, HB 2219, HB 2235, HB 2237, HB 2256, HB 2283, HB 2287, HB 2357, HB 2365, HB 2382, HB 2448, HB 2521, HB 2535, HB 2595, HB 2610, HB 2633, HB 2667, HB 2681, HB 2706, HB 2803, HB 2807, HB 2835, HCR 29

House List No. 36

HCR 113

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
Sunday, May 30, 2021

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:

HCR 107 Thierry SPONSOR: Miles

Congratulating Toni Middleton Lewis on her retirement from Houston Public Works.

HCR 108 Craddick SPONSOR: Seliger
Commending Rosalind Redfern Grover for her service as chair of the Midland Memorial Foundation Board of Governors.

HCR 109 Rodriguez SPONSOR: Eckhardt
Honoring the Del Valle Community Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 110 Rodriguez SPONSOR: Eckhardt
Honoring the Austin Latino Coalition for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

HCR 111 Rodriguez SPONSOR: Eckhardt
Honoring Travis County constable George Morales III and his team for serving the community throughout the COVID-19 pandemic and economic crisis and during Winter Storm Uri and its aftermath.

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

SB 705 (31 Yeas, 0 Nays)
SB 855 (31 Yeas, 0 Nays)
SB 1065 (30 Yeas, 1 Nay)
SB 1936 (31 Yeas, 0 Nays)
SB 2116 (31 Yeas, 0 Nays)
SB 2181 (27 Yeas, 4 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 900 (30 Yeas, 1 Nay)
HB 1281 (30 Yeas, 1 Nay)
HB 1869 (20 Yeas, 10 Nays, 1 Present, not voting)
HB 2483 (31 Yeas, 0 Nays)
HB 3282 (30 Yeas, 1 Nay)
HB 3476 (29 Yeas, 2 Nays)
HB 3648 (31 Yeas, 0 Nays)
SB 7 (18 Yeas, 13 Nays)
SB 49 (31 Yeas, 0 Nays)
SB 64 (31 Yeas, 0 Nays)
SB 281 (31 Yeas, 0 Nays)
SB 288 (31 Yeas, 0 Nays)
SB 295 (31 Yeas, 0 Nays)

- SB 383** (30 Yeas, 1 Nay)
- SB 601** (30 Yeas, 1 Nay)
- SB 800** (31 Yeas, 0 Nays)
- SB 1160** (31 Yeas, 0 Nays)
- SB 1164** (31 Yeas, 0 Nays)
- SB 1308** (31 Yeas, 0 Nays)
- SB 1438** (21 Yeas, 10 Nays)
- SB 1831** (31 Yeas, 0 Nays)

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 572** (31 Yeas, 0 Nays)
- SB 703** (31 Yeas, 0 Nays)
- SB 2185** (29 Yeas, 1 Nay, 1 Present, not voting)

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Sunday, May 30, 2021 - 2

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 966** (31 Yeas, 0 Nays)
- SB 968** (28 Yeas, 3 Nays)
- SB 1495** (25 Yeas, 6 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

- HB 2462** (31 Yeas, 0 Nays)
- SB 23** (27 Yeas, 4 Nays)
- SB 155** (18 Yeas, 13 Nays)

SB 696 (26 Yeas, 4 Nays, 1 Present, not voting)

SB 1138 (31 Yeas, 0 Nays)

SB 1356 (31 Yeas, 0 Nays)

SB 1588 (28 Yeas, 3 Nays)

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 969 (31 Yeas, 0 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 2021 - 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 CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 967 (31 Yeas, 0 Nays)

SB 970 (31 Yeas, 0 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 15 (31 Yeas, 0 Nays)

SB 204 (27 Yeas, 4 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 2021 - 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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1525	(31 Yeas, 0 Nays)
HB 1758	(26 Yeas, 5 Nays)
HB 1929	(21 Yeas, 10 Nays)
HB 3578	(31 Yeas, 0 Nays)
HB 3752	(31 Yeas, 0 Nays)
HJR 4	(23 Yeas, 8 Nays)
SB 14	(19 Yeas, 12 Nays)
SB 794	(31 Yeas, 0 Nays)
SB 1267	(30 Yeas, 1 Nay)
SB 2124	(30 Yeas, 1 Nay)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Sunday, May 30, 2021 - 6

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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2658	(31 Yeas, 0 Nays)
HB 3720	(31 Yeas, 0 Nays)
HB 4124	(31 Yeas, 0 Nays)
SB 22	(31 Yeas, 0 Nays)
SB 248	(28 Yeas, 3 Nays)

SB 766 (31 Yeas, 0 Nays)
SB 1123 (31 Yeas, 0 Nays)
SB 2154 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 6

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 2021 - 7

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 ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 2315 (25 Yeas, 6 Nays)
SB 1315 (29 Yeas, 2 Nays)
SB 2038 (30 Yeas, 1 Nay)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 7

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 2021 - 8

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:

HCR 113 Shaheen

Recalling H.B. No. 1322 from the governor.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 572 (31 Yeas, 0 Nays)

HB 1468 (28 Yeas, 3 Nays)

HB 1493 (31 Yeas, 0 Nays)

HB 1560 (31 Yeas, 0 Nays)

HB 4305 (26 Yeas, 5 Nays)

SB 713 (31 Yeas, 0 Nays)

SB 1704 (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 8

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Sunday, May 30, 2021 - 9

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:

HCR 112 Bonnen SPONSOR: Buckingham

Instructing the enrolling clerk of the house to make corrections in H.B. No. 3459.

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

SB 2233 (31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

ENROLLED

May 29 - HB 4, HB 18, HB 19, HB 29, HB 39, HB 72, HB 115, HB 135, HB 222, HB 246, HB 295, HB 385, HB 465, HB 547, HB 549, HB 619, HB 692, HB 707, HB 750, HB 787, HB 872, HB 885, HB 954, HB 981, HB 988, HB 1115, HB 1164, HB 1172, HB 1193, HB 1239, HB 1240, HB 1247, HB 1321, HB 1371, HB 1423, HB 1456, HB 1518, HB 1526, HB 1554, HB 1564, HB 1578, HB 1681, HB 1706, HB 1802, HB 1935, HB 2086, HB 2757, HB 2831, HB 3897, HB 4605, HCR 24, HCR 46, HCR 51

SENT TO THE GOVERNOR

May 29 - HB 999, HB 1090, HB 1256, HB 1280, HB 1306, HB 1477, HB 1516, HB 1906, HB 1914, HB 2022, HB 3081, HB 3088, HB 3207, HB 3456, HB 3920, HB 4068, HB 4664, HB 4668, HCR 61

SENT TO THE COMPTROLLER

May 29 - HB 2

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIRST DAY — MONDAY, MAY 31, 2021

The house met at 10:46 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1796).

Present — Mr. Speaker(C); Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Raney; Raymond; Reynolds; Rogers; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; Wilson; Wu.

Absent, Excused — Coleman.

Absent — Anchia; Bernal; Canales; Crockett; Deshotel; González, M.; Goodwin; Johnson, A.; Johnson, J.D.; Longoria; Minjarez; Moody; Morales Shaw; Neave; Ordaz Perez; Ramos; Rodriguez; Romero; Rose; Sherman; Talarico; Thierry; White; Zwiener.

(White now present)

The invocation was offered by Representative Metcalf as follows:

Dear heavenly Father, thank you for bestowing your divine mercies over this body during the last 140 days. Thank you for the blessings of health and safety as we gather to represent your people, who live in the greatest state in the nation, in the greatest nation in the world. It is you who has guided us in making decisions on behalf of nearly 30 million Texans for the betterment of our state. We thank you for our staff and all the legislative support staff, who are some of the hardest-working people in this state. They are the public servants behind the scenes who make all of our success happen.

We pray today for our colleague, Representative Shine, as he undergoes a medical procedure. Thank you for the outstanding leadership of our speaker, who has guided this body through a challenging session, and maintained an atmosphere of open debate, so that each of our districts were represented freely.

And most importantly, thank you for watching over and protecting our families while we have been away. Thank you for comforting them and us. We pray that you continue to watch over this body as we depart the people's house and return to our loved ones this week. While we are home in our communities with our families, help us to remember that it is you who is in control of all things. It is you who knows what tomorrow holds. It is you—and only you—who can restore peace in our nation and our world. We love you, we praise you, and we thank you for all these things. In Jesus' name we pray. Amen.

The chair recognized Representative T. King who led the house in the pledges of allegiance to the United States and Texas flags.

REMARKS ORDERED PRINTED

Representative Tinderholt moved to print his parliamentary inquiry on May 30.

The motion prevailed.

(Goodwin now present)

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).

(Ramos and Thierry now present)

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 SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-SEVENTH TEXAS LEGISLATURE, REGULAR SESSION:

Article IV, Section 14, of the Texas Constitution grants the governor the power to approve or disapprove legislation passed by both chambers of the legislature. Nothing in that section or the remainder of the Constitution anticipates or describes a process for returning a bill to the legislature once it has been delivered to the governor for review (*Teem v. State*, 79 Tex. Crim. 285, 183 S.W. 1144, 1151 (1916)).

HB 1322 by Shaheen was passed by the Eighty-Seventh Texas Legislature, Regular Session, and properly transmitted to me on Thursday, May 20, 2021. The legislature has now passed and properly transmitted **HCR 113** by Shaheen to me requesting that I return **HB 1322** to the legislature.

In this instance, I have taken no formal action on **HB 1322** and I am consenting to the request of the legislature. While I am under no obligation to comply with this request, pursuant to established practice and previous case law, I hereby return the enrolled copy of **HB 1322** along with this message to the house of representatives for further consideration of technical corrections.

Respectfully submitted,
/s/Greg Abbott
Governor

Austin, Texas
May 30, 2021

(Deshotel, A. Johnson, and Romero now present)

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. 34, 35, and 37).

(Crockett, Moody, Morales Shaw, Rodriguez, and Rose now present)

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

MOTION IN WRITING RULES SUSPENDED

Representative Guillen offered the following motion in writing:

Mr. Speaker:

I move to suspend all necessary rules to allow the chair of the Resolutions Calendars Committee to prepare and distribute a Suspension Congratulatory and Memorial Resolutions Calendar to be considered later today at a time to be determined by the speaker.

Guillen

The motion was read and prevailed.

HCR 114 - ADOPTED (by Shaheen)

The following privileged resolution was laid before the house:

HCR 114

WHEREAS, **HB 1322** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

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

RESOLVED by the 87th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction to the enrolled version of **HB 1322**:

In SECTION 3 of the bill, providing for an effective date (page 1, line 19), strike "2021" and substitute "2023".

HCR 114 was adopted by (Record 1797): 125 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Jetton; Johnson, A.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Bernal; Canales; Frank; González, M.; Herrero; Hull; Johnson, J.D.; Johnson, J.E.; Longoria; Lucio; Martinez Fischer; Minjarez; Neave; Ordaz Perez; Pacheco; Rodriguez; Rose; Sherman; Talarico; Thierry; Walle; Zwiener.

STATEMENTS OF VOTE

When Record No. 1797 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

When Record No. 1797 was taken, my vote failed to register. I would have voted yes.

Rose

HCR 117 - ADOPTED (by Huberty)

The following privileged resolution was laid before the house:

HCR 117

WHEREAS, **HB 1525** 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 87th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following corrections:

(1) In SECTION 7 of the bill, in added Section 28.004(e-1)(2)(A), Education Code (page 6, lines 20 and 21), strike "at which an opportunity for public comment is provided".

(2) In SECTION 7 of the bill, in added Section 28.004(e-1)(2)(B), Education Code (page 6, lines 24 and 25), strike "at which an opportunity for public comment is provided".

(3) In SECTION 48(a) of the bill, repealing provisions of the Education Code:

(A) immediately following the semicolon (page 62, line 20), insert "and"; and

(B) strike Subdivision (5) (page 62, line 21), and renumber subsequent subdivisions accordingly.

HCR 117 was adopted by (Record 1798): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Bernal; Canales; González, M.; Harless; Herrero; Johnson, J.D.; Longoria; Martinez Fischer; Minjarez; Neave; Ordaz Perez; Rodriguez; Sherman; Talarico; Zwiener.

STATEMENT OF VOTE

When Record No. 1798 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

HCR 119 - ADOPTED (by Vasut)

The following privileged resolution was laid before the house:

HCR 119

WHEREAS, **HB 1987** 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 87th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction to the enrolled version of **HB 1987**:

In SECTION 1 of the bill, in added Section 161.005(a-1)(3), Election Code, strike "other than a chair or vice chair," and substitute "a chair, or a vice chair".

HCR 119 was adopted by (Record 1799): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozanc; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Bernal; Canales; Crockett; González, M.; Herrero; Johnson, J.D.; Longoria; Martinez Fischer; Minjarez; Neave; Ordaz Perez; Rodriguez; Sherman; Talarico; Zwiener.

STATEMENT OF VOTE

When Record No. 1799 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

HCR 116 - ADOPTED
(by Sanford)

The following privileged resolution was laid before the house:

HCR 116

WHEREAS, **HB 4627** 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, That the 87th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to make the following correction:

In the SECTION of the bill adding Section 7913A.0202(b)(1), Special District Local Laws Code, strike "Section 8080.0103" and substitute "Section 7913A.0103".

HCR 116 was adopted by (Record 1800): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Ashby; Beckley; Bell, C.; Bell, K.; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Noble; Oliverson; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Anderson; Bailes; Bernal; Canales; González, M.; Herrero; Johnson, J.D.; Longoria; Martinez Fischer; Minjarez; Neave; Ordaz Perez; Rodriguez; Sherman; Talarico; Thompson, S.; Zwiener.

STATEMENTS OF VOTE

When Record No. 1800 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

When Record No. 1800 was taken, I was in the house but away from my desk. I would have voted yes.

Neave

When Record No. 1800 was taken, I was in the house but away from my desk. I would have voted yes.

S. Thompson

(Bernal, Neave, and Ordaz Perez now present)

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

HCR 118 - ADOPTED

(by Leach)

The following privileged resolution was laid before the house:

HCR 118

WHEREAS, **HB 3774** 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 87th 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 3774**:

(1) In SECTION 1.01(a) of the bill (page 1, line 7), between "(a)" and "Section 24.129(b)", insert "Effective January 1, 2022,".

(2) In SECTION 1.01(b) of the bill (page 1, line 11), between "(b)" and "Subchapter C", insert "Effective January 1, 2022,".

HCR 118 was adopted by (Record 1801): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Goldman; González, J.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton;

Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Bowers; Canales; Cole; Deshotel; Gervin-Hawkins; González, M.; Johnson, J.D.; Longoria; Minjarez; Pacheco; Sherman; Talarico; Zwiener.

STATEMENTS OF VOTE

When Record No. 1801 was taken, I was in the house but away from my desk. I would have voted yes.

Bowers

When Record No. 1801 was taken, I was in the house but away from my desk. I would have voted yes.

Cole

(Zwiener now present)

INTRODUCTION OF GUESTS

The chair recognized Representative Metcalf who introduced staff from the following departments and recognized them for their work during the legislative session:

House Research Organization,
 Legislative Reference Library,
 Department of Public Safety,
 Texas Legislative Council,
 Office of the House Journal Clerk,
 Office of the House Committee Coordinator,
 Office of the Chief Clerk,
 House Business Office,
 Office of the House Sergeant-at-Arms, and
 Office of the House Parliamentarians.

(M. González now present)

REMARKS ORDERED PRINTED

Representative Frullo moved to print all remarks on **HB 4492** on May 30.

The motion prevailed.

HR 1978 - ADOPTED
(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 1978**.

The motion prevailed.

The following resolution was laid before the house:

HR 1978, Commemorating Memorial Day 2021.

WHEREAS, Every Memorial Day, millions of citizens across Texas and the nation gather to remember those heroic men and women in uniform who made the ultimate sacrifice in the defense of our country; and

WHEREAS, Originally known as Decoration Day for the practice of decorating the graves of soldiers with flowers once a year, this holiday began after the Civil War as a remembrance of those who had died in the war; celebrated on May 30 in subsequent decades, the holiday came to be known as Memorial Day, a day to honor all of the country's fallen, in all of its wars; since the early 1970s, the day has been observed on the last Monday in May; and

WHEREAS, The nation's most solemn Memorial Day ceremony occurs in Arlington National Cemetery at the Tomb of the Unknown Soldier, where the remains of unidentified Americans from World War I, World War II, the Korean War, and the Vietnam War are interred in a marble monument and in the adjacent plaza; accompanied by honor guards from all branches of the military, the president of the United States traditionally lays a wreath at the tomb, and the ceremony is further solemnized by the sounding of "Taps," the haunting bugle call that has been performed at military funerals and memorials since the Civil War; and

WHEREAS, At the same time, in cities large and small across the nation, veterans and their fellow citizens gather in cemeteries and other public places to remember fallen comrades and to pay tribute to those who died to protect our liberty and our republic; these ceremonies are also graced by the stirring echoes of "Taps," and by tradition, the United States flag is briskly raised to full staff at the beginning of the day and then lowered slowly to half staff, where it remains until noon, when it is raised to full staff again; and

WHEREAS, The toll of freedom is high; in the years since the founding of our republic, more than one million American military personnel have died in U.S. wars, and each year, on Memorial Day, Americans gather to pay tribute to those courageous men and women who, in the words of President Abraham Lincoln, gave the last full measure of devotion; now, therefore, be it

RESOLVED, That the House of Representatives of the 87th Texas Legislature hereby recognize Memorial Day 2021 in solemn commemoration of all those who have died in the service of our nation.

HR 1978 was read and was adopted.

On motion of Representative Price, the names of all the members of the house were added to **HR 1978** as signers thereof.

HR 1978 - REMARKS

REPRESENTATIVE RAYMOND: Members, I want to take a moment in remembering over a million people—over a million people, Americans who have died—who have died so that we could be here today, so that we could debate, so that we could argue, so that we could put forth ideas that we felt so strongly about that we ran for office and got elected. I've often said, as proud as I am to now be serving my 27th year in this house—and I think this is a very, very important position and a very important job—the job I do and that we do, in my view and with all due respect, is not nearly as important as that job that everyone in the military has done in protecting this country. And the million lives, the million people who gave their lives so that we could be here today, that to me is the most important thing you could ever do. One of my great regrets is that I did not enlist in the military. It is one of my great regrets because I was raised by people who were my mentors from World War II and the Korean War. There weren't wars going on when I finished high school—but I regret it.

I committed to myself when I got elected to do everything I could to help veterans and their families, and I think all of us are committed to that. I want to say as we finish up—and I want to thank the veterans who are here and Mr. Price who joint authored this resolution—that as we finish this session, I know that we're all tired and some of us might be a little grumpy. But the fact is, at the end of this session, all of us voted for bills that we were very happy passed. All of us, every single one of us, 150 of us, voted for bills that we were glad passed and that make, we believe, this state better, a better state for more people. And one of the things I learned working for two United States senators who were both veterans, Lloyd Bentsen of Texas and Paul Simon of Illinois—both of them veterans, World War II and Korea—and I learned from them this: They told me, don't ever doubt that those who get elected and serve with you love this state and this country as much as every one else in this chamber. At times you may have differing opinions on how you make it a better place for more people, but don't ever, ever question that. And so I don't. I don't question that everyone here loves this state and this country and that you want to make it a better place. And although at times we will disagree, at times we will disagree, we have agreed so many more times than we have disagreed. Don't ever forget that, members.

And with that, thank God for the United States military. Thank God for those who stand here that served. And thank you, God, for all those that had to give their lives. Finally, I'll say this: Although he wasn't a veteran, I often wondered what it was like when I'd see parents who lost someone in war—a child, especially. I often wondered what that was like. I knew it had to be hard. And during this interim—I had to say this before the session ended—this will be the first time that I serve since 1997 without my son Aren. I love you, pal.

MEMORIAL DAY OBSERVANCE

In honor of those who have died in service to the United States, the chair recognized Representative Ellzey to conduct a last roll call:

Colonel Hugh Shine	First Lieutenant Robert E. Tindall
Colonel Terry Wilson	Captain Ernesto M. Blanco, Major General Harold J. Greene
Lieutenant Commander Matt Schaefer	Staff Sergeant Derek J. Farley
Major Tony Tinderholt	Specialist 4 Bobby M. Smalling
Captain James White	Private Carter O. Boyd
Captain Philip Cortez	Private First Class Jose E. Rangel
Staff Sergeant Ray Lopez	Staff Sergeant James T. White
Specialist Jacey Jetton	Specialist Dan H. Nguyen, Lieutenant William J. Dey, Petty Officer 2nd Class Joseph Clark Schwedler, Lieutenant David E. Bergstrom
Captain Charles Anderson	Sergeant George L. Nyfeler
First Lieutenant John Raney	Captain James E. Raney

A moment of silence was observed in remembrance of all the fallen heroes of the United States military.

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. 2).

REMARKS ORDERED PRINTED

Representative Tinderholt moved to print remarks by Representative Ellzey in observance of Memorial Day.

The motion prevailed.

Representative C. Bell moved to print remarks by Representative Raymond on **HR 1978**.

The motion prevailed.

SCR 60 - ADOPTED (P. King - House Sponsor)

The following privileged resolution was laid before the house:

SCR 60, Instructing the enrolling clerk of the senate to make corrections in **SB 1281**.

SCR 60 was adopted by (Record 1802): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman;

González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Canales; Cole; Johnson, J.D.; Longoria; Lucio; Minjarez; Rose; Sherman; Talarico.

STATEMENT OF VOTE

When Record No. 1802 was taken, my vote failed to register. I would have voted yes.

Rose

SCR 59 - ADOPTED (Klick - House Sponsor)

The following privileged resolution was laid before the house:

SCR 59, Instructing the enrolling clerk of the senate to make corrections in **SB 968**.

SCR 59 was adopted by (Record 1803): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson;

Smithee; Spiller; Stephenson; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; White; Wilson; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Canales; Herrero; Johnson, J.D.; Longoria; Minjarez; Rose; Sherman; Smith; Talarico; Turner, C.; Walle; Wu.

STATEMENT OF VOTE

When Record No. 1803 was taken, my vote failed to register. I would have voted yes.

Rose

(Talarico now present)

HR 1993 - ADOPTED

(by Capriglione, Button, Bucy, Meyer, Moody, et al.)

Representative Capriglione moved to suspend all necessary rules to take up and consider at this time **HR 1993**.

The motion prevailed.

The following resolution was laid before the house:

HR 1993, Urging Congress to pass the "CHIPS for America Act" or any legislation that substantially increases the United States' investments in semiconductor manufacturing and research.

HR 1993 was adopted by (Record 1804): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Capriglione; Cason; Clardy; Cole; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ellzey; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Pacheco; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Coleman.

Absent — Anchia; Beckley; Canales; Johnson, J.D.; Longoria; Minjarez; Sherman; Turner, C.

(Guillen in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HR 1034 (by Hinojosa), Honoring the participants in the 2021 Texas Folklife Apprenticeships in the Folk and Traditional Arts Program.

HR 1818 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Yolanda Arguelles for her service as an El Paso County precinct chair.

HR 1873 (by Gervin-Hawkins), Commending the Coca-Cola Bottling Company of The Southwest for its contributions to the San Antonio community.

HR 1819 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Emma Acosta for her service as treasurer of the El Paso County Democratic Party during Women's History Month.

HR 1820 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Dora Oaxaca for her service as El Paso County Democratic Chair during Women's History Month.

HR 1821 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Ruth Ybarra Williams for her service as an El Paso County precinct chair.

HR 1822 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Francesca Wigle for her service as an El Paso County precinct chair.

HR 1823 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Dawn Heather Vigil for her service as an El Paso County precinct chair.

HR 1824 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Christina Vargas for her service as an El Paso County precinct chair.

HR 1825 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Lucille Teran for her service as an El Paso County precinct chair.

HR 1826 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Diana Stillman for her service as an El Paso County precinct chair.

HR 1827 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Martina Silva for her service as an El Paso County precinct chair.

HR 1828 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Megan R. Salazar for her service as an El Paso County precinct chair.

HR 1829 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Noel Ruth Rosenbaum for her service as an El Paso County precinct chair.

HR 1830 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Ayle Sarinana for her service as an El Paso County precinct chair.

HR 1831 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Alice Rosas for her service as an El Paso County precinct chair.

HR 1832 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Anna Louise Perez for her service as an El Paso County precinct chair.

HR 1833 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring PattiLee Pinon for her service as an El Paso County precinct chair.

HR 1834 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Belen Robles for her service as an El Paso County precinct chair.

HR 1835 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Gloria Paxson for her service as an El Paso County precinct chair.

HR 1836 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Amy Salcido Paz for her service as an El Paso County precinct chair.

HR 1837 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Mihaela Munteanu for her service as an El Paso County precinct chair.

HR 1838 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Marie Mier for her service as an El Paso County precinct chair.

HR 1839 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Mayela Mejia for her service as an El Paso County precinct chair.

HR 1840 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Joan C. Lopez for her service as an El Paso County precinct chair.

HR 1841 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Kathryn Lucero for her service as an El Paso County precinct chair.

HR 1842 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Gracie Lawrence for her service as an El Paso County precinct chair.

HR 1843 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Melody Jimenez for her service as an El Paso County precinct chair.

HR 1844 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Amy Hernandez for her service as an El Paso County precinct chair.

HR 1845 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Angie Garcia for her service as an El Paso County precinct chair.

HR 1846 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Betty Ann Haliburton for her service as an El Paso County precinct chair.

HR 1847 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Mayte Fitzgerald for her service as an El Paso County precinct chair.

HR 1848 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Jan Engels for her service as an El Paso County precinct chair.

HR 1849 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Enriqueta G. Fierro for her service as an El Paso County precinct chair.

HR 1850 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Carmen S. Duarte for her service as an El Paso County precinct chair.

HR 1851 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Yvonne Daniels for her service as an El Paso County precinct chair.

HR 1852 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Ramona De La Paz Torres for her service as an El Paso County precinct chair.

HR 1853 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Yolanda Clay for her service as an El Paso County precinct chair.

HR 1854 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Maria Isela Castanon Williams for her service as an El Paso County precinct chair.

HR 1855 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Cecilia Carpio for her service as an El Paso County precinct chair.

HR 1856 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Barbara Gail Aukland for her service as an El Paso County precinct chair.

HR 1857 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Bonnie Baker for her service as an El Paso County precinct chair.

HR 1858 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Evangelina Balderrama for her service as an El Paso County precinct chair.

HR 1859 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Angie Barajas for her service as an El Paso County precinct chair.

HR 1860 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Patricia Canchola for her service as an El Paso County precinct chair.

HR 1861 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Dorothy Mae Byrd for her service as an El Paso County precinct chair.

HR 1862 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Aleksandra Buckley for her service as an El Paso County precinct chair.

HR 1863 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Soledad Burchanan for her service as an El Paso County precinct chair.

HR 1864 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Elizabeth Urbina Barron for her service as an El Paso County precinct chair.

HR 1865 (by Ordaz Perez, Moody, M. González, Ortega, and Fierro), Honoring Mary Bowles-Gasca for her service as an El Paso County precinct chair.

HR 1867 (by Gervin-Hawkins), Congratulating Mrs. Kitchen Soul Food Restaurant and Bakery in Windcrest on its success.

HR 1874 (by Gervin-Hawkins), Paying tribute to Mr. and Mrs. G's Home Cooking and Pastries in San Antonio.

HR 1875 (by Oliverson), Congratulating Houston Methodist on the construction of its new hospital in Cypress.

HR 1876 (by Oliverson), Congratulating Zeki Gurbuz of Cypress Woods High School on finishing in the top 100 in the 2021 CyberStart America National Cyber Scholarship Competition.

HR 1878 (by Smithee), Congratulating the Canyon High School girls' basketball team on winning the 2021 UIL 4A state championship.

HR 1879 (by Smithee), Congratulating the Texline High School boys' basketball team on winning the 2021 UIL 1A state championship.

HR 1880 (by Gervin-Hawkins), Commending Liz Franklin for her work as interim CEO of the Ella Austin Community Center in San Antonio.

HR 1881 (by Slawson), Congratulating Victoria Saucedo of Stephenville on her receipt of the Girl Scout Gold Award.

HR 1882 (by Slawson), Congratulating Courtney McGuire of Stephenville on her receipt of the Girl Scout Gold Award.

HR 1883 (by Slawson), Congratulating Taryn Gibbs of Stephenville on her receipt of the Girl Scout Gold Award.

HR 1884 (by Gervin-Hawkins), Commending Beverly Watts Davis for her service to the WestCare Foundation and the wider San Antonio community.

HR 1885 (by Price), Commending Dr. Robert G. "Bob" Robinson on his 50 years of service with The Texas A&M University System.

HR 1886 (by Price), Congratulating Ethan Ruppanner of Tascosa High School in Amarillo on earning a bronze medal at the 2021 UIL Tennis State Tournament.

HR 1887 (by Price), Commending the staff of the Moore County Hospital District for their service during the COVID-19 pandemic.

HR 1889 (by Price), Commending the staff members of Northwest Texas Healthcare System in Amarillo for their service during the COVID-19 pandemic.

HR 1890 (by Neave), Congratulating Campbell Chase of Woodrow Wilson High School in Dallas on winning two medals at the 2021 UIL Swimming & Diving State Meet.

HR 1891 (by Neave), Congratulating Evelyn Pate of Woodrow Wilson High School in Dallas on her second-place finish at the 2021 Texas Music Educators Association 5A All-Area audition.

HR 1892 (by Neave), Congratulating MacKenzie McCulloch of Woodrow Wilson High School in Dallas on her selection to the TMEA 5A All-State Band.

HR 1893 (by Neave), Congratulating Ryan Bott on his nomination for the 2021 Secondary Principal of the Year award from the Dallas Independent School District.

HR 1894 (by Neave), Honoring the Fly, Lower, and Gather (F.L.A.G.) Program on the occasion of its fifth annual fundraiser.

HR 1895 (by Price), Commending BSA Health System in Amarillo for its outstanding service during the COVID-19 pandemic.

HR 1896 (by Rodriguez), Congratulating Sanford Jeames of Eastside Memorial Early College High School on his selection as a 2021 Austin ISD Teacher of the Year.

HR 1897 (by Neave, Rose, Bowers, and Crockett), Commemorating the completion of Front Street Station in Mesquite.

HR 1898 (by Neave, Rose, and Bowers), Commending the Skyline High School IGNITE club for its campaign to make feminine hygiene products available at Dallas ISD schools.

HR 1899 (by Neave, Rose, Bowers, and Crockett), Congratulating David Smith on being named the 2021 Teacher of the Year at Horn High School in Mesquite ISD.

HR 1900 (by Neave, Rose, Bowers, and Crockett), Congratulating Camisha McCreadie on being named the 2021 Teacher of the Year at A. C. New Middle School in Mesquite ISD.

HR 1901 (by Neave, Rose, Bowers, and Crockett), Congratulating Alesia Rubio on being named the 2021 Teacher of the Year at Achziger Elementary School in Mesquite ISD.

HR 1902 (by Neave, Rose, Bowers, and Crockett), Congratulating Tiffany Gonzales on being named the 2021 Teacher of the Year at Agnew Middle School in Mesquite ISD.

HR 1903 (by Neave, Rose, Bowers, and Crockett), Congratulating Deidre Reeves on being named the 2021 Teacher of the Year at Austin Elementary School in Mesquite ISD.

HR 1904 (by Neave, Rose, Bowers, and Crockett), Congratulating Michael Destefani on being named the 2021 Teacher of the Year at Beasley Elementary School in Mesquite ISD.

HR 1905 (by Neave, Rose, Bowers, and Crockett), Congratulating Carol Freeman on being named the 2021 Teacher of the Year at Berry Middle School in Mesquite ISD.

HR 1906 (by Neave, Rose, Bowers, and Crockett), Congratulating Jennifer Hornung on being named the 2021 Teacher of the Year at Black Elementary School in Mesquite ISD.

HR 1907 (by Neave, Rose, Bowers, and Crockett), Congratulating Tracey Ramsey on being named the 2021 Teacher of the Year at Cannaday Elementary School in Mesquite ISD.

HR 1908 (by Neave, Rose, Bowers, and Crockett), Congratulating Jenelle Kumbier on being named the 2021 Teacher of the Year at Florence Elementary School in Mesquite ISD.

HR 1909 (by Neave, Rose, Bowers, and Crockett), Congratulating Gloria Araujo on being named the 2021 Teacher of the Year at Floyd Elementary School in Mesquite ISD.

HR 1910 (by Neave, Rose, Bowers, and Crockett), Congratulating Breanne Bell on being named the 2021 Teacher of the Year at Frasier Middle School in Mesquite ISD.

HR 1911 (by Neave, Rose, Bowers, and Crockett), Congratulating Susana Arellano on being named the 2021 Teacher of the Year at Galloway Elementary School in Mesquite ISD.

HR 1912 (by Neave, Rose, Bowers, and Crockett), Congratulating Renee Mitchell on being named the 2021 Teacher of the Year at Gentry Elementary School in Mesquite ISD.

HR 1913 (by Neave, Rose, Bowers, and Crockett), Congratulating Sergio Vargas on being named the 2021 Teacher of the Year at Gray Elementary School in Mesquite ISD.

HR 1914 (by Neave, Rose, Bowers, and Crockett), Congratulating Rachel Sigala on being named the 2021 Teacher of the Year at Hanby Elementary School in Mesquite ISD.

HR 1915 (by Neave, Rose, Bowers, and Crockett), Congratulating Cristina Perez on being named the 2021 Teacher of the Year at Hodges Elementary School in Mesquite ISD.

HR 1916 (by Neave, Rose, Bowers, and Crockett), Congratulating Courtney Ammerman on being named the 2021 Teacher of the Year at Kimball Elementary School in Mesquite ISD.

HR 1917 (by Neave, Rose, Bowers, and Crockett), Congratulating Julie Gomez on being named the 2021 Teacher of the Year at Kimbrough Middle School in Mesquite ISD.

HR 1918 (by Neave, Rose, Bowers, and Crockett), Congratulating Daniela Canabou on being named the 2021 Teacher of the Year at Lawrence Elementary School in Mesquite ISD.

HR 1919 (by Neave, Rose, Bowers, and Crockett), Congratulating Tamiko Jones McGee on being named the 2021 Teacher of the Year at the Learning Center in Mesquite ISD.

HR 1920 (by Neave, Rose, Bowers, and Crockett), Congratulating Tameka Hawkins on being named the 2021 Teacher of the Year at Mackey Elementary School in Mesquite ISD.

HR 1921 (by Neave, Rose, Bowers, and Crockett), Congratulating Bethany Bach on being named the 2021 Teacher of the Year at McDonald Middle School in Mesquite ISD.

HR 1922 (by Neave, Rose, Bowers, and Crockett), Congratulating Logan Cornelison on being named the 2021 Teacher of the Year at McKenzie Elementary School in Mesquite ISD.

HR 1923 (by Neave, Rose, Bowers, and Crockett), Congratulating Juan Carlos Gomez-Buznago on being named the 2021 Teacher of the Year at McWhorter Elementary School in Mesquite ISD.

HR 1924 (by Neave, Rose, Bowers, and Crockett), Congratulating Davitra Dewberry on being named the 2021 Teacher of the Year at Mesquite Academy in Mesquite ISD.

HR 1925 (by Neave, Rose, Bowers, and Crockett), Congratulating Wendi Swaner on being named the 2021 Teacher of the Year at Motley Elementary School in Mesquite ISD.

HR 1926 (by Neave, Rose, Bowers, and Crockett), Congratulating Wendy Campbell on being named the 2021 Teacher of the Year at North Mesquite High School in Mesquite ISD.

HR 1927 (by Neave, Rose, Bowers, and Crockett), Congratulating Carolyn Daugherty on being named the 2021 Teacher of the Year at Pirrung Elementary School in Mesquite ISD.

HR 1928 (by Neave, Rose, Bowers, and Crockett), Congratulating Natalie Ramirez on being named the 2021 Teacher of the Year at Porter Elementary School in Mesquite ISD.

HR 1929 (by Neave, Rose, Bowers, and Crockett), Congratulating Shelby Ermis on being named the 2021 Teacher of the Year at Rugel Elementary School in Mesquite ISD.

HR 1930 (by Neave, Rose, Bowers, and Crockett), Congratulating Phalisati Miller on being named the 2021 Teacher of the Year at Rutherford Elementary School in Mesquite ISD.

HR 1931 (by Neave, Rose, Bowers, and Crockett), Congratulating Jasmyne Perkins on being named the 2021 Teacher of the Year at Seabourn Elementary School in Mesquite ISD.

HR 1932 (by Neave, Rose, Bowers, and Crockett), Congratulating Portia Smith on being named the 2021 Teacher of the Year at Shands Elementary School in Mesquite ISD.

HR 1933 (by Neave, Rose, Bowers, and Crockett), Congratulating Sandra Salazar on being named the 2021 Teacher of the Year at Shaw Elementary School in Mesquite ISD.

HR 1934 (by Neave, Rose, Bowers, and Crockett), Congratulating Susan Napier on being named the 2021 Teacher of the Year at Terry Middle School in Mesquite ISD.

HR 1935 (by Neave, Rose, Bowers, and Crockett), Congratulating Cassidy Siragusa on being named the 2021 Teacher of the Year at Thompson Elementary School in Mesquite ISD.

HR 1936 (by Neave, Rose, Bowers, and Crockett), Congratulating Jessica McCarty on being named the 2021 Teacher of the Year at Tisinger Elementary School in Mesquite ISD.

HR 1937 (by Neave, Rose, Bowers, and Crockett), Congratulating Whitney Williams on being named the 2021 Teacher of the Year at Tosch Elementary School in Mesquite ISD.

HR 1938 (by Neave, Rose, Bowers, and Crockett), Congratulating Elena Jimenez on being named the 2021 Teacher of the Year at Vanston Middle School in Mesquite ISD.

HR 1939 (by Neave, Rose, Bowers, and Crockett), Congratulating Shelly Regan on being named the 2021 Teacher of the Year at West Mesquite High School in Mesquite ISD.

HR 1940 (by Neave, Rose, Bowers, and Crockett), Congratulating Theresa McWilliams on being named the 2021 Teacher of the Year at Wilkinson Middle School in Mesquite ISD.

HR 1941 (by Neave, Rose, Bowers, and Crockett), Congratulating Rudi McKay on being named the 2021 Teacher of the Year at Woolley Middle School in Mesquite ISD.

HR 1942 (by Neave, Rose, Bowers, and Crockett), Congratulating Blair Cox on being named the 2021 Teacher of the Year at Poteet High School in Mesquite ISD.

HR 1943 (by Neave, Rose, Bowers, and Crockett), Congratulating Erica Ramos on being named the 2021 Teacher of the Year at Henrie Elementary School in Mesquite ISD.

HR 1944 (by Neave, Rose, Bowers, and Crockett), Congratulating Amber McBee McMillan on being named the 2021 Teacher of the Year at Moss Elementary School in Mesquite ISD.

HR 1945 (by Neave, Rose, Bowers, and Crockett), Congratulating Courtney Fletcher on being named the 2021 Teacher of the Year at Range Elementary School in Mesquite ISD.

HR 1946 (by Neave, Rose, Bowers, and Crockett), Congratulating Kristy White on being named the 2021 Teacher of the Year at Smith Elementary School in Mesquite ISD.

HR 1947 (by Herrero), Congratulating the Moody High School choir on winning sweepstakes honors in the 2021 UIL Concert & Sight-Reading Evaluation.

HR 1948 (by Price), Commending Golden Plains Community Hospital of Hutchinson County for its service during the COVID-19 pandemic.

HR 1949 (by Price), Commending Hal Talton for his service as chief of staff and general counsel to State Representative Four Price.

HR 1950 (by Metcalf), Honoring the Legislative Reference Library.

HR 1951 (by Price), Commemorating June 14, 2021, as Flag Day.

HR 1952 (by Price), Commemorating June 14, 2022, as Flag Day.

HR 1955 (by Gervin-Hawkins), Commending Justin Gonzales for his service as a legislative intern in the office of State Representative Barbara Gervin-Hawkins during the 87th Legislative Session.

HR 1957 (by Anchia), Commending Lorraine Garcia for her service as a legislative aide in the office of State Representative Rafael Anchia.

HR 1958 (by Anchia), Commending Any Ojeda for her service as a legislative intern in the office of State Representative Rafael Anchia.

HR 1959 (by Anchia), Commending Tessa Nemec for her service as a legislative aide in the office of State Representative Rafael Anchia.

HR 1960 (by Anchia), Commending Tsion Amare for her service as a legislative aide in the office of State Representative Rafael Anchia.

HR 1962 (by Geren), Commemorating the 75th anniversary of the passage of the Lanham Act.

HR 1963 (by Gervin-Hawkins), Honoring Aaronetta Pierce of San Antonio for her civic leadership.

HR 1964 (by Price), Commending Hanna Lisenbe for her service as a scheduler and legislative assistant in the office of State Representative Four Price during the 87th Legislative Session.

HR 1965 (by Gervin-Hawkins), Commending Arnold Wade of Houston for his service as a legislative intern in the office of State Representative Barbara Gervin-Hawkins.

HR 1968 (by Dutton), Recognizing the importance of school nutrition programs in providing meals to children who have faced food insecurity, especially during the COVID-19 pandemic.

HR 1973 (by Fierro), Recognizing April as Parkinson's Disease Awareness Month.

HR 1974 (by Smithee), Congratulating Jackson Harwell and Eleanor Archer of Amarillo High School on winning the 5A mixed doubles gold medal at the 2021 UIL Tennis State Tournament.

HR 1975 (by Smithee), Congratulating the Amarillo High School boys' and girls' track teams on their success at the 2021 UIL Track & Field State Meet.

HR 1976 (by Smithee), Congratulating Faith Anderson of Amarillo High School on winning a bronze medal at the 2021 UIL Wrestling State Tournament.

HR 1977 (by Smithee), Congratulating the Amarillo High School boys' basketball team on advancing to the semifinals of the 2021 UIL 5A state tournament.

HR 1978 was previously adopted.

HR 1981 (by T. King), Commending Cody Davenport on his service as the executive director and CEO of the San Antonio Stock Show & Rodeo.

HR 1995 (by Price), Commending the faculty, research staff, students, support staff, and administration of the Texas Tech University Health Sciences Center at Amarillo for their contributions in responding to the COVID-19 pandemic.

HR 1983 (by White), Commending Hayden Padgett for his leadership as chair of the Texas Young Republicans.

HR 1984 (by Neave), Congratulating Coach Jairus Mitchell for helping the Lakehill Preparatory School football team win the 2020 TAPPS Six-Man Division II state championship.

HR 1985 (by Neave), Congratulating Roger Perry for receiving a Lifetime Membership award from the Greater East Dallas Chamber of Commerce board of directors.

HR 1986 (by Neave), Congratulating Mark Ramsey on his receipt of the Chairman's Award from the Greater East Dallas Chamber of Commerce.

HR 1987 (by Neave), Congratulating Jin-Ya Huang of Dallas on her receipt of a 2021 Maura Women Helping Women Award from the Texas Women's Foundation.

HR 1988 (by Neave), Commending Manuel Tellez for establishing the nonprofit Autocare Haven in North Texas.

HR 1989 (by Neave), Congratulating Laura Jobe on being named chief information officer for Mesquite ISD.

HR 1990 (by Kacal), Commending Caleb Barkman for his service as a legislative aide in the office of State Representative Kyle Kacal.

HR 1991 (by Kacal), Congratulating Parten Wakefield of Shady W Ranch in Brazos County on his receipt of a 2021 Lone Star Land Steward Ecoregion Award.

HR 1996 (by Meza), Congratulating Deputy Chief Larry D. Simmons on his retirement from the Grand Prairie Police Department.

HR 1998 (by J. González), Commemorating the 2021 Grand Prairie Juneteenth Celebration and Parade.

HR 1999 (by J. Turner), Congratulating Joseph Sotelo on being named the Dallas Independent School District 2021 Principal of the Year for the secondary level.

HR 2000 (by Davis), Congratulating the Reverend Dr. Stephen C. Nash on retiring as senior pastor of Mount Tabor Missionary Baptist Church in Dallas.

HR 2001 (by Price), Recognizing June 2021 as National Dairy Month in Texas.

HR 2002 (by Price), Recognizing June 2022 as National Dairy Month in Texas.

HR 2003 (by M. González), Commemorating the 100th anniversary of William Beaumont Army Medical Center in El Paso.

HR 2004 (by M. González), Commemorating the 246th birthday of the U.S. Army.

HR 2010 (by Bowers, Neave, and Rose), Congratulating Torrey Rhone on becoming the first African American to serve at the rank of sergeant as a member of the Mesquite Police Department.

HR 2011 (by Gervin-Hawkins), Commending the Honorable Joey Contreras for his service as judge of the 187th Judicial District Court in Bexar County.

HR 2012 (by Gervin-Hawkins), Commending Judge Raymond Angelini for his service to Bexar County.

HR 2016 (by Gervin-Hawkins), Commending the Honorable Edward C. Prado for his service as a state and federal judge and as U.S. ambassador to Argentina.

HR 2017 (by Guillen), Congratulating Crisanto Salinas on his retirement as city manager of Roma.

HR 2031 (by Buckley), Honoring Kelly Flading of Killeen for her legacy of service to her community.

HR 2042 (by Vo), Commending Nguyen Ngoc Han Kelly for her service as district liaison for State Representative Hubert Vo.

HR 2046 (by Kacal), Congratulating Grayson Nicchio on his graduation from James Bowie High School in Austin in 2021.

HR 2054 (by Shine), Commending Dustin Tropp for his service as legislative director in the office of State Representative Hugh D. Shine.

HR 2055 (by Shine), Commending Brenn Brown for her work as a legislative intern in the office of State Representative Hugh D. Shine.

HR 2056 (by Shine), Commending Leighton Brown for his service as a legislative intern in the office of State Representative Hugh D. Shine.

HR 2060 (by J.E. Johnson), Commending the staff members of State Representative Julie Johnson for their service during the 87th Legislative Session.

HR 2075 (by J.E. Johnson), Congratulating Dr. Asma Anwar of Lewisville ISD on earning a doctorate of education in organizational leadership from Abilene Christian University.

HR 2077 (by Guerra), Congratulating the Southern Methodist University Geothermal Lab on its 51st anniversary.

HR 2078 (by Guerra), Congratulating the Bureau of Economic Geology on its receipt of a Small Business Technology Transfer Phase 1 award through the United States Air Force AFWERX innovation program.

HR 2079 (by Gervin-Hawkins), Honoring retired judge Steven C. Hilbig for his contributions to Bexar County.

HR 2081 (by Neave), Commending Mitchell Crow of Dallas for his service to Texans experiencing homelessness during the February 2021 winter storm.

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HR 2089 (by J. Turner), Commending the staff and interns in the office of State Representative John Turner for their service during the 87th Legislature.

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HR 2091 (by Neave), Commemorating the 2021 Mesquite Juneteenth Celebration.

HR 2094 (by Neave), Recognizing Diez y Seis de Septiembre 2021.

HR 2096 (by Neave), Congratulating Ethan Hull of Dallas on attaining the rank of Eagle Scout.

HR 2097 (by Neave), Honoring Somos Tejas for its service to the Oak Cliff area during the COVID-19 pandemic.

HR 2098 (by Neave), Congratulating Danny Kennedy of Scouts BSA Troop No. 746 on achieving the rank of Eagle Scout.

HR 2099 (by Neave), Commemorating El Día de los Muertos 2021.

HR 2101 (by Hernandez), Honoring the Fellows of the 2021 Moreno/Rangel Legislative Leadership Program.

HR 2102 (by Smithee), Congratulating the boys' and girls' wrestling teams from Randall High School in Amarillo on winning 5A titles at the 2021 UIL Wrestling State Tournament.

The resolutions were adopted.

The following memorial resolutions were laid before the house:

HR 1869 (by Guillen), In memory of Federico Falcon.

HR 1870 (by Guillen), In memory of Michael Edwin "Eddie" Kendrick Jr. of Crockett.

HR 1871 (by Guillen), In memory of Frank Garza Leal of Pleasanton.

HR 1872 (by Herrero), In memory of Emilia "Millie" Ybarra Phillips.

HR 1877 (by Gervin-Hawkins), In memory of William and Addie Garner of San Antonio.

HR 1888 (by Neave), In memory of Joseph "JoJo" Arbennie Townsend Howard of Dallas.

HR 1953 (by Guillen), In memory of Guadalupe and Elia Munoz.

HR 1954 (by Guillen), In memory of Toraldo and Josefa Perez of Rio Grande City.

HR 1956 (by Campos), In memory of Patsy H. Gonzales of Bexar County.

HR 1961 (by Guillen), In memory of Gilberto Trejo of Rio Grande City.

HR 1970 (by Guillen), In memory of Lauro and Maria Celia Lopez of Rio Grande City.

HR 1971 (by Vasut), In memory of Brazoria County Deputy Constable Brad Andrew Briscoe.

HR 1972 (by Vasut), In memory of Billy Ray Richardson of Angleton.

HR 1979 (by Zwiener), In memory of Cheryl Brandner Archer of San Marcos.

HR 1980 (by Zwiener), In memory of William Douglas Payea Rios of San Marcos.

HR 1992 (by Vasut), In memory of Lillian Ruth Hertel of Angleton.

HR 2013 (by Gervin-Hawkins), Commemorating the life and service of Judge Pat Priest.

HR 2015 (by Gervin-Hawkins), Paying tribute to the memory of the Honorable John Gallardo Benavides, the first Mexican American appointed as a district judge of Bexar County.

HR 2018 (by Guillen), In memory of Virginia Q. Cantu of Boerne.

HR 2019 (by Guillen), In memory of Hortensia G. Serna of San Diego, Texas.

HR 2020 (by Guillen), In memory of Roberto and Hermidia Trevino of Kingsville.

HR 2021 (by Guillen), In memory of Rene J. Gonzalez of Rio Grande City.

HR 2023 (by Guillen), In memory of Felix Rendon of Poteet.

HR 2024 (by Guillen), In memory of Guadalupe M. Peña of Rio Grande City.

HR 2025 (by Guillen), In memory of Hector F. Ramos of Hebronville.

HR 2026 (by Guillen), In memory of Corando B. Perez of San Diego, Texas.

HR 2028 (by Guillen), In memory of Bryan James Boyd of Pleasanton.

HR 2029 (by Guillen), In memory of Don McAskill of Jourdanton.

HR 2030 (by Guillen), Paying tribute to the life of Carlos Segura Casas of McMullen County.

HR 2032 (by Guillen), In memory of Jack Erwin Rutherford of Jourdanton.

HR 2033 (by Guillen), In memory of Luis Angel Gomez Sr. of Rio Grande City.

HR 2034 (by Guillen), In memory of Flavio Villarreal Sr. of El Sauz.

HR 2035 (by Guillen), In memory of Renato Borromeo Chavez of Rio Grande City.

HR 2036 (by Swanson), In memory of Dwight "Clint" Moore.

HR 2037 (by Guillen), In memory of Silbiano Morin Gonzalez of Cotulla.

HR 2038 (by Swanson), In memory of Russell Mark Taylor.

HR 2039 (by Guillen), In memory of John William Hayes.

HR 2040 (by Guillen), In memory of Zenaida Montemayor of San Diego.

HR 2041 (by Guillen), In memory of Onofre Baldemar Rodriguez of Roma.

HR 2043 (by Guillen), In memory of Joseph R. Paton of Freer.

HR 2044 (by Guillen), In memory of Juan Roberto Garcia of Falfurrias.

HR 2045 (by Guillen), In memory of Willie E. Sneed of Poteet.

HR 2047 (by Kacal, Burns, Parker, Bailes, and M. González), In memory of James B. Prewitt.

HR 2048 (by Guillen), In memory of John Stanley Vyvlecka Jr.

HR 2049 (by Guillen), In memory of Norman Neal Hahn of Pleasanton.

HR 2050 (by Guillen), In memory of Dillard H. Wied of Hebronville.

HR 2051 (by Guillen), In memory of Maria "Cuca" Refugia Cantu of Charlotte.

HR 2052 (by Guillen), In memory of Napoleon G. "Polo" Sanchez of Lytle.

HR 2053 (by Guillen), In memory of Charles Robert Oelkers of Pleasanton.

HR 2057 (by Guillen), In memory of Alton Raymond "Ray" Samsel of Pleasanton.

HR 2058 (by Guillen), In memory of Robert Eugene "Bob" Dismang.

HR 2059 (by Guillen), In memory of Roberto G. Rodriguez of Rio Grande City.

HR 2061 (by Guillen), In memory of Oscar R. Vela of Falfurrias.

HR 2062 (by Guillen), In memory of Daniel Ray Neal of Poteet.

HR 2063 (by Guillen), In memory of Humberto Villarreal of Falfurrias.

HR 2064 (by Guillen), In memory of Abraham Ruiz of Raymondville.

HR 2065 (by Guillen), In memory of Jimmie Edward Jones.

HR 2066 (by Guillen), In memory of Fred Earl Bennett Jr. of Poteet.

HR 2067 (by Guillen), In memory of Roger Olivares Cumpian.

HR 2068 (by Guillen), In memory of Herschel Harold Hall of Cotulla.

HR 2069 (by Guillen), In memory of Romeo Garcia of Rio Grande City.

HR 2070 (by Guillen), In memory of Jose "Chuy" Jesus Ruiz of Hebbbronville.

HR 2071 (by Guillen), In memory of Leonel Molina Saenz of Realitos.

HR 2072 (by Guillen), In memory of Jaime Garcia of San Diego, Texas.

HR 2073 (by Guillen), In memory of Daniel Garcia of Garciasville.

HR 2074 (by Guillen), In memory of Gilberto Garza Saenz of Falfurrias.

HR 2080 (by Moody), In memory of Dr. Lucy Therese Scarbrough of El Paso.

HR 2092 (by Neave), In memory of George Eric Cassity of Las Vegas, Nevada.

HR 2095 (by Toth), In memory of the Reverend Donald R. Gebert of The Woodlands.

HR 2100 (by Spiller), In memory of John S. Aston of Gainesville.

HR 2103 (by Crockett), In memory of Mable Louise Moffitt of Dallas.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

PROVIDING FOR ADJOURNMENT SINE DIE

At 1:28 p.m., Representative Moody moved that, at the conclusion of the receiving of messages from the senate, the signing of bills and resolutions, and administrative matters, the house stand adjourned sine die in memory of the victims of the August 3, 2019, Walmart shooting in El Paso: Jordan Anchondo, Andre Anchondo, Arturo Benavidez, Javier Rodriguez, Sara Esther Regalado Moriel, Adolfo Cerros Hernández, Gloria Irma Marquez, María Eugenia Legarreta Rothe, Ivan Manzano, Juan de Dios Velázquez Chairez, David Johnson, Leonardo Campos Jr., Maribel Campos (Loya), Angelina Silva Englisbee, Maria Flores, Raul Flores, Jorge Calvillo Garcia, Alexander Gerhard Hoffman, Luis Alfonzo Juarez, Elsa Mendoza de la Mora, Margie Reckard, Teresa Sanchez, and Memo Garcia.

The motion prevailed.

The chair called the house to order at 2:48 p.m.

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. 3).

HOUSE AT EASE

At 2:49 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:15 p.m.

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 No. 38 and Senate List Nos. 20, 21, and 22).

ADJOURNMENT SINE DIE

In accordance with a previous motion, Speaker Phelan, at 6:20 p.m., pronounced the House of Representatives of the Regular Session of the Eighty-Seventh Legislature adjourned sine die.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1981 (By T. King), Commending Cody Davenport on his service as the executive director and CEO of the San Antonio Stock Show & Rodeo.

To Resolutions Calendars.

HR 1983 (By White), Commending Hayden Padgett for his leadership as chair of the Texas Young Republicans.

To Resolutions Calendars.

HR 1984 (By Neave), Congratulating Coach Jairus Mitchell for helping the Lakehill Preparatory School football team win the 2020 TAPPS Six-Man Division II state championship.

To Resolutions Calendars.

HR 1985 (By Neave), Congratulating Roger Perry for receiving a Lifetime Membership award from the Greater East Dallas Chamber of Commerce board of directors.

To Resolutions Calendars.

HR 1986 (By Neave), Congratulating Mark Ramsey on his receipt of the Chairman's Award from the Greater East Dallas Chamber of Commerce.

To Resolutions Calendars.

HR 1987 (By Neave), Congratulating Jin-Ya Huang of Dallas on her receipt of a 2021 Maura Women Helping Women Award from the Texas Women's Foundation.

To Resolutions Calendars.

HR 1988 (By Neave), Commending Manuel Tellez for establishing the nonprofit Autocare Haven in North Texas.

To Resolutions Calendars.

HR 1989 (By Neave), Congratulating Laura Jobe on being named chief information officer for Mesquite ISD.

To Resolutions Calendars.

HR 1990 (By Kacal), Commending Caleb Barkman for his service as a legislative aide in the office of State Representative Kyle Kacal.

To Resolutions Calendars.

HR 1991 (By Kacal), Congratulating Parten Wakefield of Shady W Ranch in Brazos County on his receipt of a 2021 Lone Star Land Steward Ecoregion Award.

To Resolutions Calendars.

HR 1992 (By Vasut), In memory of Lillian Ruth Hertel of Angleton.

To Resolutions Calendars.

HR 1995 (By Price), Commending the faculty, research staff, students, support staff, and administration of the Texas Tech University Health Sciences Center at Amarillo for their contributions in responding to the COVID-19 pandemic.

To Resolutions Calendars.

HR 1996 (By Meza), Congratulating Deputy Chief Larry D. Simmons on his retirement from the Grand Prairie Police Department.

To Resolutions Calendars.

HR 1998 (By J. González), Commemorating the 2021 Grand Prairie Juneteenth Celebration and Parade.

To Resolutions Calendars.

HR 1999 (By J. Turner), Congratulating Joseph Sotelo on being named the Dallas Independent School District 2021 Principal of the Year for the secondary level.

To Resolutions Calendars.

HR 2000 (By Davis), Congratulating the Reverend Dr. Stephen C. Nash on retiring as senior pastor of Mount Tabor Missionary Baptist Church in Dallas.

To Resolutions Calendars.

HR 2001 (By Price), Recognizing June 2021 as National Dairy Month in Texas.

To Resolutions Calendars.

HR 2002 (By Price), Recognizing June 2022 as National Dairy Month in Texas.

To Resolutions Calendars.

HR 2003 (By M. González), Commemorating the 100th anniversary of William Beaumont Army Medical Center in El Paso.

To Resolutions Calendars.

HR 2004 (By M. González), Commemorating the 246th birthday of the U.S. Army.

To Resolutions Calendars.

HR 2010 (By Bowers, Neave, and Rose), Congratulating Torrey Rhone on becoming the first African American to serve at the rank of sergeant as a member of the Mesquite Police Department.

To Resolutions Calendars.

HR 2011 (By Gervin-Hawkins), Commending the Honorable Joey Contreras for his service as judge of the 187th Judicial District Court in Bexar County.

To Resolutions Calendars.

HR 2012 (By Gervin-Hawkins), Commending Judge Raymond Angelini for his service to Bexar County.

To Resolutions Calendars.

HR 2013 (By Gervin-Hawkins), Commemorating the life and service of Judge Pat Priest.

To Resolutions Calendars.

HR 2015 (By Gervin-Hawkins), Paying tribute to the memory of the Honorable John Gallardo Benavides, the first Mexican American appointed as a district judge of Bexar County.

To Resolutions Calendars.

HR 2016 (By Gervin-Hawkins), Commending the Honorable Edward C. Prado for his service as a state and federal judge and as U.S. ambassador to Argentina.

To Resolutions Calendars.

HR 2017 (By Guillen), Congratulating Crisanto Salinas on his retirement as city manager of Roma.

To Resolutions Calendars.

HR 2018 (By Guillen), In memory of Virginia Q. Cantu of Boerne.

To Resolutions Calendars.

HR 2019 (By Guillen), In memory of Hortensia G. Serna of San Diego, Texas.

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HR 2020 (By Guillen), In memory of Roberto and Hermidia Trevino of Kingsville.

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HR 2025 (By Guillen), In memory of Hector F. Ramos of Hebbronville.

To Resolutions Calendars.

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HR 2028 (By Guillen), In memory of Bryan James Boyd of Pleasanton.

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HR 2036 (By Swanson), In memory of Dwight "Clint" Moore.

To Resolutions Calendars.

HR 2037 (By Guillen), In memory of Silbiano Morin Gonzalez of Cotulla.

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HR 2046 (By Kacal), Congratulating Grayson Nicchio on his graduation from James Bowie High School in Austin in 2021.

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HR 2063 (By Guillen), In memory of Humberto Villarreal of Falfurrias.
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HR 2064 (By Guillen), In memory of Abraham Ruiz of Raymondville.
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To Resolutions Calendars.

HR 2073 (By Guillen), In memory of Daniel Garcia of Garciasville.
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HR 2098 (By Neave), Congratulating Danny Kennedy of Scouts BSA Troop No. 746 on achieving the rank of Eagle Scout.
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To Resolutions Calendars.

HR 2100 (By Spiller), In memory of John S. Aston of Gainesville.
To Resolutions Calendars.

List No. 2

HR 2101 (By Hernandez), Honoring the Fellows of the 2021 Moreno/Rangel Legislative Leadership Program.
To Resolutions Calendars.

HR 2102 (By Smithee), Congratulating the boys' and girls' wrestling teams from Randall High School in Amarillo on winning 5A titles at the 2021 UIL Wrestling State Tournament.
To Resolutions Calendars.

HR 2103 (By Crockett), In memory of Mable Louise Moffitt of Dallas.
To Resolutions Calendars.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 34

HB 700, HB 1520, HB 2064, HB 2352, HB 2497, HB 2519, HB 2607, HB 2721, HB 2730, HB 2850, HB 2857, HB 2896, HB 2911, HB 2924, HB 2950, HB 2951, HB 3009, HB 3026, HB 3115, HB 3121, HB 3131, HB 3135, HB 3140, HB 3157, HB 3203, HB 3217, HB 3257, HB 3261, HB 3271, HB 3286, HB 3324, HB 3433, HB 3436, HB 3512, HB 3530, HB 3597, HB 3617, HB 3630, HB 4580, HB 4606, HB 4612, HB 4615, HB 4626, HB 4662, HB 4663, HB 4666, HB 4667, HB 4669, HCR 62, HCR 84, HJR 99

House List No. 35

HB 525, HB 3107, HB 3374, HB 3379, HB 3388, HB 3415, HB 3452, HB 3521, HB 3571, HB 3584, HB 3643, HB 3665, HB 3712, HB 3767, HB 3807, HB 3821, HB 3853, HB 3927, HB 3932, HB 3938, HB 3961, HB 3979, HB 4056, HB 4103, HB 4293, HB 4344, HB 4346, HB 4368, HB 4472, HB 4509, HB 4544, HB 4545, HB 4555, HB 4590, HB 4604, HB 4609, HB 4611, HB 4614, HB 4616, HB 4634, HB 4635, HB 4641, HB 4642, HB 4645, HB 4646, HB 4649, HB 4650, HB 4651, HB 4652, HB 4654, HB 4658, HB 4659, HB 4665, HCR 54, HCR 89, HCR 107

House List No. 37

HB 572, HB 686, HB 769, HB 900, HB 1281, HB 1493, HB 1540, HB 1560, HB 1758, HB 1869, HB 1929, HB 2315, HB 2462, HB 2483, HB 2658, HB 3282, HB 3459, HB 3476, HB 3578, HB 3607, HB 3648, HB 3720, HB 3752, HB 3898, HB 3924, HB 3973, HB 4018, HB 4110, HB 4124, HB 4294, HB 4374, HB 4584, HB 4628, HB 4638, HCR 108, HCR 109, HCR 110, HCR 111, HCR 112

House List No. 38

HB 1322, HB 1525, HB 1900, HB 1987, HB 3774, HB 4492, HB 4627, HCR 114, HCR 116, HCR 117, HCR 118, HCR 119

Senate List No. 20

SB 165, SB 282, SB 312, SB 313, SB 318, SB 334, SB 415, SB 445, SB 456, SB 464, SB 475, SB 477, SB 576, SB 611, SB 615, SB 642, SB 827, SB 841, SB 860, SB 916, SB 959, SB 1047, SB 1061, SB 1090, SB 1094, SB 1095, SB 1117, SB 1125, SB 1137, SB 1155, SB 1167, SB 1191, SB 1208, SB 1227, SB 1244, SB 1296, SB 1336, SB 1353, SB 1357, SB 1441, SB 1465, SB 1480, SB 1541, SB 1578, SB 1590, SB 1605, SB 1679, SB 1692, SB 1761, SB 1808, SB 1817, SB 1854, SB 1876, SB 1888, SB 1900, SB 1917, SB 1919, SB 1923, SB 1949, SB 1984, SB 2013, SB 2016, SB 2049, SB 2054, SB 2066, SB 2081, SB 2166, SB 2188, SB 2193, SB 2212, SB 2222, SB 2243, SCR 21

Senate List No. 21

SB 6, SB 13, SB 19, SB 20, SB 24, SB 25, SB 30, SB 36, SB 63, SB 69, SB 112, SB 219, SB 225, SB 279, SB 331, SB 348, SB 369, SB 398, SB 424, SB 437, SB 504, SB 598, SB 617, SB 623, SB 640, SB 746, SB 768, SB 790, SB 801, SB 1019, SB 1088, SB 1102, SB 1132, SB 1351, SB 1385, SB 1421, SB 1458, SB 1531, SB 1575, SB 1580, SB 1668, SB 1696, SB 1772, SB 1856, SB 1895, SB 1896, SB 1911, SB 1990, SB 1997, SCR 31, SCR 50, SCR 54, SCR 56

Senate List No. 22

SB 1, SB 2, SB 3, SB 15, SB 22, SB 23, SB 41, SB 49, SB 64, SB 111, SB 204, SB 248, SB 281, SB 288, SB 295, SB 321, SB 383, SB 452, SB 462, SB 500, SB 572, SB 601, SB 604, SB 626, SB 696, SB 703, SB 705, SB 713, SB 766, SB 794, SB 799, SB 800, SB 855, SB 910, SB 966, SB 967, SB 968, SB 969, SB 970, SB 984, SB 1065, SB 1071, SB 1109, SB 1123, SB 1138, SB 1160, SB 1164, SB 1232, SB 1267, SB 1281, SB 1308, SB 1315, SB 1356, SB 1365, SB 1397, SB 1438, SB 1495, SB 1588, SB 1648, SB 1704, SB 1716, SB 1827, SB 1831, SB 1921, SB 1936, SB 2038, SB 2050, SB 2116, SB 2124, SB 2154, SB 2181, SB 2185, SB 2230, SCR 55, SCR 57, SCR 58, SCR 59, SCR 60

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

Monday, May 31, 2021

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 1921

(31 Yeas, 0 Nays)

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

- HB 20** (21 Yeas, 10 Nays)
- HB 492** (30 Yeas, 1 Nay)
- HB 3774** (31 Yeas, 0 Nays)
- HB 4492** (25 Yeas, 6 Nays)
- SB 2** (27 Yeas, 4 Nays)
- SB 3** (31 Yeas, 0 Nays)
- SB 1281** (31 Yeas, 0 Nays)
- SB 1648** (31 Yeas, 0 Nays)
- SB 1776** (23 Yeas, 8 Nays)

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 31, 2021 - 2

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:

SCR 59 Kolkhorst SPONSOR: Klick
Instructing the enrolling clerk of the senate to make corrections in S.B. No. 968.

SCR 60 Hancock SPONSOR: King, Phil
Instructing the enrolling clerk of the senate to make corrections in SB 1281.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 31, 2021 - 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:

HCR 114 Shaheen SPONSOR: Zaffirini
Instructing the enrolling clerk of the house to make a correction in H.B. No. 1322.

HCR 116 Sanford SPONSOR: Springer
Instructing the enrolling clerk of the house to make corrections in H.B. No. 4627.

HCR 117 Huberty SPONSOR: Taylor
Instructing the enrolling clerk of the house to make corrections in H.B. No. 1525.

HCR 118 Leach SPONSOR: Huffman
Instructing the enrolling clerk of the house to make corrections in H.B. No. 3774.

HCR 119 Vasut SPONSOR: Taylor
Instructing the enrolling clerk of the house to make corrections in H.B. No. 1987.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

ENGROSSED

May 30 - HCR 112

ENROLLED

May 30 - HB 5, HB 79, HB 133, HB 525, HB 572, HB 686, HB 700, HB 721, HB 757, HB 769, HB 900, HB 1027, HB 1154, HB 1252, HB 1281, HB 1301, HB 1315, HB 1410, HB 1480, HB 1493, HB 1505, HB 1520, HB 1535, HB 1540, HB 1558, HB 1560, HB 1659, HB 1664, HB 1698, HB 1758, HB 1849, HB 1863, HB 1869, HB 1919, HB 1925, HB 1929, HB 1966, HB 2025, HB 2063, HB 2064, HB 2073, HB 2116, HB 2168, HB 2201, HB 2205, HB 2211, HB 2219, HB 2235, HB 2237, HB 2256, HB 2283, HB 2287, HB 2315, HB 2352, HB 2357, HB 2365, HB 2382, HB 2448, HB 2462, HB 2483, HB 2497, HB 2519, HB 2521, HB 2535, HB 2595, HB 2607, HB 2610, HB 2633, HB 2658, HB 2667, HB 2681, HB 2706, HB 2721, HB 2730, HB 2803, HB 2807, HB 2835, HB 2850, HB 2857, HB 2896, HB 2911, HB 2924, HB 2950, HB 2951, HB 3009, HB 3026, HB 3107, HB 3115, HB 3121, HB 3131, HB 3135, HB 3140, HB 3157, HB 3203, HB 3217, HB 3257, HB 3261, HB 3271, HB 3282, HB 3286, HB 3324, HB 3374, HB 3379, HB 3388, HB 3415, HB 3433, HB 3436, HB 3452, HB 3459, HB 3476, HB 3512, HB 3521, HB 3530, HB 3571, HB 3578, HB 3584, HB 3597, HB 3607, HB 3617, HB 3630, HB 3643, HB 3648, HB 3665, HB 3712, HB 3720, HB 3752, HB 3767, HB 3807, HB 3821, HB 3853, HB 3898, HB 3924, HB 3927, HB 3932, HB 3938, HB 3961, HB 3973, HB 3979, HB 4018, HB 4056, HB 4103, HB 4110, HB 4124, HB 4293, HB 4294, HB 4344, HB 4346, HB 4368,

HB 4374, HB 4472, HB 4509, HB 4544, HB 4545, HB 4555, HB 4580,
HB 4584, HB 4590, HB 4604, HB 4606, HB 4609, HB 4611, HB 4612,
HB 4614, HB 4615, HB 4616, HB 4626, HB 4628, HB 4634, HB 4635,
HB 4638, HB 4641, HB 4642, HB 4645, HB 4646, HB 4649, HB 4650,
HB 4651, HB 4652, HB 4654, HB 4658, HB 4659, HB 4662, HB 4663,
HB 4665, HB 4666, HB 4667, HB 4669, HCR 29, HCR 54, HCR 62, HCR 84,
HCR 89, HCR 107, HCR 112, HCR 113, HJR 99

May 31 - HB 1322, HB 1525, HB 1900, HB 1987, HB 3774, HB 4492,
HB 4627, HCR 108, HCR 109, HCR 110, HCR 111, HCR 114, HCR 116,
HCR 117, HCR 118, HCR 119

SENT TO THE GOVERNOR

May 30 - HCR 113

May 31 - HB 4, HB 5, HB 18, HB 19, HB 29, HB 39, HB 72, HB 79,
HB 80, HB 115, HB 133, HB 135, HB 222, HB 246, HB 295, HB 368,
HB 385, HB 465, HB 547, HB 549, HB 558, HB 619, HB 692, HB 707,
HB 721, HB 750, HB 757, HB 787, HB 872, HB 885, HB 954, HB 981,
HB 988, HB 1027, HB 1115, HB 1154, HB 1164, HB 1172, HB 1193,
HB 1239, HB 1240, HB 1247, HB 1252, HB 1301, HB 1315, HB 1321,
HB 1371, HB 1400, HB 1410, HB 1423, HB 1456, HB 1480, HB 1505,
HB 1518, HB 1526, HB 1535, HB 1554, HB 1558, HB 1564, HB 1578,
HB 1659, HB 1664, HB 1681, HB 1698, HB 1706, HB 1753, HB 1802,
HB 1849, HB 1863, HB 1919, HB 1925, HB 1935, HB 1966, HB 2025,
HB 2063, HB 2073, HB 2086, HB 2116, HB 2168, HB 2201, HB 2205,
HB 2211, HB 2219, HB 2235, HB 2237, HB 2256, HB 2283, HB 2287,
HB 2357, HB 2365, HB 2382, HB 2448, HB 2521, HB 2535, HB 2595,
HB 2610, HB 2633, HB 2667, HB 2681, HB 2706, HB 2757, HB 2803,
HB 2807, HB 2827, HB 2831, HB 2835, HB 2879, HB 3215, HB 3289,
HB 3363, HB 3375, HB 3510, HB 3606, HB 3682, HB 3746, HB 3800,
HB 3833, HB 3897, HB 4048, HB 4218, HB 4356, HB 4474, HB 4578,
HB 4588, HB 4589, HB 4591, HB 4592, HB 4594, HB 4605, HB 4617,
HCR 24, HCR 29, HCR 46, HCR 51, HCR 67

June 1 - HB 525, HB 572, HB 686, HB 700, HB 769, HB 900, HB 1281,
HB 1322, HB 1493, HB 1520, HB 1525, HB 1540, HB 1560, HB 1758,
HB 1869, HB 1900, HB 1929, HB 1987, HB 2064, HB 2315, HB 2352,
HB 2462, HB 2483, HB 2497, HB 2519, HB 2607, HB 2658, HB 2721,
HB 2730, HB 2850, HB 2857, HB 2896, HB 2911, HB 2924, HB 2950,
HB 2951, HB 3009, HB 3026, HB 3107, HB 3115, HB 3121, HB 3131,
HB 3135, HB 3140, HB 3157, HB 3203, HB 3217, HB 3257, HB 3261,
HB 3271, HB 3282, HB 3286, HB 3324, HB 3374, HB 3379, HB 3388,
HB 3415, HB 3433, HB 3436, HB 3452, HB 3459, HB 3476, HB 3512,
HB 3521, HB 3530, HB 3571, HB 3578, HB 3584, HB 3597, HB 3607,
HB 3617, HB 3630, HB 3643, HB 3648, HB 3665, HB 3712, HB 3720,
HB 3752, HB 3767, HB 3774, HB 3807, HB 3821, HB 3853, HB 3898,
HB 3924, HB 3927, HB 3932, HB 3938, HB 3961, HB 3973, HB 3979,
HB 4018, HB 4056, HB 4103, HB 4110, HB 4124, HB 4293, HB 4294,
HB 4344, HB 4346, HB 4368, HB 4374, HB 4472, HB 4492, HB 4509,
HB 4544, HB 4545, HB 4555, HB 4580, HB 4584, HB 4590, HB 4604,
HB 4606, HB 4609, HB 4611, HB 4612, HB 4614, HB 4615, HB 4616,
HB 4626, HB 4627, HB 4628, HB 4634, HB 4635, HB 4638, HB 4641,

HB 4642, HB 4645, HB 4646, HB 4649, HB 4650, HB 4651, HB 4652,
 HB 4654, HB 4658, HB 4659, HB 4662, HB 4663, HB 4665, HB 4666,
 HB 4667, HB 4669, HCR 54, HCR 62, HCR 84, HCR 107, HCR 108,
 HCR 109, HCR 110, HCR 111

June 2 - HB 2

SENT TO THE SECRETARY OF THE STATE

June 1 - HCR 89, HCR 112, HCR 114, HCR 116, HCR 117, HCR 118,
 HCR 119, HJR 99

SIGNED BY THE GOVERNOR

May 30 - HCR 113

June 1 - HB 9, HB 1510, HB 1900, HB 2366

June 3 - HB 574, HB 918, HB 1071, HB 1147, HB 1197, HB 2152,
 HB 2404, HB 2723

June 4 - HB 159, HB 180, HB 189, HB 315, HB 365, HB 374, HB 375,
 HB 725, HB 763, HB 766, HB 785, HB 837, HB 851, HB 868, HB 871,
 HB 876, HB 914, HB 1005, HB 1011, HB 1049, HB 1080, HB 1133, HB 1213,
 HB 1227, HB 1228, HB 1257, HB 1264, HB 1276, HB 1296, HB 1297,
 HB 1372, HB 1387, HB 1397, HB 1401, HB 1403, HB 1419, HB 1434,
 HB 1484, HB 1543, HB 1545, HB 1572, HB 1606, HB 1618, HB 1680,
 HB 1693, HB 1728, HB 1752, HB 1777, HB 1792, HB 1799, HB 2048,
 HB 2167, HB 2223, HB 2748, HB 3041, HB 3130, HB 3132, HB 3165,
 HB 3394, HB 3395, HB 3496, HB 3514, HB 3615, HB 3644, HB 3689,
 HB 3721, HB 3769, HB 3786, HB 3788, HB 3794, HB 3799, HB 4080,
 HB 4436, HB 4579, HB 4585, HB 4610, HCR 106

June 7 - HB 402, HB 428, HB 690, HB 699, HB 738, HB 1338, HB 1382,
 HB 1475, HB 1476, HB 1576, HB 1603, HB 1616, HB 1677, HB 1904,
 HB 1920, HB 1936, HB 1938, HB 1939, HB 1958, HB 2004, HB 2080,
 HB 2083, HB 2090, HB 2091, HB 2093, HB 2106, HB 2171, HB 2213,
 HB 2301, HB 2326, HB 2343, HB 2374, HB 2430, HB 2530, HB 2669,
 HB 2698, HB 2819, HB 2822, HB 2840, HB 2841, HB 2847, HB 2893,
 HB 2920, HB 2941, HB 4030

June 8 - HB 1307, HB 1522, HB 2168, HB 3442, HB 3516, HB 3629,
 HB 3959, HB 4158

June 9 - HB 21, HB 30, HB 113, HB 458, HB 532, HB 632, HB 912,
 HB 963, HB 1012, HB 1062, HB 1090, HB 1128, HB 1153, HB 1156,
 HB 1256, HB 1258, HB 1259, HB 1284, HB 1306.

June 14 - HB 295, HB 572, HB 619, HB 1967, HB 2112, HB 2509,
 HB 3012, HB 3069, HB 3081, HB 3088, HB 3215, HB 3363, HB 3456,
 HB 3481, HB 3489, HB 3510, HB 3533, HB 3564, HB 3583, HB 3746,
 HB 3777, HB 4202, HB 4279, HB 4361, HB 4454, HB 4477, HB 4568,
 HB 4664, HCR 24, HCR 25, HCR 46, HCR 51

June 15 - HB 4, HB 5, HB 18, HB 79, HB 115, HB 133, HB 222, HB 246,
 HB 465, HB 549, HB 569, HB 692, HB 721, HB 750, HB 757, HB 769,
 HB 885, HB 900, HB 957, HB 981, HB 988, HB 1027, HB 1115, HB 1154,
 HB 1164, HB 1172, HB 1247, HB 1252, HB 1281, HB 1301, HB 1321,

HB 1371, HB 1400, HB 1456, HB 1493, HB 1505, HB 1535, HB 1554,
HB 1558, HB 1560, HB 1570, HB 1578, HB 1659, HB 1664, HB 1681,
HB 1706, HB 1753, HB 1788, HB 1849, HB 1863, HB 1869, HB 1906,
HB 1914, HB 1925, HB 1929, HB 1935, HB 1966, HB 2022, HB 2025,
HB 2058, HB 2063, HB 2073, HB 2116, HB 2201, HB 2211, HB 2225,
HB 2237, HB 2256, HB 2287, HB 2315, HB 2357, HB 2361, HB 2365,
HB 2382, HB 2483, HB 2521, HB 2533, HB 2535, HB 2581, HB 2595,
HB 2633, HB 2681, HB 2757, HB 2807, HB 2831, HB 2879, HB 2926,
HB 3107, HB 3282, HB 3374, HB 3415, HB 3476, HB 3571, HB 3578,
HB 3584, HB 3606, HB 3643, HB 3665, HB 3712, HB 3800, HB 3807,
HB 3821, HB 3833, HB 3853, HB 3920, HB 3927, HB 3932, HB 3938,
HB 3961, HB 3979, HB 4048, HB 4056, HB 4068, HB 4293, HB 4344,
HB 4368, HB 4474, HB 4578, HB 4588, HB 4589, HB 4591, HB 4592,
HB 4594, HB 4617, HCR 29, HCR 67

June 16 - HB 19, HB 29, HB 39, HB 80, HB 135, HB 385, HB 624,
HB 654, HB 700, HB 707, HB 781, HB 792, HB 911, HB 929, HB 1239,
HB 1280, HB 1315, HB 1322, HB 1423, HB 1516, HB 1520, HB 1525,
HB 1540, HB 1694, HB 1927, HB 1987, HB 2056, HB 2064, HB 2086,
HB 2107, HB 2110, HB 2209, HB 2462, HB 2497, HB 2622, HB 2658,
HB 2675, HB 2706, HB 2708, HB 2721, HB 2728, HB 2730, HB 2850,
HB 2857, HB 2896, HB 2911, HB 2924, HB 2950, HB 3026, HB 3115,
HB 3131, HB 3157, HB 3203, HB 3257, HB 3319, HB 3340, HB 3348,
HB 3375, HB 3379, HB 3416, HB 3452, HB 3521, HB 3720, HB 4346,
HB 4492, HB 4544, HB 4545

June 18 - HB 2, HB 368, HB 525, HB 531, HB 547, HB 558, HB 872,
HB 1069, HB 1278, HB 1407, HB 1480, HB 1500, HB 1518, HB 1589,
HB 2094, HB 2219, HB 2283, HB 2519, HB 2607, HB 2827, HB 3009,
HB 3121, HB 3212, HB 3261, HB 3271, HB 3324, HB 3433, HB 3512,
HB 3597, HB 3617, HB 3630, HB 3648, HB 3717, HB 3767, HB 3774,
HB 3898, HB 3924, HB 3971, HB 3973, HB 4018, HB 4074, HB 4107,
HB 4110, HB 4124, HB 4294, HB 4472, HB 4509, HB 4555, HB 4663,
HCR 1, HCR 5, HCR 54, HCR 61, HCR 62, HCR 84, HCR 86, HCR 107,
HCR 108, HCR 109, HCR 110, HCR 111

FILED WITHOUT THE GOVERNOR'S SIGNATURE

May 31 - HB 999

June 4 - HB 840, HB 3856, HB 4577

June 7 - HB 1729

June 14 - HB 954, HB 1410, HB 1526, HB 1571, HB 1698, HB 2235,
HB 2835, HB 4103, HB 4356, HB 4668

June 15 - HB 3436, HB 4580, HB 4606, HB 4609, HB 4611, HB 4612,
HB 4615, HB 4616, HB 4626, HB 4627, HB 4634, HB 4635, HB 4641,
HB 4642, HB 4645, HB 4646, HB 4649, HB 4650, HB 4651, HB 4654,
HB 4658, HB 4659, HB 4662, HB 4665, HB 4666

June 16 - HB 2951, HB 3140, HB 3217, HB 3682, HB 3897, HB 4614

June 18 - HB 72, HB 1564, HB 1758, HB 1802, HB 1919, HB 2205,
HB 2352, HB 2416, HB 2610, HB 3286, HB 3289, HB 3388, HB 3459,
HB 3530, HB 3607, HB 3610, HB 3752, HB 4374, HB 4584, HB 4590,

**HB 4604, HB 4605, HB 4621, HB 4628, HB 4638, HB 4652, HB 4667,
HB 4669**

VETOED BY THE GOVERNOR

**June 18 - HB 686, HB 787, HB 1193, HB 1240, HB 1477, HB 1544,
HB 2448, HB 2667, HB 2803, HB 3135, HB 3207, HB 4218**

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

SUPPLEMENT

FORTY-FIRST DAY — THURSDAY, MAY 6, 2021

CSHB 1900 DEBATE - SECOND READING
(by Goldman, Metcalf, Bonnen, Raymond, Button, et al.)

CSHB 1900, A bill to be entitled An Act relating to municipalities that adopt budgets that defund municipal police departments.

REPRESENTATIVE GOLDMAN: To quote Yogi Berra, "It's like déjà vu all over again." Here we are with **CSHB 1900**, a pro-public safety, pro-police, back-the-blue bill. Members, when last we met, we did make some changes that Representative Anchia and Representative Turner requested in the bill. It was sent back to State Affairs and those changes were made. And now I lay out **CSHB 1900** in its current form, and I believe there are several amendments.

[Amendment No. 1 by Goldman was laid before the house.]

GOLDMAN: This amendment is just clarifying language on the dates that this is adopted.

[Amendment No. 1 was adopted.]

[Amendment No. 2 by Goldman was laid before the house.]

GOLDMAN: This amendment is about a municipality in defunding under a chapter. It's clarifying for that particular section of the bill.

[Amendment No. 2 was adopted.]

[Amendment No. 3 by Dutton was laid before the house.]

REPRESENTATIVE DUTTON: All of us have to live within the district that we represent, and there's a reason for that. That's because you ought to know more about that community before you can come here and say you represent that community. You ought to know what that community does. You ought to know what they feel. You ought to know what they want. And essentially, you ought to know who they are. I think that's the same position that we ought to apply to people we allow to have a gun and they can actually patrol your neighborhoods without living in those neighborhoods.

So what this amendment does is says that this bill won't go away. It just starts to apply only when 35 percent of the police force actually live within that municipality. It doesn't require 100 percent because I thought that was too much. And you know why I thought that was too much? Only because the percentage is so low now for police officers within the city of Houston—that's what I'm talking about. Within the city of Houston, so few police officers live within the city. Now, I was talking to Representative Frullo back there, and he said, "Well, that's

because it's unsafe." And I said, "Well, that explains it, doesn't it?" If we had more police officers living in the city, the city would obviously be safer. And you know why you ought to know that? Because you passed a bill that said if more people had guns, we would be a safer community. And so this follows that same logic, that all the people who we now already let have guns, if they could live in the community, the community would be a lot safer.

And so that's what this amendment does. I applaud police officers. I'm having a meeting with the chief of Houston's police, who's a very good friend of mine. He grew up in my neighborhood. And he's actually coming here next Tuesday, so he'll be here. And I shared it with some of my police officer friends, and some of them said, "Well, we'd like to live there, but we just haven't been asked to do that." And so what this amendment does is ask that this bill apply only when 35 percent of the police officers live within that jurisdiction.

GOLDMAN: As we discussed last week on this amendment, it should not matter where a police officer lives. It should matter where they serve, and they serve admirably in our cities and municipalities. And that's why, respectfully, I am going to be against Representative Dutton's amendment.

DUTTON: I know this is not a tough vote, but then, they don't pay us \$600 a month to not do tough votes. And I know this one is tough because it looks like it's aimed at police officers, but it's really not. What this is aimed at is safer communities. Because I guarantee you where the police officers live and wake up every morning to go to work, I'll bet that's a safe community. And so one of the things I think we ought to do is in making communities safer, we ought to do that by starting to allow the people who we employ to help our communities be safer, have them live there as well. And so if we could do that, I guarantee you we would have a safer community because—I'd love to make this percentage a hundred. I think if you made it a hundred, you wouldn't even have anybody around here saying anything about defund the police because they would be your neighbors. They would be the people you go to church with. They'd be the people you see at the grocery store. And so, unfortunately, there's some communities that don't exist like that. There are communities in this state where the people who live there don't see a police officer until something bad happens. And so all they ever associate police with is something bad has happened. They don't see the police officers at your church, at your grocery stores, at your civic club meetings, or next door.

REPRESENTATIVE REYNOLDS: Chairman Dutton, I believe I understand the reason and rationale behind your amendment, but I wanted to ask you a few questions to make sure my understanding is correct. So is your amendment to basically ensure that police officers live within the area they patrol to make sure that police officers are familiar with those areas that they are patrolling, that there is more accountability? Is that part of your reason?

DUTTON: Yes, and more especially so that people will be more familiar with them. Because like you and I both know, there are a lot of people in Texas and communities who the first time they see a police car, they react the way you and I would if you saw one in the rearview mirror with the lights flashing. I mean, the

blood pressure goes up. And so what this tries to do is to say police officers aren't bad—police officers are great. Police officers are needed in these communities and not just to patrol in this community but to live in this community.

REYNOLDS: So Chairman Dutton, and I know this is a—when you talk about "defund the police" wouldn't you agree that's a false narrative? That there really is a—most people who have coined that phrase were talking about reimagining, to reallocate, and not to end policing but to shift resources so that there is more, for example, neighborhood policing.

DUTTON: Well, yes, somehow or another I think there were some people who sort of stole the narrative of "defund the police," because they caused it to mean one thing when the people who started that phrase meant something totally different. For example, if you talk to the people who started that phrase you'll find out that what they meant or intended was that police officers ought not to be called to anything or an event that doesn't need law enforcement attention. Sometimes, if there is a dispute between a husband and a wife, and it's not a violent confrontation at the time, then you may need somebody to go over there who can do something else other than be a policeman. If you've got a mental health problem, then you may need a mental health professional to go and try to diffuse the situation or try to help that situation. But just imagine that it's a mental health situation and somebody shows up with a gun. Well, then, you've added more fuel to this fire, and that's what happens many times in our communities.

REYNOLDS: And Chairman Dutton, isn't it true that when you have police officers who live in the communities that they serve, that you don't really have as many incidences of racial profiling?

DUTTON: Oh, absolutely not, because the community is more familiar with the police officer and the police officer is more familiar with the community. And if the police officer is your neighbor, you understand them and appreciate police officers more.

REYNOLDS: And that builds more trust within the community and the police.

DUTTON: And as a consequence, you end up having less crime.

REYNOLDS: So basically your amendment would help reduce crime and build safer communities. Is that correct?

DUTTON: Absolutely, and I think the best thing about this amendment is it'll cause police officers to recognize communities now, particularly communities of color, as something other than to be an occupying force. Because many of them don't live in that community, many of them don't understand a lot of times the people in that community. So this helps on both sides. It helps on the community side and the police side.

REYNOLDS: It helps both sides because when the police officers live in the community, they may understand that all communities aren't the same. They may understand unique needs that that community has, correct?

DUTTON: Absolutely, and the community would understand the police officers as well. Because they have a job to do, and if the only time you ever see police officers is when something bad happens, you tend to think of police officers as bad people, when that's not really who they are. And so if they live in the community, I think the community will have a different appreciation for police officers.

REYNOLDS: And then it would be less likely that the police officers would view those people in that particular community as a potential threat.

DUTTON: Exactly, and this doesn't say they have to live there. This just says this bill, as it's drafted now, only applies when the percentage of police officers who live in that community reaches 35 percent.

REYNOLDS: Well, Chairman Dutton, I think you have an excellent amendment that would bring accountability. It would ensure safer neighborhoods. It would build more public trust, and it would be good for the communities and the police. And I hope that people will support your amendment.

REPRESENTATIVE RAMOS: Chairman Dutton, I think this is an amazing—this is a wonderful amendment. I think it's often really overlooked. Have you worked with children in communities and diverse communities, sir?

DUTTON: When I was in college, I worked at a United Fund Agency called the Julia C. Hester House. I was the athletic director, and there were police officers I worked with who would actually bring youngsters to me. They'd say, "Look, we're going to release you to Mr. Dutton, but if you don't do everything that he tells you to do and he calls us, we're going to come back and take you to juvenile." And so that happened—that happened at least probably once a week for a whole year or a couple of years.

RAMOS: And that officer was able to communicate with the children and kind of speak to them in their own language, something that they were familiar with?

DUTTON: Yes, and the children understood the officer. And the moment we started playing basketball together and baseball together, everything changed. And so their idea about the police officers and the police officers' ideas about them, I think that had a lot to do with the changes.

RAMOS: Yes, sir, and I think especially now, where we are at now, a lot of our young communities and our young generation, especially of color and even progressive whites in the urban areas, there's a lot of distrust right now with police. And I think having those as your neighbors, people in your community, you will not see them nor will the community see the police as "others," but the police won't see the children in the communities as an "other," either. They coexist and live together, and I think this is very brilliant. I hope that we support this amendment because we all—everyone here is expected to live in their communities. Isn't that correct?

DUTTON: Right, and there's a reason for that, like I said earlier. It's because we need to know what those communities desire.

RAMOS: Exactly.

DUTTON: And the only way you're going to know that is you live there. And if you don't live there, then, you know, you become part of that occupying force that comes in to do things. And we don't want to require that, but we require just about every official, every elected official, to live within a certain jurisdiction or within certain boundaries within that jurisdiction. And again, that flows throughout until you get to people who are employed. Now, I think that the reason we ought to do it for police officers is because we give them the absolute authority. And we don't give that to any other elected official—we don't give that authority.

[Amendment No. 3 failed of adoption by Record No. 833.]

[Amendment No. 4 by J.D. Johnson was laid before the house.]

REPRESENTATIVE J.D. JOHNSON: Members, this amendment simply says that it's not considered defunding if we reduce civilian positions within police departments. In the City of Houston, there are over 1,200 civilian positions—one thousand two hundred civilian positions. Some of those positions, and this is coming directly from their budget, includes a buyer, a car attendant, a car attendant supervisor, a custodian, customer service cashier, fixed asset clerk, payroll clerk, laundry worker, truck driver. This is the HPD, Houston Police Department's police budget. Truck driver, word processor, clerk typist—these are civilian positions within HPD, Houston Police Department. At any given time that HPD decides we no longer need a car attendant, we no longer need a car attendant supervisor, we no longer need a truck driver, we no longer need a typist—that does not mean that the City of Houston has defunded the police. It simply means that those fiscal conservative city council members of your city have made the conscious decision to do what is in the best interest of that city. There is no reason why state legislators need to tell the city how they should fund or not fund or reduce or increase budgets for their constituents, which are your constituents. Many of you in this room were city council members just like me, and I certainly would hate for some state legislator to tell me I defunded the police because I reduced a janitorial position from HPD or if of an \$800 million budget, I reduced \$10,000 or I reduced even \$1 million.

Let's stop with this rhetoric of defund. This is not defunding. These are city council members and mayors looking out for what's in the best interest of their budgetary bottom line. None of you want to be placed in that position. Please don't put cities in the same position to try and make a decision about how they should use policing, because they want their neighborhoods safe as well. This amendment simply says, "for a fiscal year in which the municipality adopts a budget that is less than the budget for the preceding fiscal year, the reduction in the budget is due to changes in non-active duty personnel," which means those that are not police officers. No one in this building—not one democrat, not one republican, not one libertarian, not one independent, white or black, Hispanic, Asian—wants police officers reduced, because they are the protection that we oftentimes need in our communities. So let's not start playing this game by saying we're defunding. That's red meat that we don't need. We want to make sure that our cities are safe, but we also want to make sure that we don't take

authority away from city mayors and city council members to do their job. Members, I'm asking you to simply vote conscience, not party. I'm simply asking you to vote what is common sense that all of you out here talk about every single day. This is the most commonsense amendment that I could put forth. Let's not play games with police officers. Let's not play games with cities and pit them against one another. Let's not do that. I'm asking you to vote yes on this amendment so that our cities can be made whole and our police departments will be taken care of.

REPRESENTATIVE COLE: I believe you served on the city council in Houston just as I served on the city council here in Austin. Is that correct?

J.D. JOHNSON: Yes, ma'am.

COLE: And in that capacity, we came to have an appreciation for local control, wouldn't you agree?

J.D. JOHNSON: Yes, ma'am.

COLE: And how do you feel that this bill erodes local control?

J.D. JOHNSON: Well, it erodes it all the way because the legislators are telling the cities what they have to do with their budget. If a city has a reduction in its taxes, if a city has a reduction in its sales receipts, its property taxes, if its bonding went down—if any factors come into play—we have taken away the authority and the power for that city to make a decision on what it should and needs to do for the best interest of its constituents.

COLE: So we take away the authority that the governing body was elected to do for the people that it serves.

J.D. JOHNSON: That they were absolutely elected to do.

COLE: Let's talk a little bit about this narrative of defunding the police as opposed to reallocating funds for the police or reimagining funds for the police. Isn't it true, as it was in Houston—

J.D. JOHNSON: Well, before we get to that, I don't want to reallocate, because this amendment doesn't reallocate, and I would hate for somebody to say, "stay with the amendment." Because I do have another amendment as well, but we can stick with the narrative of what defunding means, which is a misnomer. There is no defunding. There may be a reduction. As my amendment just pointed out, it's a reduction in police budget. That does not mean defunding. It just simply means that's a reduction in the budget because we reduce budgets all the time. Here in this state, we reduce budget.

In 2015, the governor, Governor Abbott, reduced DPS's budget by \$50 million. No one said anything about it was defunding. No one said, "Oh, Governor Abbott defunded the police." That was not defunding. That was a governor making a conscious decision about what he needed to do for the best interest of the state. Now, while it may have irritated many constituents like myself, I still did not say that he defunded anybody because it wasn't defunding.

The governor made a decision. It boggles my mind when we start to talk about defunding police, because we know what that narrative is, and that's not what we're here to do. We're here to be good legislators.

COLE: So wouldn't you agree that if a local governing body decides to use its budget differently than what the state thinks is true or correct, that that would be overstepping its bounds, the state's bounds?

J.D. JOHNSON: Way overstepping. Way overstepping.

COLE: You have a good amendment.

RAMOS: Representative Johnson, I think this amendment is really important. I think we need to look at it as you do, sir. Do you have staff in your Capitol office, whether it's here or in the district?

J.D. JOHNSON: Yes, ma'am.

RAMOS: So you don't legislate all on your own?

J.D. JOHNSON: Ma'am?

RAMOS: You need a team of people to support you, correct?

J.D. JOHNSON: Yes, ma'am.

RAMOS: And not everybody in your office is a legislator, correct?

J.D. JOHNSON: No, ma'am.

RAMOS: Right.

J.D. JOHNSON: No, ma'am. They may think they are, because they tell me what to do all the time.

RAMOS: Sir, I think that's an important point to make because our police officers need an army of support in their people, like you said, whether it's car attendants, whether it's car washers, whether it's people there to assist them in the data entry or whatever. I think it's a false narrative to say that it's only the boots on the ground and the uniformed officers when, in all honesty, it is a whole slew of personnel. And I really appreciate that your amendment addresses that, that it's not only the officers but it also protects the non-officer personnel or the non-duty personnel who provide that additional support that our communities are asking for and desperately need.

J.D. JOHNSON: Yes, none of the positions that I mentioned—I mentioned to you typist and car attendant and custodian—none of those reduce the number of police hours on the ground in our communities. None of those reduce the presence of police officers in our communities. It just simply says that these people can be helpful to policing and the police force, but it is certainly not changing public safety at all.

RAMOS: Exactly, and I think what your amendment does is it makes the officer's job easier for them, and it makes them better at what they do because they have that personnel and that support behind them. But by not addressing that in this

bill, you're essentially punishing the officers, the actual boots on the ground, for some consequences that will directly affect them, but they're indirect consequences of this bill. It's a great amendment, sir.

GOLDMAN: Sorry, Ms. T. Members, obviously, if a department has too many janitors or other officials in there, we want that money to be maintained within the police department's budget to be used for public safety. So respectfully, I'm going to oppose this amendment.

J.D. JOHNSON: In city budgets, when you cut, you don't say simply, "Oh, we have extra money. Let me just move it over here; let me give you a raise." There are processes in place. You don't just simply say that this is the budget it's going to be forever—forever. The fact that cities may have a reduction in population, the fact that crime may go down—isn't that a novel thought? Wow, crime actually went down in Texas.

REPRESENTATIVE RAYMOND: I don't want to cut into your flow. You've got a flow—when you finish.

J.D. JOHNSON: Well, you already messed up the flow, but it's all good. It's still there.

RAYMOND: Okay, I'm going to go with the flow. I just wanted to clarify, because I'm listening—I read the amendment and I'm listening—and this is what I'm hearing, and if I'm wrong, tell me. So let's say, because you talked about Houston, so let's say 150 of these positions get cut, okay?

J.D. JOHNSON: Out of the 1,203 positions that are in the City of Houston—civilian positions.

RAYMOND: So let's say there are 1,200 civilian positions but they're under the umbrella of funding for law enforcement, right?

J.D. JOHNSON: Yes.

RAYMOND: Okay, so if your amendment passes and 200 of those positions are cut, then you don't want that reduction to be used in the calculating of whether or not the budget went down, right?

J.D. JOHNSON: No, sir.

RAYMOND: No?

J.D. JOHNSON: No, sir, it's not considered defunding. What the bill says is that any reduction in a police budget would result in what the author considers defunding.

RAYMOND: Right, so if 200 of these were cut—under the current proposal, right? If 200 were cut, then the budget obviously went down, right?

J.D. JOHNSON: Yes.

RAYMOND: And you don't want that to be counted against Houston, right?

J.D. JOHNSON: It should not be to the fault of Houston.

RAYMOND: I hate to say I'm confused, because I try to fight for the little guy, and so I'm hearing you say it's okay to cut the little guy. That's okay. We don't want you to use that against us if we cut the little guy, but if you cut police, then you get it. So that's what we're hearing. I'm not the only one. We were talking about this going, wait a minute, so he's saying that it's okay to cut the little guy?

J.D. JOHNSON: You mean the author? Or do you mean my amendment?

RAYMOND: I mean your amendment. With your amendment, you can fire, what did you say, attendants and—what were some of the positions you were talking about? Say them again?

J.D. JOHNSON: These are all civilian positions, non-active duty.

RAYMOND: So what are some of the positions you mentioned?

J.D. JOHNSON: Janitor, truck driver, web designer, word processor, typist.

RAYMOND: Okay, let's go with janitors. So if you cut 50 janitors, you fire them, you don't want that to be used against the city. And that doesn't make sense to me, man, because it sounds like you're saying it's okay to fire the janitors.

J.D. JOHNSON: What I said was that that does not reduce policing in our communities. The bill—we only need to talk about the bill. The bill talks about public safety. This is about backing the blue. This is about making sure there's public safety. This has nothing to do with cutting the little man. What it does is give the power to the cities to be able to make their decision on what's best and in the best interest for that city. If that city has said our website is already built—we've already built the website so therefore, this position is going to go away at the end of the fiscal year. We're not going to re-up that position.

RAYMOND: Let me try to pose the question another way. If your amendment passes and the City of Houston wanted to fire 200 people—non-uniformed but that are in that category or in that department—they wanted to cut 200 of them. Let's say they're janitors, custodians, just to make it simple. So if your amendment passes and they cut 200 and they fire 200 custodians, that's okay.

J.D. JOHNSON: We're not going to call it firing. You're missing my point. That's not my point.

RAYMOND: I'm asking the question. If they fire them—

J.D. JOHNSON: My point is if they decide to reduce positions from the City of Houston, it shall not be held against the city because it does not take away from public safety. You are now mixing up—I shouldn't have let you interrupt my flow. Now, I regret letting you interrupt my flow because you're mixing this thing up. That's not what I'm talking about. You're worrying about whether or not the city is going to have to let go. The city reduces and fires and lets people go, and people retire and they don't rehire for those positions all the time. Every business retires individuals. Every business fires. Every business lets people go. That does not mean that they are heartless and they're careless and that does not mean—that's not what I'm saying. I am not trying to step on the little guy if you stick with my amendment.

If you stick with the bill, the bill says by reducing any budget of any policing, we will punish cities. What the bill says is that cities no longer have authority over what they can do with their police budget. That's what that says. It takes away power from cities to make decisions that are in the best interest of the city. That's all it does. I don't want to get into who got fired and who this and who that because that's not what my amendment does.

RAYMOND: Well, I do, because it's hard for people to find jobs these days.

J.D. JOHNSON: Tell me in Houston if one of your cousins got fired. I would talk for them.

RAYMOND: Look, you're my friend. We are on the same side almost all the time. Maybe if you amended the amendment to say if people retired and they decided not to fill that position, that's different to me. The way this is written, they can fire 200 janitors. They lose their job, and that's a way to cut the budget, and it's okay. That's the way it's written.

J.D. JOHNSON: Do cities have authority to make monetary and budgetary decisions? Do they have that decision to make on their own? To make a decision on positions? Do they want to see these positions filled? Do they want to reallocate resources? That's what that is. This is not about staying the same. It's about being what's in the right interest for the city.

RAYMOND: I'm just saying that when you responded, you said that if they retire and they don't want to fill that—that's very different than some little guy having a job, trying to make it, and they get fired and it's okay. Your amendment makes it okay.

J.D. JOHNSON: So if someone leaves from the janitors—let me give you another example because you keep saying firing. That's what you've got in your head. At the end of the day, they may take the janitor from HPD and say he's no longer needed at HPD and move him over to building services. They still have a job with the City of Houston. But that's a budget reduction to the HPD because that's no longer a position in HPD. This individual who is a janitor still has a job. The typist and the truck driver—

RAYMOND: That's a much better scenario, but that's not the way the amendment is written.

J.D. JOHNSON: I'm not trying to get into the weeds, but at the end of the day, people don't have to lose their job, but if positions are switched from department to department, it's still going to be a city position. Members, again, my amendment simply just says that it gives power back to the cities. We're not reducing public safety. We're not reducing the number of police officers or police officer hours that are patrolling our communities. This just simply gives power to the cities to make a decision that's in their best interest. And believe me, if those cities do wrong, their constituents will vote them out. Leave the power in the hands of the cities themselves.

[Amendment No. 4 failed of adoption.]

[Amendment No. 5 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: I don't know if anybody's listening because you're going to go party line anyway, but let me give you another example. I mean, it's real talk. I don't get up here and talk just to talk. But I know this is party line, and you guys don't want to go back to your cities and say, "Oh, we defunded the police," because somebody with a scorecard is going to tell you you defunded the police when you didn't defund the police. You just simply made a fiscal conservative decision.

Now, when the Super Bowl came to the city of Houston, we had to go and contract and give overtime to many, many, many police officers to make up for the hundreds of thousands of new residents that were coming to the city of Houston for the Super Bowl. That means we increased the budget because we knew we were going to need overtime for that festival. Somebody put up a bill today talking about hot rods. Well, they're going to go into that city and they're going to need more police officers for that hot rod show, the same way we need more police officers when we're putting on big festivals—South by Southwest or anything else. That means those budgets have to increase by sometimes \$10 million. But then the Super Bowl is gone the next year. This bill says that the city has to leave that budget at the additional \$10 million. That's what it says. But they don't need the \$10 million because the 100,000 people that came into the city are gone. So where do we get this additional money? Because the Super Bowl is only one time, but I've got to keep that budget consistent for the next however many years the bill says. My amendment just simply says we take into consideration when there are large festivals, Super Bowls, or other special events that will make budgets increase during that one budget session or during that one budget season.

GOLDMAN: I'm going to respectfully oppose this amendment. It's redundant. What Mr. Johnson is saying is already covered in the bill. They are allowed to increase their budgets if they need to.

J.D. JOHNSON: Of course they can increase their budgets if they need to, but then they wouldn't be able to reduce it if they have to. That's all it is.

[Amendment No. 5 failed of adoption.]

[Amendment No. 6 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: Hello? Just want to make sure that everybody's listening. You're all out here looking at me, and some of you are out here nodding your heads going, "That makes sense. My God, that makes sense." And yes, I'm looking at some of you R's. That makes sense, but then you turn right around and you vote no when it makes sense. Why? Because I've got to go party line. We did not come to this body to be delegates. We came here to be leaders. Please, stand up and be a leader.

Because the idea about policing is to make communities safer. We want to make our communities safer. Now, police officers—and I've talked to them, you've talked to them—they are an intervening body. They intervene after a crime has been committed. Well, you know what police officers want to do? If you talk to any of your cousins, friends, uncles, brothers, husbands, wives—if

you talk to any of them—they would tell you, "We want crime reduced." My question is, how do we reduce crime? There are many different measures that we can take to reduce crime. And if we reduce crime, then we've done our job, the police have done their job, and everyone can be happy. We want to reduce crime.

My amendment simply says that the police themselves can put in preventive measures to help reduce crime. This would be done at the police department's request. This is the police department saying, "We voluntarily want to reduce our budget to put money into preventive measures." The point is that police officers don't want to be mental health police officers. They don't want to deal with that. And oftentimes when police officers are called to the scene, there's somebody who is in psychosis. There's somebody going through turmoil. Police officers want somebody to be there to support them. And so if the police department chooses to reduce its own budget to create preventive measures, that's what this amendment says. The police department asks for a reduction in their budget to create preventive measures.

RAMOS: You spoke about being leaders, and I think this is a great amendment because would you agree that many times in our communities, police officers are there in a reactive position more so than a proactive?

J.D. JOHNSON: Yes, ma'am, absolutely.

RAMOS: And this amendment allows the police department, through various initiatives, to be proactive versus reactive?

J.D. JOHNSON: Yes, ma'am.

RAMOS: Which could mean different initiatives that address crime or that address areas where there is a lot of crime through various measures, not just uniformed officers, correct?

J.D. JOHNSON: Yes, ma'am.

RAMOS: I don't know if you know this, and many people probably don't know this, but you spoke about being leaders. The City of Dallas is a leader in this initiative, and I'm sure your Houston Police Department is as well and many of the municipalities. Unfortunately, this bill requires me to know what's going on in McAllen or Timbuktu, Texas—the overall bill—but your amendment allows the different municipalities to make their own decisions and not one blanket uniform policy.

And one of the things is that if people here just research proactive policing, just lighting in a community that essentially could be a high crime area, lighting—that is not necessarily the police department but it could be through various departments, like the City of Dallas has the Office of Integrated Public Safety Solutions—when you put lighting in a high crime area, drug dealers don't want to hang around there anymore. And as a matter of fact, our former colleague Mayor Johnson had a press conference about the reduced crime just due to lighting, not boots on the ground. And so I commend you for this amendment because it allows police departments, it allows municipalities, it allows good

leaders to make those decisions to address the criminal element and high crime areas through various initiatives and not in a very narrow-minded way of boots on the ground.

COLE: Representative Johnson, you talked about police officers not wanting to be mental health providers.

J.D. JOHNSON: Yes, ma'am.

COLE: Can you give us an example of how that is overstepping the bounds of their particular expertise?

J.D. JOHNSON: Oftentimes, police officers are called to the scene of the crime. At the scene of the crime, the individual is going through a mental crisis. They're in psychosis. They're not able to follow simple commands and simple instructions. The police officers realize that this is happening and realize that it is happening far too often. They may want to use resources to then bring in mental health therapists to do more trainings for police officers. They may want to contract with other departments that will be able to support these police officers in dealing with many of the calls to service from people who are having mental crisis.

COLE: Do you consider when a governing body makes that decision to use those funds that came from a public safety budget to be defunding police?

J.D. JOHNSON: It's not defunding police. It's all working together. It's allowing cities to make what's in the best interest of themselves. It's allowing the police department to have better resources, because what we don't want to happen and as we have seen all the time, when things happen, we have to be able to respond and react. Unfortunately, what we will not be able to do as a city, any of these cities, will be to respond and react to their own budgets when it comes to their cities because they will be hand tied, literally, because they will not be able to do what they need to do for their budget. This is truly about local control. I don't know why we don't have an amendment or a bill somewhere that simply says, "We're going to cut out all city councils and mayors and we, from the state body, will start to run all municipalities."

COLE: I couldn't agree with you more, Representative Johnson. This erodes local control and stands in the way of a city's ability to govern. In my city here in Austin that I represent, in my district, the City of Austin made a decision to use more public safety funds for mental health provisions to avoid any allegation and make sure that they didn't intend for that to be defunding the police. So I'm glad that you support that decision and understand it. I support your amendment.

J.D. JOHNSON: My amendment simply says that if the police department from your municipality decides to put more training in for 9-1-1 calls or to do preventive measures, they can do that, and it will not be to their peril. It would simply be for the best decision that they can make for the best interest of the police department and the city. It allows the city police department to make its own decision on whether or not it wants to cut its budget because it has done its own evaluation and knows where it needs to put preventive measures in place to

reduce crime. At some point or another we have to start talking about reducing crime. And you reduce crime by putting preventive measures in place, and that's what my amendment does.

REPRESENTATIVE BECKLEY: There's been a lot of talking going on, so I just want a clarification. You want to put more power in the hands of the police to decide how they spend their funds.

J.D. JOHNSON: Yes, ma'am.

BECKLEY: So in one of my communities, they have decided to reduce—

GOLDMAN: Members, I respectfully oppose Mr. Johnson's amendment.

REPRESENTATIVE DAVIS: Chairman Goldman, tell me why you're opposed to this amendment that would protect the integrity of the department.

GOLDMAN: Well, in my opinion this just gives reason for budgets to, according to Mr. Johnson's amendment, it would give reason for the budget to be decreased in the police department, and we don't want to do that. The whole point is to keep these budgets at current level or an increase. We want more money spent on police to keep our community safe, not less.

DAVIS: So Chairman Goldman, are we prepared to send DPS to the cities? I'm trying to understand why—

GOLDMAN: We have. We have. In fact, we've sent DPS to Dallas, Ms. Davis. At the request of Dallas, we've sent DPS to Dallas because there was a—

DAVIS: Well, it's probably because of something like this that you've done. So let me ask—

GOLDMAN: No, it was a request of the City of Dallas. They asked for the help because their police levels were not where they wanted them to be. So at the City of Dallas' request, we sent—the State of Texas sent—DPS officers to your city to help protect your citizens.

DAVIS: And I'm aware of that, but it was at our request. Did it have anything to do with you all telling or the state telling the city how to do their budgeting? Was that part of the dilemma that you were trying to address, is that we were not budgeted properly?

GOLDMAN: It is my understanding, and you can correct me if I'm wrong, the City of Dallas is trying to hire more police, and there are not enough police on the streets, as many as the City of Dallas has budgeted for and wants.

DAVIS: And the question is, what does your bill do to help get more police in Dallas if it didn't have anything to do with budgeting?

GOLDMAN: It makes sure if the City of Dallas wants to take money from their budget, from the police budget, that it's not allowed to do that.

DAVIS: But that was never an issue with regard to the city or police reducing their budget to get policemen—

GOLDMAN: And so then there's no problem. Then there's no problem.

DAVIS: —so that's not an issue here. That's not the issue here.

GOLDMAN: Correct. That is not an issue for the City of Dallas.

DAVIS: So let's not talk about apples and oranges. Let's talk about the fact that we're now as a state attempting to now do budgeting for our cities.

GOLDMAN: I believe we're talking about the amendment, Ms. Davis, not the entire bill.

DAVIS: That is the amendment. The amendment is saying that he's trying to make sure that the cities can budget properly for their police department.

GOLDMAN: I believe his amendment is about police departments specifically, not about the city budgets.

DAVIS: But the police department's budget comes from the city.

GOLDMAN: I agree.

DAVIS: And so therefore that's relevant to this conversation.

GOLDMAN: Okay.

DAVIS: So the question is, why are we here in Austin talking about what city departments can do at the expense of taking the city's elected officials out of the equation?

GOLDMAN: Because we have seen nationwide where cities either defunded their police departments or they've redirected funds from their police department for other uses.

DAVIS: What cities have defunded their police departments?

GOLDMAN: Defunded or redirected funds—

DAVIS: No, what police departments? Let's talk about defunding first.

GOLDMAN: Look, we can talk semantics all day. So we can say "defunded" or we can say "redirecting funds."

DAVIS: Okay, so what cities have decreased their public safety dollars for some other issue like you just described?

GOLDMAN: We are in one right now, Ms. Davis.

DAVIS: I'm sorry?

GOLDMAN: We're in one right now. The City of Austin. And they admitted by a city councilman here in the City of Austin that they took money away from their department and put it toward other things.

DAVIS: Toward improving the quality of life in its city for its residents, is that correct?

GOLDMAN: Is that what abortion is? Because the City of Austin admitted that they took funds away from the police department for abortion services.

DAVIS: So Mr. Goldman, let me ask you something. Has there been a reduction in your cities that you represent?

GOLDMAN: I'm sorry?

DAVIS: Has there been any reduction in funding in the cities that you represent?

GOLDMAN: No, ma'am.

DAVIS: So then you're now determining what happens in another city that you don't represent?

GOLDMAN: I'm not determining. We are saying that we don't want money taken away from the police force because public safety, as elected officials, public safety, in my opinion, is one of our number one priorities. If we can't keep our citizens safe, how do we think that more people will want to move here? We're at 29 million people, approaching 30 million people.

DAVIS: I don't think Austin is worried about more people moving here. I think they're worried about the legislature being here. I think that's their greatest concern is what we do to them while we're here.

GOLDMAN: Well, I think the people of Austin spoke about some of their city council rulings this last week.

DAVIS: And I've spoken to folks who say they worry about the legislative initiatives that impact citizens. So what we find ourselves doing here every session is trying to usurp the authority of local elected officials. Would we like the federal government to do that to us? At some point we've got to be responsible for what happens in Texas in this house and let those other elected bodies be responsible for what they're elected to do. But this is just a political agenda trying to advance an argument around a political issue. This is not about safety.

GOLDMAN: Ms. Davis, this is all about safety and making sure we keep the current police force on the streets protecting our citizens.

REPRESENTATIVE CROCKETT: So you brought up my city as well as my district, so I felt compelled to get over here in my kitten heels and have a quick conversation. You just talked about the fact that the City of Dallas needed help from DPS, correct?

GOLDMAN: That is my understanding. Yes, ma'am.

CROCKETT: Okay. And that wasn't because at that point in time, the City of Dallas didn't have funds to have officers. It was the fact that people were not applying to work at Dallas PD. Is that correct?

GOLDMAN: I will have the City of Dallas defend their reason they requested DPS officers from the state to come into their city.

CROCKETT: Okay, but let's talk about this. When DPS left my district, do you know why DPS left?

GOLDMAN: No, I do not.

CROCKETT: So you're unaware of the fact that there was a DPS officer that shot yet another unarmed black man? You're unaware of that?

GOLDMAN: I'm not aware why DPS left your district, Ms. Crockett.

CROCKETT: Okay, so here's the issue. We've not addressed the elephant in the room. This summer, we saw protests in the streets. We also saw elected officials that decided to make decisions because of police brutality, but for whatever reason, we still haven't seen Ms. T's bill on this floor. We've not dealt with the George Floyd Act. We refuse to improve policing in this state. Instead, we attack those that are trying to take care of their citizens. How does that make sense? You're saying your cities didn't do this, but mine did. And guess what? Every single one of those city councilmen that decided to make whatever decisions about their budget, they all got reelected on Saturday. Every single one of them. Not one of them lost, no matter how many people put out mailers against them.

So let me be clear. You should let my elected officials decide what to do with my city, because sadly enough, plenty of people haven't been to south Dallas, where black people are afraid most of the time because they don't know if they're going to get killed. And instead of us doing something to protect people in this state, we decide to punish—punish people who are already suffering. That is what's wrong in this house.

GOLDMAN: And the goal is, Ms. Crockett, by passing this bill, is that we keep more police on the streets to protect your citizens.

J.D. JOHNSON: On the amendment, again, this amendment just simply says that the police departments can make their own decision about a budget that they have that they want to use for preventive measures. Those preventive measures are: improve 9-1-1 calls; prevent violent crimes; direct veterans, children, individuals with mental health issues, and families in economic crisis to services designated to prevent crime. That's what this amendment does. It puts the power in the hands of the police departments to let them make their own decision. It does not take away from police. It helps police to make the best decision that they can make for their own municipality.

And if the police department has said we want to put money toward this, then it should be done. If we want to give to other departments to make sure preventive measures are in place, the police department has the authority to do so. If you care about police officers as you have obviously demonstrated, as we all do, make sure that you vote for this amendment. These are amendments. It does not say that you have to go against the bill, but we're only trying to make the bill better and more user-friendly for municipalities. So this party line stuff on amendments, look at the amendments for what they are. Look at the amendments. It's not the overall bill. I'm not trying to change the bill. I'm not trying to change police officers' budgets. I'm not trying to reduce it. This final amendment says police officers have their own authority to reduce a budget if they so choose to use it for preventive measures.

[Amendment No. 6 failed of adoption by Record No. 834.]

[Amendment No. 7 by Martinez Fischer was laid before the house.]

REPRESENTATIVE MARTINEZ FISCHER: This is a very important amendment. This legalizes marihuana. So I just want to make sure you're listening, okay? I really wish this bill would have come through Ways and Means, because it's really more about taxes than it is about public safety. And it's real simple. The bill says if you spend less on police—if you "defund" police—we will adjust your tax rates and penalize you for it. That's really a revenue one-way street. I take Chairman Goldman at his word. I've listened to this debate. I know you have, too. Chairman Goldman says his number one priority is to make public safety our number one priority. And what this amendment does is it creates a revenue two-way street. And what it says is that if a city actually increases the amount of money it spends on police, that they get a hold harmless. They get a hold harmless. They will not have it counted against them if they make the decision.

I'm from the city of San Antonio. In the last budget, they increased spending for police. And if they do it again next time, if they're fortunate enough to do it, they should receive a hold harmless. If a city—we heard a lot about the City of Houston. If the City of Houston is struggling and has to let go of non-police personnel, if they spend the money, they get a hold harmless. And so all this does is if we really, really care about protecting public safety budgets, let's tell our local jurisdictions—for those over the 250,000 population cap that this bill applies to—if you spend over the amount, you get a credit. Bear in mind, we just sent a bill to the senate yesterday that we told cities and counties that we would not penalize them for roads. We would not penalize them for heavy equipment. We would not penalize them for spending money on police cars and fire trucks. We said we're going to make some priorities. Use that revenue instrument that you're using, and we're not going to hold it against you. That's all this does. It creates a revenue two-way street. It's a complicated amendment because it's a formula on a no-new-revenue, but that's all it does. And I certainly hope that Chairman Goldman will consider it and at least adopt this amendment to keep the conversation going.

GOLDMAN: As much as I would love to take this amendment, Representative Martinez Fischer, I'm going to oppose it. It's my opinion that it actually raises taxes, and this is not a bill about raising taxes. It's about keeping the public safe, and so I'm going to oppose this amendment.

MARTINEZ FISCHER: I thank Chairman Goldman, and I rarely disagree, in the words of Chairman Leach, vehemently, but it doesn't raise revenue. Because if it did, this would be a Ways and Means matter. This is a State Affairs matter. It's not a Ways and Means matter. It's not a revenue matter. All this says is whatever policy we're trying to adopt here, if cities take away, they get punished. And all I'm saying is if cities—

REPRESENTATIVE ROMERO: Representative Martinez Fischer, I want to understand this. As I'm reading the bill, I just want to make sure I'm reading it correctly. Is your understanding of the bill, then, that any municipality that ever raises their budget will never be able to move it down in any way whatsoever? And what your amendment is doing is saying that if next year I decide to raise

it—in essence, what we're doing as of today in 2021, this is the floor, this is where I'm starting at—so if I raise it, I have the ability to come back to this point, in essence. Is that right?

MARTINEZ FISCHER: I think, because it does create the baseline, there will be local governments that will just hold the line because they don't want to raise that hurdle. They don't know when the next recession is coming. They don't know when the next pandemic is coming. They don't know when federal funds run out. And so yes, I think there will be folks who say, "We better not do it, because if we can't maintain that, we get in trouble."

ROMERO: I know the author can't speak to this again since you're closing on the amendment, but I think that's the point that I wanted to get at here is that what's the incentive, right now, for a city that may or may not be growing to actually add police officers to their force knowing that they may not be able to reduce that budget? I mean, is that where you're going here?

MARTINEZ FISCHER: I think there is no incentive. I mean, it's sketchy. And so again, regardless of how you feel, when we make this policy, if it's the wisdom of this body to enact a law that says we will punish jurisdictions if they cut funding, then we should be intellectually consistent in that same tax policy and say, but on the other hand, if you decide to spend more money, then we're going to give you a credit. We're going to hold you harmless. We're going to incentivize you to do it. So at the end of the day, it's not a tax. We're not raising taxes. We're just telling folks that we're not going to penalize you with the revenue that we've given you to spend.

And so if it's important enough for us to hold harmless a tractor, if it's important for us to hold harmless a telephone system or an IT system or a laptop, then we ought to be able to say for the men and women that put the uniform on every single day to protect and to serve that we're going to give them a hold harmless too when it comes to their budgets. So this is not something that's, you know, black or white. We can be both for law enforcement and we can also be both for our cities that have these budgets and tell them we're going to give you the tool you need to raise the money.

And I'm also big enough to correct myself when I'm wrong, and the word was "resoundingly." We should resoundingly adopt this amendment, Chairman Leach. Thank you. I'll consider this a co-sponsorship of this amendment. So let's just take this amendment. Let's add it on. If it ends up becoming something that's too hard to bear, there's always going to be the time to deal with it in the senate or some other place. You don't want to walk this back and hear from your local officials that we gave them a hold harmless to buy a tractor but we're not going to give them a hold harmless to invest in police. So I hope you vote for the amendment.

[Amendment No. 7 failed of adoption by Record No. 835.]

[Amendment No. 8 by Cole was laid before the house.]

COLE: This amendment is a simple one. We all remember Winter Storm Uri and the blackouts that occurred. This amendment simply states that if a municipality is determined to have defunded the police, its municipally owned utility can still raise rates and fees if the funds raised are going toward weatherization of the municipally owned utilities' generation, transmission, or distribution facilities to reduce the risk of power outages. Black and brown communities have suffered disproportionately with power outages and blackouts. These communities should not be subject to blackouts and additional dangerous situations because the governor has determined that a municipality has chosen to defund the police.

GOLDMAN: This amendment either raises fees or raises taxes at an unlimited amount. And so respectfully, I'm going to oppose the amendment.

COLE: This is simply an effort to help our municipalities when the state has usurped them from local control. I ask that you vote aye on the amendment.

[Amendment No. 8 failed of adoption by Record No. 836.]

[Amendment No. 9 by Herrero was laid before the house.]

REPRESENTATIVE HERRERO: This amendment clarifies that a municipality that may be determined to be defunding police wouldn't somehow negatively affect the pensions of those municipal employees. And so this amendment ensures that the contributions that the employees and the municipalities are making toward those employee pensions remains as what it was the preceding fiscal year before they were determined to be a defunding municipality. I believe it is acceptable to the author.

[Amendment No. 9 was adopted.]

REPRESENTATIVE SHERMAN: I know that this is a very contentious subject that we've been discussing. And Deacon Jarvis Johnson, I mean Representative Johnson, you certainly had a lot of amendments. Representative Goldman, certainly you have been working on behalf of your constituents, I believe. But I've got to say that when you refused the amendment that would give the authority to the police department, that concerns me. The very police department that we're saying we want to empower, you said that you would not accept that amendment.

I started writing notes about this issue and what it means. You know, I'm known here as a pastor, but I haven't always been a pastor. In fact, before I came here, I was a city manager. And I resigned as a city manager because my predecessor, Representative Helen Giddings, who served here for almost a quarter of a century, asked me to run. She came to my office and asked me to run. And I've got to tell you that the \$600, compared to what I was making, is—there is a little difference. But I was driven, brother Thompson, by this body's audacity to just forget about local control. Lord, take us back to the '80s when republicans meant and believed in local control. I don't know what happened, but it's like there is no regard for the intellect of the city managers. Do you even know how the process goes for establishing a budget? I know you do, mayor. I know you do. The city manager drafts the budget. I know you do, city attorney. The city manager drafts the budget. He convenes all of his directors in. The number one

director in those meetings is your police chief. Your police chief provides the city manager with what budget amount he believes he needs. If he thinks he needs more police cars, he gives them to the city manager. He drafts a budget for the city manager. Same with the fire department.

You know, sometimes I know we get sick and tired of being here and, you know, we miss home. And I was having one of those moments where I just missed home, and I had to text my youngest son, who is a police officer. I didn't share with him what we are talking about right now, but I showed this picture to Representative Gary VanDeaver, and he said he's a handsome young man. He said it like he was surprised. And then he said, I bet your wife is gorgeous. You know, those budgets are drafted based on the needs of the community. This state mandates that our budgets—we can't budget more than we take in. But it's as though no one is aware of that here. The number one issue for us is public safety. Because we're the ones who go into—and when I say we, as a former mayor and city manager and city council member and mayor pro tempore, I'll tell you—when we run into H-E-B or to Tom Thumb in my community, the citizens see us. We can't just arbitrarily raise taxes. We're not here at the Capitol. I'm not three hours-plus away from home when I make these decisions back home. I'm at home.

So let me stick to my notes because I'm getting a little excited. My son told me, "Dad, I'm getting ready to meet with our city manager, our new city manager." I know her. She's really dynamic, from Virginia, and she's about business. I have to ask. You know, I know we seem to be really partisan here, and that's one of the things that when you've served on a local level as a mayor or a council member, you really miss because we're not partisan. This is partisan. I was so depressed after my first session here. It doesn't matter whether something is good or bad. I had one of my republican friends write something for me. I'm not going to say who it was and what it was. He wrote it. I liked it. I said, "I'm going to submit it. I want you to sign on it." He says, "I can't do that. They'll put somebody in a primary and run against me." What universe are we in? I didn't run for this office to worry about staying in this office. I ran for this office to make a difference.

My predecessor, Helen Giddings, whenever there was an issue dealing with municipalities, she would call me when I was a mayor. She would call me when I was a city manager because she had never served as either. If I have a question about the medical field that is regarding a bill that we're discussing here on the floor, you know who I talk to? I talk to the doctor that we have on the floor. Yes, I talk to Dr. Oliverson, and Dr. Oliverson can give me some input. When I have a question about education administration, I talk to Gary VanDeaver. I think he may be the only ISD former superintendent here. I know that I've been told that I'm somewhat of an enigma. I'm a pastor, former city manager, former mayor, former council member. When some were talking about this, nobody talked to me. No one asked me any questions about this. This is politics. What makes me different? If I have a question about any of these areas that I don't know anything about, that don't relate to my background, then I'm going to talk to VanDeaver.

Representative Goldman, when I walked up here, you said, I love you. And I'm sure he meant that in a, you know, agape manner, right? And I love you, too. You stated one of the most important issues to you here at the state is public safety. Public safety. Each of us has a Bible in our desk. Am I right about that, Representative Krause? I'm sure you've opened yours many times. Each of us has a Bible in our desk. If this is our number one priority, why is it that cities outspend us for public safety? Sixty-five to 70 percent of our overall budget is for public safety. We know city business, but you know what the state spends for public safety? About six percent is what we spend for public safety overall. I think if we changed our focus and put our focus on what our focus should be on, education should be number one. Health care should be number two. But we have lower—talk about defunding police? We've defunded education. I know that we did a good job last session.

Parenthetically, Jesus says where your treasure is, that's where your heart is. In Matthew 6:21, where your treasure is, that's where your heart is. The city's heart is in public safety, 65 to 70 percent. Ours is about six percent. I asked my fellow city managers how they felt about this bill. Not one of them supported this bill, and they support police. Every city where I've been a city manager or a mayor, I have raised the salaries of our police and our fire department. Every one of them. Even when we had budget constraints, we did it. They've been watching us—the city managers, the mayors, and councilmen—and what they believe is that the penalty that we have applied here, even if you don't reduce funding for police but increase funding for other areas or at a faster pace, it's a problem. It's problematic.

In my conclusion—I have to say that when I get behind this podium—it's legislative overreach. The big concern is that the bill's definition of defunding caught too many situations where defunding wasn't actually happening. Also, the consequences were automatic, and there was no recourse or appeal process to prove up police were not actually being defunded—I'm reading this from a city manager. This is a battle they have with Austin, and they should leave the rest of us out of it. That's coming from a city manager in North Texas. I hope and pray, I implore you to not vote politics, but actually vote for our police. Vote for our police. That is all. So I'm asking you to vote two. I know I'm not of the same party that you are, but I'm just a local. I'm just a little guy from the local, okay? So we need your help. Please, stop stepping on the city.

RAYMOND: I think I've done this a couple of times where I've gotten up here and said I sense that the republicans are all going to vote for this. So I'm going to talk to democrats. Sometimes we're going to disagree. My good friend Carl, he's a good man, but sometimes we're going to disagree. Just like we saw Joe Deshotel and Dr. Mary González disagree just a little while ago. And that's going to happen. When I first ran for office—all of you can remember your first run for office, for state house—they asked me, "What's the most important thing to you? What's the most important issue?" I said, "Well, there are a lot of important issues out there." Education is important. Health care is important. Jobs are important. But I said, "The most important thing to me is public safety." And in the 27 years

I've been here, that's how I always answer the question. The most important issue for me is public safety because if our communities are not safe, if folks don't feel safe, if we don't have law and order, then nothing else really matters.

So when this issue bubbled up last year—I understand politics. We're all political in here. We're all politicians. It's not something I'm ashamed of. I'm proud of it. I embrace it. You have to run for office to get elected and by definition you're a politician. That doesn't mean we don't study issues and look at them. But when this came up, in my view, it was very simple. We don't need to invest less in law enforcement; we need to invest more in law enforcement. I see what just happened in Minnesota with George Floyd. That was such a big, important event, if you will, and a tragedy. But I watched it. I watched part of the trial. And what became clear to me was that if you had not had the police chief and three or four of Chauvin's—the police officer that had been charged—supervisors get up there and testify that that's not how we train—we don't train police officers to do that; he did not follow proper protocol; that is not how we train people—if they had not testified that way, I'm not sure that he would have been convicted for killing George Floyd. That's how I saw it. But when you had the training and you could show that these folks were trained and when they did something wrong that they don't follow the training, then we weed them out. That's how you get there. You invest more. You invest more in training our law enforcement officers, not less. With all due respect, members, it is not less, it is more. That's how you make it better. How do we make our schools better? We invest more. How do we make our health care system better? We invest more. That's what we do. We don't invest less.

So it is not political for me. Now, do I understand politically that if you do not vote for this bill, it could be interpreted that you are not strong on law enforcement? Absolutely. I'd use it against you. I'd use it against you in a heartbeat. So expect that. If you want to think about politics, fine, but let's push past that and ask yourselves, "How do we make our law enforcement organizations better?" As democrats, we fight all the time for police officers and firefighters and first responders. We fight for them all the time. Let's fight for them now to make sure that we better train them, that we can pay them better, that we can have better quality folks in these very, very important positions. So yes, I'm speaking to you, democrats—my democrats, my colleagues, my party—and I hope every one of you votes for it. I know it's a redistricting year and some of the districts are going to change up and issues will come up—they just will. So yeah, think about that a little bit. But I hope you agree with me.

It is about the policy for me. I've had personal experience, especially in recent times, where I've seen how lacking we are in how we train law enforcement and how we've got to do a better job of making them better. And you don't do that by cutting budgets. You just don't. You want to cut budgets? I'll cut your budget. All of you know—you want to talk about city councils? They're all my friends, but I know about discretionary funds. I see things that they spend money on that I'd never spend money on, I hope, if I were in their positions. You want to go through budgets? We'll go through budgets. We'll find you money. Don't cut here. Cut somewhere else. That's what this is about. Don't cut public

safety. Cut somewhere else. So let's not make it political. Let's make it about protecting the folks that we represent. Let's make it about having a better quality and continuing to invest in the quality of our law enforcement systems out there, our entities, our organizations. That's what it is for me.

RAMOS: Representative Raymond, page 1 of the bill says it applies to municipalities with a population of more than 250,000. How many municipalities in your district have more than 250,000 in its population?

RAYMOND: I represent one municipality. I represent the city of Laredo, and not even the entire city. If you want to look at my district, as you know by definition, I don't think any of us has a district that exceeds over 250,000. Not as we're about to redistrict.

RAMOS: Do you have a municipality in your district with a population—

RAYMOND: Is Laredo 250,000 today? I won't know until we get the census numbers. We may or we may not be.

RAMOS: So the answer is no. Thank you, sir. No more questions.

RAYMOND: Well, if it's no, trust me, I want this to be for every city in the state. If that's what you're asking me.

RAMOS: It doesn't apply to your district.

RAYMOND: You know what? Do an amendment that says Laredo and I'll vote for it. Write it up for me. If you're trying to make a point about Laredo, let's go. Put Laredo in there.

RAMOS: Sir, you're talking about communities that don't even interest you.

RAYMOND: Put it in there. Put the word "Laredo." It's fine with me.

RAMOS: We're still on the bill. You can do that now.

RAYMOND: Do it.

RAMOS: Yes, sir.

J.D. JOHNSON: We have talked about public safety. This is a public safety bill. I'm sick and tired of always having to come up here and say how much I love police officers and how I care about police officers and how I've got to put a disclaimer on loving police officers. And I'll do it again. I thank police officers every single day for the job that they do. This bill in reality is not about public safety. And let me tell you why it's not about public safety. Because this bill is bracketed for 11 cities. Eleven cities is all this bill affects. Eleven cities. That means out of the other 489 cities, I guess it doesn't matter. They can cut their police budget all they want, anytime they want. Ask yourself, why is this bill only bracketed to 11 cities? That's not even half of Texas' population. So what happens to the rest of the population that has populations of 100,000? What happens to those people? If their communities decide to do what's fiscally conservative and fiscally right to rearrange their budget to make sure that they

can meet their budgetary needs and requirements, what happens to those? Are they considered not backing the blue? Would they be considered defunding the police?

Come on, if we're going to be serious about this, then let's stop playing this game of defunding the police and all this other rhetoric. As my colleague just said, does it look like you're defunding the police or you're against the police if you vote against this bill? One thing I love about this body is that every time I talk to my colleagues, every last one of you, you all believe in policy. You all believe in what's fair. You all say that to me every single time: This is what's right and this is what's fair. But we just made a bill that is punitive to large municipalities only. Smells like political rhetoric here. Smells like a political bill here. Doesn't smell right.

Secondly, this bill is not about public safety. This is about local control. That's all it is. This is about taking control away from Houston, Dallas, Austin, San Antonio, El Paso. That's what this is about. This is about rhetoric and dialogue and going back and forth about defunding police and how some groups talk bad about them. But that's not what—nope. This is truly about saying to cities, hey, we control you now. We control you now. We control how you think. We control how you decide how you're going to make policing for your city. And the reason why I know this is not about public safety is because when I put an amendment on that simply gave police the authority—it gave police the authority—this body voted against giving police the authority. How are you telling me you're for police if you didn't even give police their own authority to do what's in the best interest of police? How are you telling me you're for police officers? The sheer hypocrisy in that alone is blinding and deafening. We talk about backing the blue and we didn't even give the blue their own authority to do what's in the best interest of the blue. How are you telling me you're for police?

We're supposed to be here to make this state better. Let's finally get there. Let's finally get to a point where we do something that's right and in order and not just simply political expediency. I'm not against police. I'm for police, as everybody else in this building is. But I think this right here is divisive rhetoric that puts us all at odds. For those 11 cities, you're telling those mayors they don't know what they're doing but you know better, because there are people here from rural Texas telling the mayors of Houston, Dallas, San Antonio, Austin that you know better than they do on what's best for their city.

When I was growing up, I put money in my piggy bank and when I got older I started putting money in the bank. And when I had a good week or a good month or good year, I added more. But imagine if my bank told me that, well, I'm not going to let you put less in. Not going to let you put less in. But I don't have it. I don't have it this year. But can I still help? Can I still work? Nope. As a matter of fact, we're going to penalize you for putting in less. Come on, that's what this bill is. Members, I'm asking you, if this is about police, backing police, let's make sure we take care of all citizens in the entire State of Texas, not just 11 cities. Not just 11 cities. Every citizen in the State of Texas should be protected if that's what you're saying here today.

BECKLEY: So of those 11 cities that are 250,000 or more, what is the party of the representatives who represent those cities? Most of them.

J.D. JOHNSON: I would venture to believe they're all democrat. Those are all democratic cities.

BECKLEY: Yes. So this bill is purely a political move to force, in an election year, for democrats to take a bad vote because it is bracketed specifically for that. Would you agree with that statement?

J.D. JOHNSON: Yes.

BECKLEY: And what about those in swing districts? Is it a bad vote for them, too?

J.D. JOHNSON: I don't know what's a good vote and what's a bad vote. What's a good vote is a vote that you need to make that's in the best interest of your city, that's in the best interest of your constituents, not political rhetoric and political positioning.

BECKLEY: Well, I represent a portion of Dallas, so therefore I have to make that vote, and I'm forced into it. I wonder if the author will take the 250,000 off so everybody in this building has to make the same vote equally.

J.D. JOHNSON: That would be left up to the author.

RAMOS: Going back to what you bracketed, the municipality with a population of more than 250,000 how many municipalities would fit that description in your district, sir?

GOLDMAN: In my district?

RAMOS: How many cities have more than 250,000?

GOLDMAN: I represent four cities that are in my district and one, the city of Fort Worth, would be represented by this bill.

RAMOS: So you have one city out of four. So a quarter of your cities in your district this bill would apply to?

GOLDMAN: Yes.

RAMOS: So essentially this will apply to Fort Worth. Is that what you said?

GOLDMAN: Yes, it would apply to the city of Fort Worth.

RAMOS: Okay, and Representative Crockett talked about what's happening in her district and the city of Dallas, and you said you were not advised. Correct?

GOLDMAN: Well, I read the papers.

RAMOS: Right, but she asked you a specific question about different DPS and things going on in her community, and you said you weren't advised, correct? You don't recall?

GOLDMAN: I don't recall the exact thing of what I said based on what you're discussing.

RAMOS: Yes, sir. Well, she asked you about the police and different initiatives in the City of Dallas and you said you weren't advised. And I think that that—

GOLDMAN: I don't know everything the City of Dallas does. That's correct.

RAMOS: Okay, you don't know what the City of Dallas does.

GOLDMAN: I don't know everything that the City of Dallas does. That's correct.

RAMOS: And thank you, sir, because that's exactly the point. You don't know what they're doing. Yet you have this bill to legislate what they're doing when, in fact, you just said you have no idea what they're doing.

GOLDMAN: And Ms. Ramos, if they are consistently keeping their budget where it is for the police or they are increasing their budget for the police, this bill has no effect on them whatsoever.

RAMOS: Okay, so a budget that stays the same or an increased budget—essentially money, right? More money, based on your definition here, means success, right? So we're tying money and budget to success. Is that what we're doing here?

GOLDMAN: I don't know what you mean by the word "success."

RAMOS: You just said more money. That what we're doing in this bill—

GOLDMAN: This bill does not affect any municipality that keeps their current budget the same for the police or increases their budget for the police. This bill does not affect those municipalities one bit.

RAMOS: But we want to keep the budget or we want to increase the budget for those police departments because what we're saying is with that funding they're able to essentially be successful in their public safety initiatives. Because the reverse would be they would be less successful in their public safety initiatives, correct?

GOLDMAN: Well, we have seen where cities across this nation have either defunded their police or diverted money away from their police and crime has increased.

RAMOS: Okay, thank you, sir. And you're talking about crime, and I think that's wonderful. Because if what we're doing here today, members, is really addressing public safety, there's not one mention of a reduction in the crime rate. Not one mention in your bill. So if we're really about public safety, then we would address the reduction in the crime rate and not funding.

GOLDMAN: Well, anecdotally, Ms. Ramos, we have seen a parallel that when you reduce budgets for police, crime increases. We've seen it. The facts are there.

RAMOS: Sir, nowhere in your budget addresses the crime rate. So essentially, if the police departments—

GOLDMAN: So the hope is with more police on the streets—

RAMOS: It punishes municipalities. It punishes the cities and municipalities who are offering creative solutions and possibly spending less money in addressing the crime rate. This essentially punishes those cities for offering creative solutions that address the crime rate.

GOLDMAN: No, ma'am, it does not. If they want to have creative solutions in their police budget, of course they're allowed to do so.

RAMOS: Sir, there's more than one way for municipalities to reduce their crime rate. Would you agree with that?

GOLDMAN: Oh, I'm sure.

RAMOS: Exactly, and that's the problem with your bill, sir. That's exactly what happens.

GOLDMAN: Then you have every right to vote against it.

J.D. JOHNSON: You keep mentioning if everybody keeps their budgets the same. What about the other 400 cities beneath the 250,000 threshold? What if they change their budget? Does it matter to them?

GOLDMAN: They're not included in this bill, Representative Johnson.

J.D. JOHNSON: Why didn't you include them in the bill?

GOLDMAN: I chose not to. You had every right to do an amendment to put them in, and one was not offered.

J.D. JOHNSON: So the public safety of all the other millions of residents across the State of Texas didn't matter?

GOLDMAN: Of course it matters. But anecdotally across this nation, the larger cities who've defunded their police or diverted funds from police, they're the ones who are having an increase in crime.

J.D. JOHNSON: Nobody defunded police. There's no such thing as defunding police.

GOLDMAN: If you don't believe in the word "defunding," then certainly, monies have been diverted from police departments and their budgets have been cut and the crime has increased.

J.D. JOHNSON: Is it defunding the police for Governor Abbott? Do we call it defunding when Governor Abbott reduced \$50 million. Is that defunding? Did he defund?

GOLDMAN: I don't know what you're talking about, Mr. Johnson.

J.D. JOHNSON: Did he defund by \$50 million in 2015?

GOLDMAN: I don't know what you're talking about. I have no idea what you're talking about.

J.D. JOHNSON: I'm just trying to make sure we can be consistent with this. I think we're all aware—

GOLDMAN: I don't understand the premise of your question. I have no idea what you're talking about.

J.D. JOHNSON: So again, cities underneath 250,000, they can do whatever they want with their budgets? If they decide to reduce, increase, they can do whatever they want and we're not going to punish them?

GOLDMAN: They are not included in this bill. That's correct.

J.D. JOHNSON: So they won't be punished and they can do whatever they want?

GOLDMAN: I believe I've answered that question several times.

J.D. JOHNSON: One more time for me just for the good record.

REPRESENTATIVE WU: Representative Goldman, am I correct that this bill was on the floor prior to being removed for a point of order?

GOLDMAN: It was on the floor last week. Yes, sir.

WU: And during that time, an amendment was actually offered to remove the arbitrary cap of 250,000 from the bill. Was that not correct?

GOLDMAN: I don't remember every single amendment that was offered last week, Mr. Wu.

WU: But it would be fair to say that would be reflected in the *House Journal*, correct?

GOLDMAN: I'm sure it would be.

WU: And earlier just now, just before, Representative Johnson asked you why you had the cap at 250,000 population. Do you recall that?

GOLDMAN: I mean, that was just a few minutes ago. Yes, I recall that.

WU: Okay, I wasn't sure. And your answer was because you felt like it, correct?

GOLDMAN: Not because I felt like it. Because anecdotally, Mr. Wu—

WU: I'm sorry. Your answer to Representative Johnson was, "Because that's what I felt like."

GOLDMAN: No, I'm saying because we have seen anecdotally across the nation when municipalities had decreased their funding for police or diverted funds away from police, from those budgets, we have seen a spike in crime. We have seen where the citizens have responded and said that they fear for their safety because there are less police on the streets. And we do not want that to happen here in Texas.

WU: And I apologize. English is not my first language. Let me ask again. And when Representative Johnson asked you why you chose the cap at 250,000, your answer to Representative Johnson was, "Because that's what I chose. That's what I felt like."

GOLDMAN: I don't recall my exact words, Mr. Wu.

WU: If I told you that that's what you said just a few minutes ago, would you disagree with me?

GOLDMAN: Repeat what I just said.

WU: I'm sorry?

GOLDMAN: I'm going to repeat what I just said.

WU: Okay.

GOLDMAN: Okay, so let's get to your point.

WU: Do you have a specific policy reason—

GOLDMAN: Yes.

WU: —for choosing the exact number of 250,000?

GOLDMAN: Yes.

WU: And what is that?

GOLDMAN: Because anecdotally we've seen across this nation that the major municipalities—some of the larger municipalities—when they defunded their police or diverted monies away from their police departments, crime has increased. And the citizens have responded that they did not want that to happen.

WU: And what does that have to do with the number 250,000?

GOLDMAN: Those tend to be some of the larger municipalities in the state.

WU: So why not 200,000?

GOLDMAN: You could have done an amendment to make that change, Mr. Wu. You did not do so.

WU: Well, we actually offered an amendment, again—

GOLDMAN: You did not today.

WU: It was offered on this bill last week, but you don't remember.

GOLDMAN: Okay. You didn't offer it today. You could've.

WU: Well, generally, we can't offer amendments multiple times on a bill.

GOLDMAN: I'm sorry?

WU: We're not allowed to offer the same amendment multiple times on a bill.

GOLDMAN: Oh, absolutely. Mr. Herrero's amendment was going to be offered last week. I accepted it today.

WU: Okay, fair enough.

GOLDMAN: Members, a vote for this bill is a vote for public safety. A vote for this bill is to back our police. A vote for this bill is to back the blue.

[**CSHB 1900**, as amended, was passed to engrossment by Record No. 837.]

CSSB 7 DEBATE - SECOND READING

(Cain, Schofield, Jetton, Klick, and Oliverson - House Sponsors)

CSSB 7, A bill to be entitled An Act relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses.

REPRESENTATIVE CAIN: In Article VI, Section 4, of the Texas Constitution, the people of Texas delegated their constitutional authority to the legislature to make all laws necessary to detect and punish fraud and preserve the purity of the ballot box, and the legislature shall provide, by law, for the regulation of all voters. **CSSB 7**, now also known as the Election Integrity Protection Act of 2021, contains six articles.

Article 1 of this bill provides that the purpose of this bill is to exercise the legislature's constitutional authority. Section 1.03, Subdivision (3), says that "reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process." To that end, Section 1.04 of the bill requires the conduct of our elections and the Election Code to be applied uniformly and consistently throughout this state. It further provides that public officials, which means anyone elected, selected, appointed, or employed by this state, an agency of this state, or a political subdivision of this state, shall be strictly construed.

Article 2 begins with a provision that seeks to ensure that our voter rolls are accurate. That's done by requiring that local registrars send the abstract of deceased voters to the secretary of state no later than seven days after the abstract is prepared and clarifies that spoiled ballots be properly tracked and recorded.

In the third article, we ensure that poll watchers are permitted to observe the conduct of an election and report any potential irregularities or violations to the election officers. It protects watchers from being improperly excluded or removed, and it makes it a crime for an election officer to refuse to accept a watcher.

REPRESENTATIVE J. GONZÁLEZ: Mr. Cain, why did you file this bill, again?

CAIN: I filed this bill to ensure that we have an equal and uniform application of our Election Code and to protect people from being taken advantage of.

J. GONZÁLEZ: And what is your main purpose behind this bill?

CAIN: Well, the main purpose of this bill is to protect every single voter in Texas.

J. GONZÁLEZ: Was there a specific incident, event, or a crime that you witnessed in your time as a candidate or a voter that prompted you to file this bill?

CAIN: No, ma'am. But I believe that all voters deserve to have their right to vote to be protected.

J. GONZÁLEZ: Or in the hours that we spent in the Elections Committee, did anybody give an actual example of these things occurring in the State of Texas to warrant this bill?

CAIN: I believe there were a lot of people in testimony that gave examples of things.

J. GONZÁLEZ: Like examples that had data behind them, actual data, not just something that they heard?

CAIN: Well, I think we observed witnesses talking about how they themselves were excluded from places that they were duly appointed to be watchers at, yes.

J. GONZÁLEZ: Based on credible data? Based on actual facts they can point to?

CAIN: When they filled out their witness affirmation form, they took a sworn oath under penalty of perjury, so I think I would trust what they have to say.

J. GONZÁLEZ: Do you agree with the secretary of state when they testified in our committee that we have free, fair, and safe elections?

CAIN: I think the goal is to have free, fair, and safe elections.

J. GONZÁLEZ: I'm sorry?

CAIN: That is the purpose, and that's exactly what this bill seeks to do.

J. GONZÁLEZ: No, I said, "Do you agree with me?" Because the secretary of state's office testified before our committee that very first day, and the secretary of state said the 2020 elections were free, fair, safe, and secure. Do you not agree with what the secretary of state said?

CAIN: I think that that's their opinion, sure.

J. GONZÁLEZ: You think what?

CAIN: I believe that that's their opinion.

J. GONZÁLEZ: That's their opinion?

CAIN: Yeah, I think for the most part, it was free, fair, and safe, yeah. But we heard testimony that said otherwise.

J. GONZÁLEZ: But the secretary of state's office was there for a reason, and so I would imagine that their opinion would be highly regarded that our elections were safe and secure.

CAIN: Okay.

J. GONZÁLEZ: Do you disagree with the secretary of state's office?

CAIN: I've heard people say that they disagree with the secretary of state's office in committee so—

J. GONZÁLEZ: So are you saying that you disagree with the secretary of state's office is what I'm asking you.

CAIN: I mean, I think they're probably right in the adding up of it all from what they saw that it's a free, fair, and secure election.

J. GONZÁLEZ: So as of right now, our elections are safe and secure, correct?

CAIN: What this bill seeks to do is to make them safer and more secure.

J. GONZÁLEZ: I'm asking you. I mean, if the secretary of state's office said that and you said that you agree with them, right? Currently, as our elections are right now, they're safe and secure. I'm just trying to figure out what the purpose of this legislation is if the secretary of state has said that our elections were already safe and secure and you're agreeing with the secretary of state.

CAIN: Well, the purpose of this is to make them even more safe and secure. You know, the Constitution commands the legislature to pass legislation to detect and punish fraud and preserve the purity of the ballot box. And I've seen a lot of polling. I think we'd all agree that people's trust in the electoral process is down.

J. GONZÁLEZ: So if it's not broken, then what are we trying to fix? I mean, that old saying—if it ain't broke, don't fix it, right?

CAIN: Well, you know, every session we see omnibus election bills filed, and this is no different. We're here to clean things up. It's a patchwork system, and we want to clarify. We want to restore trust to the voters so that they have confidence in the outcome of their election so that they trust the laws we make.

J. GONZÁLEZ: I'm just trying to understand. I mean, because, you know, in the last two terms that I've served in the legislature, one of the first questions that you get asked when you file a bill is, what are you trying to accomplish? What is the intent? What are you trying to fix? What happened that you're trying to fix? And so that's what I'm asking. That's what we've been trying to figure out in the Elections Committee every week when we meet. That's all I'm simply asking is, what are we trying to fix here that is not broken?

CAIN: Okay, would you like me to finish laying the bill out? We can discuss some of that?

J. GONZÁLEZ: I'd like you to answer my question, please.

CAIN: Okay, well, I think we'll get to that if you let me finish the bill layout. I'll probably answer more of those questions.

J. GONZÁLEZ: Well, you did yield to some questions, so I would like to continue my questions.

CAIN: Well, I happen to believe that, you know, we don't need to wait for bad things to happen in order to try and protect and secure these elections and to make sure that this is a process that everyone's following.

J. GONZÁLEZ: So before bringing this bill to the floor—and I know this question was asked in committee as well—did you ever take the opportunity to speak to any of the minority groups like MALDEF, NAACP, to get their feedback in regard to the language that you laid out in committee before us?

CAIN: Yes, I've spoken to—I can't remember his name—in the hall. And I've actually read some proposed amendments yesterday from the NAACP.

J. GONZÁLEZ: So you were able to discuss their concerns and, you know, maybe make some changes to the bill?

CAIN: Actually, one of the amendments that we have was based off of some suggestions from the NAACP that I would like to lay out soon.

J. GONZÁLEZ: Before bringing **HB 6** or, I guess, **CSSB 7** to the floor, did you or the AG's office perform any analysis about how this bill might affect minority voters?

CAIN: No. No, I haven't done that. I'm not sure if the attorney general's office did that.

J. GONZÁLEZ: So you didn't consult with him in regard to the effect that this bill would have on people of color in Texas? Texas does have a history of discrimination, and so I would just imagine that's an important question to ask. I mean, this bill affects every single person in Texas, every person who's an eligible voter.

CAIN: Look, this bill is designed to protect all people, regardless of the color of their skin or their age or their abilities.

J. GONZÁLEZ: To protect them from a problem that doesn't exist, right?

CAIN: Well, most of this bill is designed and it's targeted at those who conduct our elections, not at people, not at the voters.

J. GONZÁLEZ: Okay, did you talk to any of the civil rights organizations like ACLU? Were they included in those conversations as well?

CAIN: You know, during the committee process—and several of the bills that we've passed through this chamber and passed through that committee are also included in this bill—we took testimony from them. In fact—I mean, I may not be able to point to the exact organization—but we've got some amendments that I'm ready to get going on that reduce crimes, some that add elements of mens rea to make sure that we have the specific intent requirements of some of these things, and that came from hearing testimony in committee from organizations like the ACLU and the Civil Rights Project and others. Yeah, it was very valuable and helpful.

J. GONZÁLEZ: Did you talk to any attorneys about this bill? Members of the AG's office? Today? In the back hallway?

CAIN: I did not talk to anyone from the attorney general's office today.

J. GONZÁLEZ: Okay, can you explain the major differences between the original version of the bill? It's the exact same version of **HB 6**, right? You modified it when you did the substitute?

CAIN: Yes, the committee substitute for **HB 6**, which was passed out of our committee, is identical to the house committee report of **CSSB 7** that's before us right now.

J. GONZÁLEZ: And in your opinion, how did our first hearing go on that bill?

CAIN: The first hearing—oh, yeah, that was a bummer we didn't get to finish it. It kind of slowed things down, yeah.

J. GONZÁLEZ: In your time in the house, have you ever witnessed a chairman or a speaker stop a vote after calling the question?

CAIN: Have I seen someone call the question?

J. GONZÁLEZ: I'm referring to our committee hearing where we got the substitute a minute before we had to vote. You called the question. The vote wasn't completed. Why did that occur?

CAIN: Why did it occur? Well, I think it occurred because—

J. GONZÁLEZ: Because it would have failed?

CAIN: You had expressed some, you know, concerns and things and other members had. So I thought it was the right thing to do.

J. GONZÁLEZ: Because it was going to fail, correct?

CAIN: You know, I disagree with that, but that's okay.

J. GONZÁLEZ: After 22 hours of testimony where leaders of the NAACP, MALDEF, and disability rights pleaded to the committee about how your bill would suppress their vote, did that factor into your desire at all before bringing this bill to the floor today?

CAIN: I'm trying to understand.

J. GONZÁLEZ: We heard more people testify against the bill than on the bill. So if our job is to pass legislation for our state, for our constituents, we're here to pass policy that they want, not force legislation on them that they don't agree with.

CAIN: It's okay if I disagree with some of the witnesses that come to the committee. I don't believe that this bill suppresses any votes. In fact, I think it's designed to help all voters. And if we thought this was suppressing votes, I wouldn't have voted for it or written it, and I don't think any other members on that committee would have voted for it.

J. GONZÁLEZ: Well, I mean, there were legal experts that have done work—voting rights work—for years, that argued before the Supreme Court, that would say otherwise.

CAIN: Okay, I think we've consulted others that disagree, and that's what this chamber does.

J. GONZÁLEZ: So the long history of discrimination in Texas just doesn't exist anymore? Or it's never existed, in your opinion?

CAIN: I'm not saying that at all. Discrimination is a disgusting thing. And I don't think a single member that voted for this bill or I would've written it or drafted it if we thought that it was discriminating against anybody.

J. GONZÁLEZ: Well, in effect, it discriminates against people. I mean that is something that you weigh in when you bring legislation and you force it on Texans. It's going to disproportionately impact people of color. You have to understand the damage that you're causing.

CAIN: I disagree. I think this is not—

J. GONZÁLEZ: So you disagree with somebody who is disabled and who is pleading to you and saying that it's going to be more difficult for them to go vote? You're going to say, "Oh, I don't believe you, even though you're the one that's disabled"?

CAIN: Well, one of the amendments that I've filed was actually from working with a disability organization, and we're literally doing every single thing they wanted except for one. We're writing it slightly different. And so we did take that into consideration. And when we drafted it, even during committee, we heard it. And I said, "Oh, you know, they're right." And then they came to us, and Representative Schofield also met with them. And when we get to that point, we will explain that again.

J. GONZÁLEZ: So the hundreds of people that have testified against or they submitted comments against this bill, you just disagree with all of them, right? The people that have done this for years, legal experts who've argued in front of the Supreme Court on this issue, that have protected the right of people of color, protected their vote for years—you disagree with all of these people because you understand what voter suppression looks like, right?

CAIN: I disagree that it does that.

J. GONZÁLEZ: So you disagree with these experts that have said otherwise?

CAIN: I suppose you could say that.

J. GONZÁLEZ: That have challenged these things in court and have been proven by the Supreme Court of having that effect?

CAIN: I believe that, you know, that it's incumbent on the Texas Legislature to improve the electoral process for all Texans, and that's what this bill does.

J. GONZÁLEZ: It's incumbent upon the legislature to enact laws that are going to help the people of Texas. That is our job, not to pass laws that are going to hurt them. So that's what I'm trying to find out from you is, why would we want to do that?

CAIN: Well, I don't think this is voter suppression. I believe it's voter enhancement. I think this bill seeks to improve things for all Texans and so—

J. GONZÁLEZ: It's expanding participation? More people are going to be able to vote as a result of this bill?

CAIN: Yeah, we're protecting voters to ensure that no one's taken advantage of. Yeah.

J. GONZÁLEZ: How is that increasing participation? By adding more restrictions and criminalizing minor things, mistakes that somebody could make?

CAIN: Wow, I don't think this bill at all criminalizes minor mistakes. No. No, it doesn't do that.

J. GONZÁLEZ: It doesn't criminalize somebody for making a simple mistake?

CAIN: It does not. That's one thing this bill doesn't do.

J. GONZÁLEZ: I guess you don't recall the testimony that was elicited from the AG's office and how they're going to enforce this bill. And some of it sounds really scary and could affect every single person in this room who runs for office when we run for reelection.

CAIN: Yeah, I understand. I think from the testimonies—

J. GONZÁLEZ: And so we're willing for people to put their spouses in a position, who may be helping them block walk or poll greet—it's a slippery slope there. They could potentially be accused of illegal voter assistance simply because they're trying to help their loved one get reelected.

CAIN: Can you explain to me what section or page number in the bill would do that?

J. GONZÁLEZ: I don't have the bill in front of me, but I can come back with the question. But there was testimony that I asked the attorney general in regard to the definition within the code that defines someone who is assisting to have some kind of benefit. So for example, let's say my colleague here, Gina Hinojosa, that she has her husband on her health insurance. That seemingly is a benefit because he's getting a health insurance benefit. Now, if he's helping her get reelected, that could potentially—he could potentially be committing a crime under the way the bill is written. And the AG's office said that.

CAIN: What section is that?

J. GONZÁLEZ: The AG's office said that.

CAIN: We need to fix that. What section does that?

J. GONZÁLEZ: I mean, I could find it, but it's in there. And that's pretty scary.

CAIN: Please do.

J. GONZÁLEZ: That's pretty scary.

CAIN: Please do. If someone is going to get in trouble for being on their spouse's insurance while they're standing polls, we need to fix that.

J. GONZÁLEZ: But that's what your bill does.

CAIN: Can you show that to me?

J. GONZÁLEZ: I definitely will.

CAIN: Okay. I really—I don't see it. And I guess that's why we're here. I'm not seeing that.

REPRESENTATIVE C. TURNER: So Representative Cain, your bill discusses fraud a number of times. It's there in the caption. It's in the purpose of the bill. It's in these new legislative findings that you're creating. So can you detail for the body how many instances of election fraud occurred in the 2020 elections?

CAIN: You know, this bill, like you said, it targets voter fraud. And it's—

C. TURNER: Just a number. Just a number is all I need.

CAIN: In the 2020 elections?

C. TURNER: Yes.

CAIN: In what state?

C. TURNER: In the State of Texas. This is a bill that applies to the State of Texas, is it not?

CAIN: It does. It does. You know, look, the whole point is that it protects every single voter because I believe that's the goal of everyone. And any amount of fraud is too much fraud. Wouldn't you agree?

C. TURNER: But you don't know of a specific amount of fraud, a specific number of instances of fraud?

CAIN: No. No, I don't know, but it's really hard to find what you don't look for.

C. TURNER: I see. Well, so a couple months ago, you were at a press conference in Houston, were you not? I believe it was with Senator Bettencourt and Governor Abbott. Do you recall that?

CAIN: Yes, I recall that.

C. TURNER: And you talked about **HB 6** and **CSSB 7** and why we need to crack down on voter fraud in Texas. And the governor was asked at that time by a reporter, well, are there instances of fraud in the 2020 elections? He said he wasn't aware of any at that time. And what I'm wondering, in the two months since, have you or the governor or anyone else unearthed any fraud? And I think you're saying the answer is no. Representative González already covered with you the secretary of state's testimony in your committee that Texas had an election in 2020 that was successful, smooth, and secure. You do recall that testimony, right?

CAIN: Yes, I do. But can I answer you? You know, the attorney general's office did come in, and they talked about some of the things they prosecuted. And you know, sometimes these things can take two years to build their cases before they prosecute it. So I'm not sure. One of the main reasons they might not have data from that is that it takes that long before they file any information or a charge.

C. TURNER: Well, I'm glad you brought that up because that's actually my next question. It's about the attorney general. Do you know how many staff hours that the attorney general spent investigating election fraud?

CAIN: No, sir. Could you tell me?

C. TURNER: Twenty-two thousand staff hours. And it beefed up the Election Integrity Unit—it now has 17 staffers, eight more than previously, so nearly doubling. So after all that, and I presume you've heard this testimony in your committee from the attorney general, can you tell me how many instances of fraud the attorney general found after that incredible investment of staff time?

CAIN: From what time period to when?

C. TURNER: Since he spent 22,000 staff hours on it.

CAIN: When did they do that? I'm just trying to know. Was this 2010?

C. TURNER: I believe it was 2018, 2019. I can get you the exact year.

CAIN: Yeah, I'm not sure. You know, they discussed that in committee. I'm sorry. I don't have it memorized. But—

C. TURNER: So you've got 16.

CAIN: Mr. Turner, you asked me to answer a question for you.

C. TURNER: Sixteen total instances. Out of 22,000 staff hours, 16—

CAIN: Well, may I expand more?

C. TURNER: —out of the state of 29 million people and over 15 million registered voters.

CAIN: Well, Mr. Turner—

C. TURNER: Sixteen—one, six.

CAIN: You know, Mr. Turner, we also discussed there have been fluctuations in their staff. For example, I believe during Harvey, their person that was in charge of elections was put to be there for price gouging. They didn't have one. So that's fluctuated with their manpower. And so—

C. TURNER: I'm sorry, what does price gouging have to do with this?

CAIN: Well, because that meant they literally did not have a person over in charge of elections. And what I'd say, again, is you can't find what you don't look for, you know? And I think some of these areas—

C. TURNER: So we haven't found it but we've got to keep looking? Okay, I got it. All right.

CAIN: No, no. You can't find what you don't look for. If you weren't looking, it can't be found. You know, some of these things, our laws aren't clear enough. And actually, this is a good thing. The attorney general's office and prosecutors—and I hope this is true and I've heard so—won't prosecute somebody unless the statute or the way that law is written fits it exactly. And to their credibility, they haven't done that because there's not a lot of flexibility in the code that's really clear of what things are unlawful or not.

C. TURNER: Sure, and I would agree that you can't find what you don't look for. And that's why when Representative González asked if you had done an analysis of your legislation to analyze what the impact would be on minority voters in the State of Texas, on communities of color, you said you hadn't done that.

CAIN: I hadn't heard of that being done for any of the bills this session, and I guess maybe if I—

C. TURNER: Well, it's something that's done often in terms of voting rights bills or bills that suppress voting rights like this one does.

CAIN: Well, I mean, I disagree that it suppresses voting rights.

C. TURNER: So let's move on. Other members have questions, so I want to get through mine. Your legislation says that problems with voting "threatens the stability of a constitutional democracy by undermining public confidence in the legitimacy of public officers chosen by election."

CAIN: Yes. Wouldn't you agree?

C. TURNER: And so I've heard that, a variation of that statement, a lot over the last year. And so my question very simply, Representative Cain: Is this bill simply a part in the continuation of the big lie perpetrated by Donald Trump that somehow he really actually won the presidential? Is that really what this is all about?

CAIN: No, not at all. This bill is not about 2020.

C. TURNER: It just validates the former president's falsehoods that he somehow actually won an election that he lost by more than 7 million votes. Is that what this is about?

CAIN: No, this bill is not a response to 2020. A lot of these things have been a long time coming. We see bills, again, like this filed every session.

C. TURNER: I've never seen a bill like this that's filed, but let's move on. Does your bill, since we're talking about threats to democracy, does your bill in any way address the aiding and abetting of an insurrection?

CAIN: No, I don't believe so. No.

C. TURNER: Why not?

CAIN: Well, this bill is about—this is about protecting voters. This is about making sure our voter rolls are clean. This is about restoring the integrity of the process and the trust of the voters. This is about making sure people aren't taken advantage of. This is also about making sure that when things happen that people can get heard in court in a timely manner because, as you know, when an election's over—

C. TURNER: Do you think an insurrection that is predicated on a big lie about bogus election fraud is a threat to our democracy?

CAIN: Yeah, I guess. I mean, that's bad to have an insurrection, of course, yeah.

REPRESENTATIVE ANCHIA: Representative Cain, **CSSB 7** was considered in your House Committee on Elections last week, is that correct?

CAIN: Yes.

ANCHIA: And you're the chairman of that committee, correct?

CAIN: Yes, sir.

ANCHIA: And as I review the bill, it seems that both **CSSB 7** and **HB 6** have identical captions. Is that correct?

CAIN: Now they do. Yes, after we did the committee substitute to **SB 7**, now it has the same caption.

ANCHIA: So yes?

CAIN: Yes, sir.

ANCHIA: And as I reviewed the committee substitute to **SB 7**, which was considered in the Elections Committee, it seems that the bill language itself is maybe not identical but nearly identical to the current version of **HB 6**. Is that correct?

CAIN: I'm under the impression that they're the same thing. Yes, sir.

ANCHIA: Okay, so you believe they're identical. You chose a peculiar term in drafting this bill, and it's on page 1, line 12. Do you have a copy of the bill in front of you?

CAIN: I do. Yes, sir.

ANCHIA: And you talked about preserving "the purity of the ballot box." Is that correct?

CAIN: Yes, that's a quotation from the Texas Constitution. It'll be Article VI, Section 4.

ANCHIA: Right, and are you aware of the history behind that provision of the Constitution?

CAIN: I'm not.

ANCHIA: Are you aware that references to "purity of the ballot box" used throughout this country's history has been a justification for states to disenfranchise groups they deem unfit to vote? Or somehow lacking?

CAIN: I didn't know that. I wasn't aware of that. I guess I thought "purity" meaning not having fraud in it or something.

ANCHIA: Are you aware of the 1972 Supreme Court case *Dunn v. Blumstein*?

CAIN: I'm not.

ANCHIA: In that case, they noted that statements related to the "preservation of 'purity of the ballot box,'" while "a formidable-sounding state interest," cannot be used to justify any and all voting requirements that a state might think up. Did you run across this explanation when you specifically used that term?

CAIN: No, not at all.

ANCHIA: What was your motivation for using that term "purity of the ballot box"? Because that's a specific set of words that has a lot of meaning in state history. What was your intention?

CAIN: Well, I'm going to answer it for you. You know, you may have figured out by now, I really like the State Constitution. And I think as a legislative body, just as Congress should—they should be looking for their authority from their charter, from the thing that gives them power. And so when we're looking at what authorizes us, the sovereign people of the State of Texas delegated their authority through the Constitution. We then should look to the Constitution and say, what gives us authority to do anything on this issue? And that's the provision that does that. So that would be why.

ANCHIA: And do you know what the motivation was for that text in the Texas Constitution? And you're referring specifically to the Texas Constitution of 1876, correct?

CAIN: Yeah, our current constitution, yes.

ANCHIA: Did you look at the history before using that word?

CAIN: No. No, the only thing—if we were to have a discussion, maybe over some coffee or drinks or something, I could go into the details of Article I really well. I've read the debates in the journals of the Convention of 1875 on that, for that thing, but I'm not familiar with the one on Article VI.

ANCHIA: You may have missed it then, and this would've been very obvious, I think, to anybody who looked at that and looked at that language. That provision was drafted specifically to disenfranchise black people—black voters, in fact—following the Civil War. Did you know that?

CAIN: No, that's—I'm sorry to hear that.

ANCHIA: And are you familiar with white primaries?

CAIN: We've heard and read of such things. I'm glad that's gone. It's a disgusting thing.

ANCHIA: You've read about those?

CAIN: Yes.

ANCHIA: Did you realize that that "purity of the ballot box" language in the Texas Constitution gave rise to all-white primaries?

CAIN: No. No, I didn't.

ANCHIA: And did you know that this "purity of the ballot box" justification was also used during the Jim Crow era to prevent black people from voting?

CAIN: No. No, those are troubling things. I didn't know that was their reason.

ANCHIA: Did you know that in states across the country that penal disenfranchisement schemes were put in place, including in Texas, as far back as 1845 to effectively lock African American people out of the political process? Are you aware of this history?

CAIN: You know, I think we've said a few times that I wasn't aware of any kind of malicious intent in the use of that term, and the reason it was used is I looked at the Constitution because I believe our authority is derived from the people and that's why.

ANCHIA: Now, because we have that history in place, and the references in your bill that evoke some of that very dark history in our state, I wanted to ask you—I want to fast forward to the last decade. Are you aware that there have been multiple findings of intentional discrimination against African Americans and Latinos by the state legislature found by three federal courts?

CAIN: I don't know the numbers, but I believe you if you said it. By the way, I'd be totally fine with an amendment to maybe strike the word "purity" and say "integrity" or something, if you want to offer that.

ANCHIA: I was just curious because I think language is important, and the language you chose to use in this bill might reflect on one's intent. Because if you are a student of the Texas Constitution, as you said you were, I think that might be probative, and that's why I wanted to ask those questions. Because of the history that we just outlined, that you said you're generally aware of—you weren't exactly sure the number of times—I will tell you that in the D.C. Circuit Court, in an El Paso court, and in a three-judge panel composed of two republican appointees and one democratic appointee, there were findings of intentional discrimination against the Texas Legislature, specifically against communities of color. So in light of that history, can you tell me why you did not do a racial impact analysis on how this legislation would affect people of color?

CAIN: Well, Representative, you'd asked if I was familiar with it, and—when were those, by the way? Because I wasn't and so—

ANCHIA: I'm sorry. They were—it was from 2010 to 2020, in the last decade.

CAIN: I'd like to pretend that I was younger than that. I really don't recall that, and so your questions based on in light of this, as if—

ANCHIA: But were you generally aware? Have you heard that that's been an issue?

CAIN: I wasn't aware of it, and so how could it be in light of that and therefore do this, you know, in spite of or something? And so I'm not aware of it, sir.

ANCHIA: Okay. Well, given that history, did you ever give thought to how this legislation might impact African Americans? Did you ever give it a thought?

CAIN: Did I give it a thought? Yeah, and if I thought somehow that this was designed to have some animus against any people or group, it wouldn't have been written that way. In fact, due to the number of this bill, I don't think our speaker would've allowed it to be done that way. I don't think we'd have as many people signed on to it. They wouldn't have done that. I don't think the members of the committee would've voted for it or supported it if it did that. So no, I didn't. It didn't cross my mind. But I didn't think it did it, and so—

ANCHIA: So as a result, in an effort to make sure that there was—forget the intentional discrimination that occurred in voting rights matters during just the last decade. Did you worry that there might be a discriminatory effect? Even if you thought there was no discriminatory intent, because under Section 2 of the Voting Rights Act, we have a discriminatory effect standard. Did you ever look to see if there might be or solicit a third-party analysis or any third-party testimony about the racial impact of this bill?

CAIN: You know, what I can tell you is in crafting it, there were things that people had proposed and brought us. And when I read those things I thought, "Man, I don't like that; that looks bad." And so we rejected it. Does that make sense?

ANCHIA: Because you didn't like it?

CAIN: No, because I'm thinking, no, these are bad things. These are things that I actually thought might have a—

ANCHIA: And what does "bad" mean to you?

CAIN: Something that would have a disparate impact on somebody. Something that you could go, "Hey, you know that? I think that's wrong."

ANCHIA: And how did you make that call?

CAIN: Just kind of by your heart, kind of a gut feeling.

ANCHIA: It was your gut feeling, right? It was, you know, you may not have known but you just thought it was your gut feeling that, "Hey, that feels bad to me, and I don't want it to be in my bill." Right? Is that what you're saying?

CAIN: You know, from people that we talk with, there's lawyers—

ANCHIA: No, but is that what you're saying? Like you said, it came from your gut and you thought there's some stuff that would be bad, right? So—

CAIN: So here's how it began. Mr. Anchia, if you'd allow me to answer the question, please.

ANCHIA: Well, I'd love for you to answer the question that is being asked.

CAIN: So you look at it and you go, "Man, I don't like that. I'm going to go talk to"—

ANCHIA: And I'm going to say your words back to you.

CAIN: And I'm going to talk to other members about it. Because you're construing it—let me finish. You see something and you go, "Man, you know, I'm not sure about that." That happens in this chamber all the time, and then we go and talk to people. We go, "Hey, I think maybe that's not good. You agree?" And then other people say, "Yeah." And so that's why it wouldn't have come in.

ANCHIA: And so with whom in the chamber did you discuss these things?

CAIN: You know, members of the committee and friends and other people.

ANCHIA: So you asked members of the committee if proposals might have a disparate impact on Latinos and African Americans. Is that what you're saying to the body?

CAIN: No, not like that. What I'm saying is if you're, "Hey, I'm not sure about this—is that bad?" And, you know, maybe they'd agree.

ANCHIA: And what was their analysis when you asked them?

CAIN: I'm not saying any of this is about some racial impact. What I'm saying is whether we thought maybe, you know, I don't think that actually helps people.

ANCHIA: But the question was specifically about Section 2 of the Voting Rights Act and not discriminatory intent but rather discriminatory effect. So I will ask—

CAIN: I don't recall you mentioning—

ANCHIA: Can I ask? I've allowed you to finish your—

CAIN: I don't recall you mentioning Section 2 of the Voting Rights Act. I'm sorry. What I'm—

ANCHIA: I have allowed you to finish your answers, so if you could allow me to restate my question again. You said you're, for lack of a better term, deciding what would go in and not go into the bill based on your gut feeling. And some things you did not put in the bill because of that gut feeling or because, as you have said, you spoke to other members of the committee about those things. Did you ever think to ask for testimony in your committee on racial impact from this legislation?

CAIN: Will you allow me to answer your question?

ANCHIA: Yes, that is a very specific question. Did you ever do that?

CAIN: All right, so you had phrased it, and I was talking about going to go with a gut feeling. I wasn't talking about impact on any kind of particular thing, meaning—

ANCHIA: Well, that was the frame of the question.

CAIN: Well, you keep bringing up the gut feeling thing, so I think I need to clarify it. What that means is, you know, I thought that wasn't good law or something.

ANCHIA: What is good law here? What does that mean to you? What is good law?

CAIN: I think anything that treats everybody equally and makes sure that watchers aren't excluded, that they're able to watch the process to make sure that it's fair. That we don't have people that are receiving assistance being taken advantage of, you know, making receiving that assistance—

ANCHIA: But in making good law, it doesn't sound like you're including understanding what the impact is on African Americans or Latinos, right? Because you did not do that. Is that correct?

CAIN: Did we have an impact study done? No, and I think I've answered that. Yes, sir.

ANCHIA: Okay. Why did you not have one done? If you were trying to figure out what might constitute good or bad law and you knew that rather than having a discriminatory intent, which you're telling us today this bill does not have, that it might have a discriminatory effect?

CAIN: This bill is designed to protect all voters, and so I guess because I didn't think that this was treating anyone differently. I wouldn't have thought there was a reason to study it because it literally is about all voters in Texas.

ANCHIA: Were you ever asked in committee by a member of the committee to do such a study?

CAIN: Actually, someone asked had we performed one. That question was done and I answered it then that one wasn't done.

ANCHIA: And did you think to do one after that request had been made?

CAIN: You know what? I didn't think so. I didn't think that was necessary because I believed that this bill is designed to protect all voters, every single one of them.

ANCHIA: Because you thought that this bill was neutral and you trusted that gut feeling. You trusted how you felt about the bill, right?

CAIN: Recall that you asked me. You tried to pin me down on the gut feeling thing, and I've told you that was about whether I like language or not. It wasn't about that—

ANCHIA: I'm just restating your terms.

CAIN: Yeah, but it wasn't about that in context. So I'm just trying to reestablish context. So, you know, in writing it—whether you think words are good or bad, "must" or "shall"—those kind of different things. But no, this wasn't about anything like that.

ANCHIA: Can you describe what types of voter fraud this is intended to stop? This bill? Because you said earlier that this was about protecting voters and sort of allowing people to watch polls. What fraud is it designed to stop?

CAIN: Okay, yeah. Well, you know, we've got—we're trying to maybe stop what we call ballot harvesting.

ANCHIA: And what does that mean to you?

CAIN: That means when someone is compensated in order to go and harvest votes. I mean, they're being paid. In fact, I prefer the words "ballot trafficking" more.

ANCHIA: What do those terms mean to you? What is—walk me through how ballot trafficking works.

CAIN: Okay, let's go to the section of the code that'll fit it for us. We're going to go to Chapter 276 in our code. We're going to go to 276.014.

ANCHIA: And what page is it in your bill?

CAIN: Let me find it. Here we go. So 276.014, which is entitled "Paid Vote Harvesting," and the purpose there is to, you know, you can't have any benefit. So vote harvesting "means direct interaction with one or more voters in connection with an official ballot."

ANCHIA: Mr. Cain, I don't know—you probably don't know this and if you can confirm it for me. You know, my dad doesn't speak very good English because he's an immigrant. Did you know that?

CAIN: I didn't know that about your father, sir.

ANCHIA: Do you know how many people in Texas are speakers of a non-English language?

CAIN: I'm unaware.

ANCHIA: It's 8.6 million. They need help when they vote. So do you know how—have you inquired how your bill will affect non-English speakers in Texas? The 8.6 million of them?

CAIN: Yes, yeah. In fact, Chapter 64—

ANCHIA: What page are you looking at?

CAIN: Oh, I'm just going to the Election Code. I'm sorry. You know, Chapter 64 of the Election Code speaks to assistance of voters, and a person that's eligible to receive assistance is someone that needs help writing their ballot or reading it. And what this bill does for them is we want to make sure that no one takes advantage of them.

ANCHIA: Can you point to me where instruction is given—where in your bill instruction is given—in a language other than English? Because you said this bill is designed to help those people. So where in your bill does it talk about non-English speakers and assisting those people?

CAIN: Well, it doesn't speak to that. But what it does is it ensures, like in the oath of assistance provision of this bill—

ANCHIA: What page are you talking about?

CAIN: Let's look for it. Here we go. We're on page 10, but this section begins at the top of page 9. So it's Section 4.02. And Chapter 64.031 of the Election Code, I believe, sets out those who qualify to receive assistance.

ANCHIA: What line of your bill is that?

CAIN: Okay, of what?

ANCHIA: What you're referring to. You said in your bill and you directed me to page 10. What line are you—

CAIN: Yes, we're going to be at Section 4.02. So go on below Section 4.02. So that's page 9, line 25.

ANCHIA: Page 9, line 25. Go on.

CAIN: Yeah, okay. So that's why we're amending this existing oath, you know, to make sure that people who are eligible for assistance, that no one pressures them or maybe takes advantage of them, of someone that maybe is unable to properly read the ballot in the language that it's written in. Because under Chapter—

ANCHIA: And is that oath in a language other than English? Or is there a provision in your bill related to that?

CAIN: No, but I'm not opposed to ensuring that the secretary of state makes sure they write the oath in more than one language. That sounds like a good thing.

ANCHIA: Do you have any data on how the provisions of your bill would impact non-English speaking voters?

CAIN: Well, here's how I know it would impact voters. So eligibility for assistance—

ANCHIA: I'm specifically referring to non-English speaking voters. I think you're trying to answer a different question than what I'm asking.

CAIN: Yeah, hold on, this is about this. Listen, so it's Section 64.031. It says, "A voter is eligible to receive assistance in marking the ballot, as provided by this subchapter, if the voter cannot prepare the ballot because of a physical disability that renders the voter unable to write or see or an inability to read the language in which the ballot is written."

ANCHIA: My question related to data. Have you looked at any data on how your bill—I mean, have you solicited testimony? Have you asked for a study? Have you asked the secretary of state for data? Because it's not specifically about the provision you're referring to but how your bill would impact non-English speaking voters. Have you done any of the things that I just described?

CAIN: No, sir, and I didn't hear anybody during the testimony mention that. But, you know, I don't think that it's a bad idea that we ensure that the oath of assistance is in more than one language. I mean, this is a diverse state.

ANCHIA: Okay. Now, your bill significantly increases the role of poll watchers at polling locations. Is that correct?

CAIN: I don't think it significantly increases the role at all.

ANCHIA: So it doesn't increase the role at all, in your opinion?

CAIN: No, it simply verifies—

ANCHIA: It doesn't change existing law to—

CAIN: Well, we change existing law to clarify—

ANCHIA: To give that poll worker more power.

CAIN: That's correct. It does not at all. At all. So Chapter 33, by the way, is entitled "Observers," but it's all about watchers, actually. "Observers" is a federal law term, for some reason, but we're on watchers. And it doesn't—

ANCHIA: And so under current law, an election judge has complete authority over poll watchers, correct?

CAIN: Yeah, they've got the—they're the boss of the polling location.

ANCHIA: And in your bill, they would no longer have that authority, correct?

CAIN: No, I don't think it changes their authority or anything. Really clarifying it, you know? For example, this bill makes sure that a watcher who's appointed and properly there, they can't just be removed for any other reason. But to clarify that, we've got some amendments today that we'd like to offer that make sure to clarify.

ANCHIA: Is that Representative Klick? I'm sorry. I couldn't understand who you were referring to.

CAIN: Oh, I've got an amendment as well—

ANCHIA: You? You have an amendment?

CAIN: —that will make sure to kind of clarify that. It will clarify that they can obviously be removed for violation of 276. We've got one that wants to be very clear that hey, you can call the police to have them removed for breaches of the peace. And by the way, they're not even allowed to talk to, communicate to, a voter in the code. I don't know if you were aware of that. Watchers—it's illegal for them to even talk to a voter, you know? And we've got some that want to clarify. You know, that also means you can't harass them, and I agree with that.

ANCHIA: So let me ask you. On page 5, line 18, where you discuss removal of the watcher from the polling place, you put limitations on the presiding judge's ability to remove the watcher. On line 19, you say that the judge "may remove a watcher from a polling place only if the watcher engages in activity that would constitute an offense related to the conduct" of the bill. So that changes the authority of the watcher vis-à-vis current law, does it not?

CAIN: I think it's clarifying what the existing law is. But we also have—I've seen some amendments that we're working on that would say "or of this code." You know, a violation of the code, to kind of really further clarify that. And I think that's already their power.

ANCHIA: But let's be clear about this. Under current law, the election judge that otherwise has the power of a state district judge—you're aware of that, correct?

CAIN: Yes.

ANCHIA: They would have complete authority over the poll watcher to make sure that they could conduct the election. And here, you are placing a limitation and saying that the election judge can only remove a poll watcher under a very specific set of circumstances. Isn't that right?

CAIN: Yeah, you know, so—

ANCHIA: So is that "yeah" as in "yes"?

CAIN: So the overarching goal of this bill is to—

ANCHIA: Just help me out. Did you say "yeah," as in yes, at the beginning of your answer?

CAIN: Yes, and it's because the overarching goal of this bill is to instill the trust in the electoral system, and that's why we're ensuring that watchers can do what they were appointed to do.

REPRESENTATIVE COLLIER: I just want to pick up where Chairman Anchia left off. If you could turn with me to page 4 of your bill. It says, "In this code, a watcher who is entitled to 'observe' an activity or procedure is entitled to sit or stand near enough to see and hear the activity or procedure." What does this word "observe" mean and why is it in quotation?

CAIN: Well, I think it would be related to the concept of what a watcher is there to do. And by the way, this "observe," in Texas, we call them a watcher. Under federal statute, they call them an observer. In the federal, they say an observer is allowed to watch. And in Texas, we say a watcher is allowed to observe. And so I just kind of—that's the way the term's done there.

COLLIER: Well, I'm just trying to figure out why is it in quotes. Is it for emphasis? The bill has "observe" in quotes.

CAIN: Yeah, I guess it's to emphasize they're entitled to observe.

COLLIER: Is there a different meaning to that word than what is in the dictionary? I'm just trying to figure out what is meant by "observe."

CAIN: No, I don't think so.

COLLIER: Okay, and do you define "observe" somewhere else in this statute or in this bill?

CAIN: Yeah, if you give me a moment, let me find it real quick. So currently in the Election Code, under Section 33.056(b), it says, "A watcher is entitled to sit or stand near enough to the member of a counting team" to "read correctly" or "to verify" the votes are "tallied correctly"—you see that concept there. We've also got other provisions under Chapter 33 that say the same thing, you know. And we're just repeating it again so that we can be really clear that the whole purpose is they can be near enough to see and hear the activity or procedure that they're there to observe.

COLLIER: Well, I'm trying to figure out what the purpose is of the quotes for "observe."

CAIN: Maybe it's an emphasis thing.

COLLIER: Well, is it a reference to—are you citing something else? Is it citing a different part of the Election Code? It just doesn't have any type of purpose. I don't know what the purpose is.

CAIN: Okay. Yeah, I think that's there to be clear.

COLLIER: Typically when you have quotes with words, when you have words that are encased with quotes, they're in reference to something. Maybe a quote from somebody? But I'm not sure what the quotes would mean in this measure. So are you defining "observe" somewhere else?

CAIN: I'm not sure. If you give me a moment, I'll look at it.

COLLIER: Okay. So does this part of—

CAIN: I'm trying to get somebody to help me find it.

COLLIER: Okay.

CAIN: It may appear to be a scrivener's error. I was checking, looking at the **HB 6** committee substitute that we passed out of the committee to double check, and it's there as well. Maybe it's a scrivener's error, I assume, that we could fix.

COLLIER: So it was an error?

CAIN: Yeah.

COLLIER: It's not meant to mean anything. Is that correct? With the quotes, I mean.

CAIN: Yeah, you're probably right. Yes.

COLLIER: Okay. So does this part, Section E that we're still on, does that mean that a watcher is entitled to see a voter's ballot?

CAIN: No, not at all. In fact, they're not allowed to do that under the Election Code.

COLLIER: Okay. Does this mean that a watcher is entitled to see what a voter marked on their ballot?

CAIN: No, not at all. In fact, Section 33.057(a) of the Election Code says, "A watcher is entitled to be present at the voting station when a voter is being assisted by an election officer, and the watcher is entitled to examine the ballot before it is deposited in the ballot box to determine whether it is prepared in accordance with the voter's wishes." And then (b) says, "A watcher may not be present at the voting station when a voter is preparing the voter's ballot or is being assisted by a person of the voter's choice." Yeah, that means they can't be there. That's wrong—anything that would stop the security of someone's private vote. They can't do that.

COLLIER: All right. Would you agree that the suppression of lawful voters and voiding lawfully cast votes threatens the stability of a constitutional democracy?

CAIN: The suppression of lawful voters? Yeah, that's a bad thing. I think so, yes.

COLLIER: You would agree with that?

CAIN: Yes.

COLLIER: Will this bill permit a presiding judge to have a poll watcher removed if that watcher intimidates a voter?

CAIN: That would be a crime if they were to intimidate somebody. I think of course they could be removed. The police are there to enforce our criminal laws and things. And right now under 276, and I have to go review 276, voter intimidation is under that. But yeah, that's a bad thing.

COLLIER: So will a presiding judge be permitted to have a poll watcher removed if they are intimidating a voter under your bill?

CAIN: Can you tell me—just real quick so I can answer it—what would they be doing?

COLLIER: Intimidating a voter.

CAIN: Tell me how that looks.

COLLIER: Just a little second ago, your bill says a poll watcher can be removed only for violations of Chapter 273.

CAIN: Of 276.

COLLIER: Oh, 276. Yes, thank you for the correction. So would that include a presiding judge being able to remove a poll watcher if they have intimidated a voter?

CAIN: I guess it depends if it meets 276, but we also will get an amendment that would add "including an offense under Chapter 276 or of this code," just to make sure that that would be included.

COLLIER: So not at this time, though, but you're going to amend it.

CAIN: I'm not sure if 276 covers that, but we do want to make sure that we go ahead and make it very clear, yes.

COLLIER: So will this bill permit a presiding judge to remove a watcher who causes physical harm to a voter?

CAIN: I guess if that would be a violation of the code. Otherwise, they really should call the police so that person could be arrested.

COLLIER: Well, I mean, would the presiding judge be able to have that poll watcher removed?

CAIN: Yeah, they are 100 percent able to call the police and have those people removed. And I'm sure they could ask them to step outside, yes. And I hope they'll call the police. It's very, very important.

COLLIER: I understand but your bill does not provide for that. It says Chapter 276?

CAIN: There are—again, they have the power of a state district judge, so I don't see why they couldn't already do that.

COLLIER: Well, because you limit it in this bill. You said a poll watcher can only be removed—

CAIN: There we go. So 276.001 says, "A person commits an offense if, in retaliation against a voter who has voted for or against"—you know, it's illegal to harm or threaten to harm a voter already under Chapter 276.

COLLIER: So physical harm?

CAIN: To harm or threaten to harm.

COLLIER: So if they cause physical harm, the presiding judge can remove them?

CAIN: It also says or to threaten to harm.

COLLIER: Okay, so then your bill would allow a presiding judge to have a poll worker removed if they cause physical harm to a voter?

CAIN: Yeah, a watcher. Yes, I believe so.

COLLIER: All right. Does this bill require poll watchers to identify themselves to the public?

CAIN: I don't think that's in this bill, but, you know, they're not actually even allowed to talk to voters under Chapter 33. They're not even allowed to communicate.

COLLIER: Well, do they wear anything that says they're a poll watcher? Is there anything that says, "I'm a poll watcher"?

CAIN: No, I'm not familiar with that.

COLLIER: Okay. So there's no way someone, a voter, would know that the person that is sitting or standing near enough to observe the activities—they would not know if they're a poll watcher?

CAIN: Well, one moment. The watcher, by the way, they present their credentials to the presiding judge when they get there. So the presiding judge knows exactly who they are.

COLLIER: But what about voters that are there? The people who are there to vote, will they know who they are?

CAIN: I think some counties do it optionally. They let people wear name tags and things. I've heard about that.

COLLIER: Does anything in this bill prohibit poll watchers from being paid?

CAIN: Does it prevent poll watchers from being mean?

COLLIER: Paid.

CAIN: Paid. Let me look at—when we're looking at bills, it's sometimes important to look at existing law. I'm not sure they can actually be paid. Yeah, I don't think you can be paid to do this. This is a volunteer gig just like—well, actually, it's not really a volunteer for other people. Some election workers do get paid. But it's not in the bill.

COLLIER: Does this bill permit poll watchers to videotape voters inside the polling place?

CAIN: This bill does not do that.

COLLIER: So does this bill prohibit poll watchers from videotaping voters inside the polling place?

CAIN: It does not but current law does.

COLLIER: I'm sorry?

CAIN: Current law does. It's already illegal under current law.

COLLIER: Okay, so this bill would not change that?

CAIN: That's correct, yes. In (c): "A watcher may not be accepted for service if the watcher has possession of a device capable of recording images or sound unless the watcher agrees to disable or deactivate the device." So they can't do that stuff. That's existing law.

COLLIER: And you're not changing that. Are you familiar with the campaign Operation Eagle Eye?

CAIN: I've never heard of that.

COLLIER: Well, earlier, your vice-chair, Representative González, asked if you had reached out to any organizations that specialize or that focus on voting and elections. Did you reach out or did you have any communication with the Texas Civil Rights Project?

CAIN: They were in the hearing room a lot. And they also often handed things to us, and I'd read through their documents.

COLLIER: You read documents?

CAIN: Yeah. When they handed things out for the bills, yes.

COLLIER: Did you consult with them when crafting this piece of legislation?

CAIN: No, ma'am.

COLLIER: Okay. Let me just give you an explanation, because they provided this document to talk about Operation Eagle Eye. The Republican National Committee recruited tens of thousands of volunteers to show up at polling places in communities of color and challenge voters' eligibility, take unwelcome photographs, loudly describe voters on two-way radios, and summon republican-friendly police officers. And in Texas, there were over 10,000 volunteers alone to do that as poll watchers. You weren't familiar with that?

CAIN: I'd forgotten about the term, but I remember reading something like that now. Yes, Operation Eagle Eye.

COLLIER: Were you aware that in 1980—

CAIN: By the way, I mean I read the term, but I'm not familiar with the rest of that.

COLLIER: Sure. Were you aware that in 1981, the RNC organized a partisan poll-watching group called the National Ballot Security Task Force?

CAIN: I'm not advised.

COLLIER: Okay, so this group included armed off-duty police officers who patrolled polling places, and they occasionally removed voters in Latinx and black neighborhoods.

CAIN: You know what, that's actually—I'm glad you mentioned that. We've got a provision in this bill—it's under Section 3.08—and this is to clarify who can be at a polling place because we don't want that exact thing to happen. Polling places aren't libraries. They're not the courthouse steps. And that's why—

COLLIER: Well, I actually have a polling place that is a library.

CAIN: Well, when you're inside the polling place—you know, those doors where it's voting? And that's actually why we clarify who can be inside of it. And it's people that are any kind of government officials are there to do a job, and if they're not doing exactly what they're supposed to be, they don't need to be inside there. And so we say that during the time prescribed, they can only, under this one for a polling place, it's only the "election judge or clerk, a watcher, the secretary of state, a staff member of the Elections Division of the Office of the Secretary of State performing an official duty in accordance with this code"—meaning they don't get to just go hang out. They've got to be there to do a job.

COLLIER: So let me ask you this. In 2018, Dallas poll watchers had to be escorted out for looking over voters' shoulders. Were you aware of that?

CAIN: I was not, but that's wrong because I think when we go to the code, it says they can't do that.

COLLIER: But that's just a tactic that they used. In 2010 and 2020, Houston poll watchers were reported for being too close to voters.

CAIN: What do you mean by too close?

COLLIER: Well, I guess it must be closer than the six feet that you reference.

CAIN: I don't reference six feet.

COLLIER: Okay, so—

CAIN: I wasn't really good at following those rules.

COLLIER: This is what the problem is. When you have in-person elections and people have to be there—and we're still in the pandemic and there's COVID-19 going on—if you have a poll watcher who is too close, that could become concerning. That's very concerning. Were you aware that poll watchers in Texas have also been known to call border patrol in an attempt to curtail Latinx voters?

CAIN: I'm not advised, and I didn't hear anybody in committee explain any of that either.

COLLIER: So in Dallas County, a voter—were you aware of this—a voter reported that a white female poll watcher was standing within three feet of all the voting machines and taking notes on a clipboard. Will your bill allow for that process?

CAIN: We're actually—we're not changing any of that current law. Again, under Chapter 33, it allows people to take notes, and they can't leave with their notes without giving them to the presiding judge. And that's current law. We're not affecting that at all.

COLLIER: So they can stand close to the voter while they're voting? Is that permitted under your bill?

CAIN: Well, the bill says, conveniently, "enough."

COLLIER: Okay. So in Bowie County, a black voter had someone who appeared to be acting as a poll watcher looking over her shoulder. And this is why I asked you about if your bill requires them to have identification. So they had a poll watcher or somebody acting as a poll watcher look over her shoulder as she voted and ask her about who she was voting for. Will your bill prohibit those types of actions?

CAIN: It's already prohibited in the code. They're not allowed to communicate to a voter.

COLLIER: Okay, so they're not allowed to.

[Amendment No. 1 by J. González was laid before the house.]

J. GONZÁLEZ: This amendment simply strikes the enactment clause in the bill. You know, I don't think that anyone in this chamber would advocate or condone voter fraud. All of us can agree that anyone who commits voter fraud should be prosecuted, convicted, because that's just not how our democracy is supposed to work. But members, the only way our democracy can function is by allowing people to be able to participate in that democratic process, not creating barriers that make it more difficult, intimidating, and make people fear going to exercise their right to vote. That's what I think will happen if we pass this bill, and I don't think that Texas wants that. As a woman of color who has worked in the Department of Justice in the Voting Section and led the voter protection charge in Nevada in 2012, I know what discrimination looks like, and **HB 6** is just that. It's old Jim Crow dressed up in what our colleagues are calling election integrity. We cannot deny Texas' long history of using a racially gerrymandered legislature and blatant attempts to pass discriminatory laws with the intent to disenfranchise people of color. Yet here we are again. Even Governor Abbott was asked a few weeks ago, when he was promoting this bill, "Was there voter fraud in the 2020 election?" He said, "I can't think of any. I don't know of any, but there may have been." And the secretary of state, who was appointed by the governor and who oversaw the 2020 elections, said to the Elections Committee that the election was "smooth and secure".

Members, this is by far the worst piece of legislation that Texans have seen. We should be encouraging more Texans to vote, not trying to turn someone who makes a simple mistake a felon. I think about me when I was young and I was a new voter. I was excited but I was really nervous. It's scary to go to the polls for the very first time. I remember even asking for assistance because I was scared that I would push the wrong button and my vote wouldn't count. Creating these additional barriers is going to make it even scarier for people and limit the assistance a person may need, just like the 18-year-old Jessica who went to vote for the very first time. This bill places burdens on elderly, disabled, and minority voters by virtually guaranteeing that a large percentage of their mail-in ballots will be rejected. These ballots will be rejected not because of fraud but because the voter did not fill out the paperwork in the way that it is delineated in this bill. There is no cure process for this type of disenfranchisement. This will silence thousands of potential eligible voters. And haven't we heard this over and over by the supporters of this legislation that any cancellation of any legal vote is voter suppression? And so that's what this bill is going to do, in effect.

This happened to me once, and I will say that I was so disappointed. It was the 2008 presidential primary election, one that was historical in the eyes of many. I was a law student and I went to school out of state. I applied for my vote-by-mail ballot, and it was the first time I ever had. I was so excited about receiving it and dropping it in the mail felt like the very first time that I went to go vote. Come to find out, I got a letter in the mail about a month or two later and found out that my vote was never counted. And I haven't really told a lot of people that story because, to be quite frank with you, it felt embarrassing. I was embarrassed by it because, technically, I didn't go vote. And I was so excited about voting in that election. Mainly, I was heartbroken about that because I did

not have the opportunity to have my voice heard in that primary. This bill is going to increase the chances for those in that type of situation for it to occur more and more. It's going to affect people who are in the military and students who go to school out of state. We should not be making voting more difficult, and that's what this bill is going to do.

In addition, this bill places poll watchers in positions to intimidate voters in the polling place, and those watchers, no matter how disruptive or coercive they may be, they cannot be removed unless they are violating a part of this code. And in fact, it makes it a crime to remove a disruptive poll watcher. Poll watching is not a constitutional right like our right to vote is, and we need to understand that. The idea that we should allow poll watchers into the polling place and not remove them when they disrupt the administration of our elections is ludicrous. Even after 20 hours of testimony of people testifying on the dangerous effect that this bill will have on Texas voters, this bill was still rammed through our committee as if these real concerns were an insignificant nuisance. And still we are being forced to hear this bill today despite the outcries of the people of Texas.

Finally, the biggest tragedy of this bill is the chamber's failure to work together. I think that there are many things that the folks in this house can agree on. There are provisions in this bill that no one should accept. But when you only talk amongst the people who you agree with, this is the result. This bill right here is the result. We are Texans and we take pride in our state, of who we are, where we came from, and we must do better. And we can do better. No one on this floor got here because of voter fraud. The reason I know that is because the secretary of state told me so—told members of the Elections Committee that were present during the hearing and the thousands of Texans across the state that tuned in that our elections were safe and they were secure. So I'm not really sure what problem we're trying to solve today. Every single member on this floor believes that election fraud is a crime and should be prosecuted. Where we disagree is that we do not believe that legal voters should be rejected and disenfranchised because of the extraordinarily rare crime of election fraud that, again, doesn't really exist.

People may want to deny the fact that systemic racism exists, that Jim Crow laws from the old days aren't coming back, but we know that they do. Texas is one of the main reasons that the Voting Rights Act of 1965 was passed by President Lyndon B. Johnson—because of Texas and other southern states—and for us to ignore the facts and pretend that the problems never existed is insulting. It's insulting to the people of color. It's insulting to all the people who have faced discrimination in the past. And it is insulting to the people of color of today. We should not be making voting more difficult. You know, I have a sign on my door in my office that I brought here to the floor today. It says, no negros, no dogs, and no Mexicans allowed. I have it in my office, and I have it hanging by the door so I can see it every single day when I walk out of my office that our rights should never be taken for granted. It will be a dark day in Texas if **HB 6** becomes law. Let's reject this bill and start again. And let's do right by Texans.

COLLIER: Vice-chair González, I want to thank you so much for your steadfast leadership on the House Elections Committee. You have done a fine job. I appreciate your leadership and being the voice of those who have been left out.

J. GONZÁLEZ: Thank you, Madam Chair.

COLLIER: I want to ask you information about your amendment to strike the entire bill. On the committee, you heard information, you heard testimony from the attorney general's office. Did they provide you with evidence of widespread voter fraud in Texas?

J. GONZÁLEZ: No, ma'am.

COLLIER: Did they provide you with evidence of issues with fraud and limited integrity? Did they show you where or did they provide information about where the purity of the ballot box is in question?

J. GONZÁLEZ: No, ma'am.

COLLIER: There was no evidence of that?

J. GONZÁLEZ: No.

COLLIER: Did they provide you with any information about those that they are currently investigating?

J. GONZÁLEZ: They did. Well, they personally didn't at first when we requested it at our organizational meeting. They had just given us a blanket number—I believe it was like five hundred and something—seemingly making it look like they were investigating 500 individual cases. But in reality, it was offenses. And the reason that that number had spiked so much was because there were individual people that were getting charged with all these other offenses, some that were overlapping, like conspiracy and things of that nature. And so it was very misleading to the members on the committee because they made it sound like they were investigating that many people when in reality, if I'm recalling correctly, all those offenses broke up into about five or six people.

COLLIER: That's what I recall as well. So the people that have been the target of the attorney general's investigations, did they give you the racial makeup of those individuals or ethnic makeup?

J. GONZÁLEZ: They did not. They said that they do not keep that information.

COLLIER: So in the past, those that have been charged with voter fraud, did they give you the racial or ethnic makeup of those individuals?

J. GONZÁLEZ: No ma'am. We requested it. They told us that they do not keep that information.

COLLIER: Okay, they do not keep that information. Would it surprise you to know that people of color have been the target of those investigations? So you talked about the poll watchers. You said that was a concern for you. Are you familiar with the history of the poll watcher? Are you familiar with the intimidation tactics they used?

J. GONZÁLEZ: I'm aware of it happening.

COLLIER: In fact, it's happened in the 2020 elections.

J. GONZÁLEZ: Yes, ma'am.

COLLIER: So if we're still seeing these intimidation tactics, do you have any idea why we would need to further empower a poll watcher?

J. GONZÁLEZ: Absolutely not. I mean, I've seen some of this happen actually to one of my colleagues from my Dallas delegation in one of her reelection campaigns.

COLLIER: But it's your understanding that this bill would empower poll watchers?

J. GONZÁLEZ: Yes, ma'am.

COLLIER: And do poll watchers take an oath now to be a poll watcher?

J. GONZÁLEZ: No.

COLLIER: Okay. Are poll watchers trained?

J. GONZÁLEZ: No.

COLLIER: They're not trained, but the presiding judge is trained?

J. GONZÁLEZ: I believe so, yes.

COLLIER: The election judge is trained. They received a training. They take an oath, but the poll watcher is not taking an oath. So let's talk about the criminal penalties that you mentioned that you said are unnecessary. Under this bill—well, let me ask you this. Based on the information that you have and based on your experiences with elections, traditionally has it been difficult to enlist poll workers?

J. GONZÁLEZ: Yes.

COLLIER: And I'm talking about poll workers, people who are at the clerk's—the clerks and the presiding judges. Has it been difficult to do that?

J. GONZÁLEZ: Yes, very difficult.

COLLIER: And so the criminal penalties that are in this bill, do you believe that that would further limit participation and volunteerism as a poll worker?

J. GONZÁLEZ: Absolutely. For some of these folks, this is a part time job. It's not like they make tons of money working the polls when we need them. It's very difficult for polling locations to fill those positions. And when you put a person in a situation that they can accidentally commit a crime, it's going to discourage people from taking those positions and make it even harder for people to be able to employ folks at the polling location when we need them.

COLLIER: Absolutely. So you believe that this bill is going to really have a disparate impact on the polling locations.

J. GONZÁLEZ: I'm confident that it will.

COLLIER: All right. And then let's talk about the impact of the voter assistance section that you are striking of this bill. You talk about simple mistakes. So if somebody accidentally fills out the form, is there a provision in here that excuses that mistake?

J. GONZÁLEZ: Not that I'm aware of.

COLLIER: Or do they automatically get arrested first and questions later?

J. GONZÁLEZ: I'm not aware. When we've asked some of these questions to the AG's office, because they're going to be the ones that are going to be enforcing this bill, even some of those responses were unclear to us, too, on how this would be enforced in several provisions of the bill.

COLLIER: So that's the concern that we have is that you get arrested first and then questions are asked later. But there's no provision here that removes that arrest when someone is vindicated. Would you agree with that?

J. GONZÁLEZ: Yes.

COLLIER: So do you believe that this bill, if it was passed, would have the impact of increasing arrest for individuals?

J. GONZÁLEZ: Absolutely.

COLLIER: And so that would, in turn, impact that person's ability to thrive—meaning that, with the arrest record, it would impact their ability to contribute to the economy.

J. GONZÁLEZ: Yes, ma'am, and it would also discourage people from assisting a voter because they're going to be afraid that they're going to be "unlawfully" assisting a voter under the language of this bill.

COLLIER: So not only can the voter be charged currently but the person who is providing assistance could also face charges because right now, someone can have someone assist them with voting.

J. GONZÁLEZ: Yes, ma'am.

COLLIER: And this bill does not even limit a poll watcher's ability to walk around and observe those activities, does it?

J. GONZÁLEZ: No.

COLLIER: So they can come stand behind them?

J. GONZÁLEZ: Yes, ma'am.

COLLIER: Under this bill?

J. GONZÁLEZ: Exactly.

COLLIER: They can watch what they're doing—follow them around, even?

J. GONZÁLEZ: Yes.

COLLIER: They could follow voters around under this bill?

J. GONZÁLEZ: It gives them free range, and it does not allow you to remove them even for doing coercive things in the polling location. Or if they're doing things that are threatening a voter, you're not allowed to remove them.

COLLIER: Are you familiar with the term "progressive sanctions"?

J. GONZÁLEZ: I'm not advised.

COLLIER: Okay, that's in the criminal law. In the criminal law, what we do is you start off at a lower penalty phase and then as the crime or the offense becomes more egregious, you increase the penalties. So, of course, we have Class C, Class B, Class A misdemeanors, and then you go into the state jail felony and above. Are you familiar that this bill really starts at the Class A misdemeanors and then works up to state jail felonies?

J. GONZÁLEZ: Yes.

COLLIER: So the first offense could land someone in jail. Were you aware of that?

J. GONZÁLEZ: Yes, ma'am.

COLLIER: And so with the state jail felonies, this bill would really deter someone from participating because of the fear of having some type of criminal record.

J. GONZÁLEZ: Absolutely, it will.

COLLIER: And so that's why you've brought this amendment. Because you have not heard, there's no evidence of, there has not been testimony on that would support—or credible testimony—that would support the necessity of the measures in this bill.

J. GONZÁLEZ: Yes, there is no data that's driving any good policy behind this piece of legislation.

CAIN: Members, what this amendment would do is it would remove the enacting clause, and I must respectfully move to table the amendment. I withdraw my motion to table. I do oppose this motion, and I ask that we all vote no.

ANCHIA: I don't know if you were in a position to hear the testimony or the remarks offered by Vice-chair of the committee González. I wanted to ask you if you're familiar with the term "voter suppression" because she raised it a number of different times. Are you familiar with that term?

CAIN: I just wanted to get some clarification about the amendment. We've heard that term.

ANCHIA: I'm sorry. I'll restate the question. Are you familiar with the term that Vice-chair González used where she described the contents of the bills as voter suppression? Are you familiar with that term, "voter suppression"?

CAIN: I've heard that term a lot.

ANCHIA: And how would you define it?

CAIN: Well, I believe there's laws that define it. I guess for me it would mean where you're stopping people from voting.

ANCHIA: And could you furnish an example of what you think that looks like?

CAIN: Oh gosh, I think a great example would be—a poll tax would certainly be a form of voter suppression. It's a stain on our nation's history.

ANCHIA: Okay, so a poll tax. Would putting up regulatory barriers to a person voting be voter suppression?

CAIN: I guess that would depend on that barrier.

ANCHIA: And so you've clearly stated that a poll tax is voter suppression. What if a person goes to the polls—who is otherwise eligible to vote—and is unable to vote? Do you think that's voter suppression?

CAIN: If a person goes to the polls and they're eligible—

ANCHIA: Who is otherwise eligible.

CAIN: And they're unable to vote?

ANCHIA: And they're unable to vote.

CAIN: I guess it depends on the reason. I mean if, let's say, I don't know, there's a fire in the polling place—I don't know if that was some kind of intentional suppression.

ANCHIA: Absent, sort of, acts of God, emergencies, and other things—otherwise eligible to vote. Lives in the precinct or in the county where they're registered, shows up to vote, is on the list, and is unable to vote. Do you think—

CAIN: What stopped them from voting? I think this is a really important factor. And I must admit, I'm not a judge here, and I'm not—

ANCHIA: Sure, but you think that would be a bad outcome, right?

CAIN: Well, yeah, that would be bad. But I don't know if that equals that, is what I'm saying. Yeah, that's terrible.

ANCHIA: That would be—so a regulatory regime that produces that outcome would be a bad result? If a person is eligible, is registered, shows up at the poll, and attempts to vote and is unable to vote—you think that is a bad public policy result?

CAIN: And they showed up on time?

ANCHIA: They showed up on time during the election.

CAIN: Yeah, that's not a good thing. But that's also, for example, why we have backups. For example, we let people vote provisionally and things because we don't want to send them away.

ANCHIA: Okay, but you agree that that's a bad result?

CAIN: Yeah, and that's why this bill's designed to make sure that we protect all voters to allow them to be able to vote.

REPRESENTATIVE CROCKETT: Mr. Cain, I'm just a little bit curious about what it is that you do know about voting in the State of Texas. Number one, do you realize that the voter turnout in the State of Texas tends to be among the lowest, if not the lowest, in this country?

CAIN: One moment, I've got something on that. I think, actually, we had like the highest turnout. We actually broke records in 2020. Even during the pandemic, by the way. I'm not sure if—

CROCKETT: We broke records for Texas.

CAIN: Yeah. Yeah, yeah, isn't that awesome?

CROCKETT: But overall—

CAIN: I know, but I think that stands for something, that even during a pandemic, Texas broke records on turnout, on first day of voting. And so—

CROCKETT: Okay, so let's try it this way. Are you aware that Texas makes it harder than all other 49 states to vote?

CAIN: I'm not. You know, I've seen that, and I've seen disputes on that evidence. I've heard people say it, and I think it's disputed.

CROCKETT: Okay, well let me ask you this. You'd agree with me that nothing in this bill actually expands access so that more people can vote, correct?

CAIN: Well, again, so this bill—this one, we've got other bills. This bill makes sure that people aren't taken advantage of while they're trying to vote. This makes sure that their vote's counted, that their vote's not stolen, and so in a way it does that.

CROCKETT: Okay, so it's integrity. So let's talk about integrity, just briefly. In this bill, once again, we're working on local control issues. You decided that no one would be allowed to vote before 7 a.m. or after 7 p.m. Is that correct?

CAIN: That's not in this bill, sorry.

CROCKETT: It's not in this bill? You struck that?

CAIN: I mean, it's just not in this bill. It's not in this bill.

CROCKETT: It's not in the bill that we're dealing with today?

CAIN: No, ma'am, it's not in this bill. This is the house committee substitute. This is the house committee report for **SB 7**. It's identical to the committee substitute for **HB 6**.

CROCKETT: So we don't have to worry about you attempting to limit the hours that persons would be able to vote. Is that right?

CAIN: Voting hours is not in this bill.

CROCKETT: Okay, so let me ask you this, because I apologize, there's been a number of versions. Does this bill have anything in there that restricts an administrator, say, from doing something like what we saw in Harris County where they provided for additional locations for persons to be able to drop off their mail-in ballots?

CAIN: I don't think there's anything here in this bill that does that. Now, there is something in the bill that maybe might address that, so—

CROCKETT: I'll tell you what. Seemingly either I don't know your bill or you don't know your bill.

CAIN: Yeah, I do know. You're right. That's not in the bill.

CROCKETT: So what I'm going to do—this is on me. So what I'm going to do is I'm going to go back to my notes, and I'm going to get you page and line, and we'll talk about it a little bit later. Is that fair?

CAIN: Please, that would help. Yes, ma'am.

REPRESENTATIVE A. JOHNSON: Representative Cain, we were talking up there and I was asking when I might be able to ask you about a couple of definitions with regard to amendments. What does "in connection with an official ballot" mean?

CAIN: Could you point me to the line in it so I can read "in connection"?

A. JOHNSON: I sure can—page 15, lines 17 and 18.

CAIN: Lines 17 and 18?

A. JOHNSON: Yeah, on page 15. So this is in your definition of vote harvesting.

CAIN: Representative Schofield just walked by and reminded me that we have an amendment that's going to fix this.

A. JOHNSON: Oh, okay, good.

CAIN: But by the way, "in connection with an official ballot"—you know it's so hard to define terms based on what they are. I have a feeling—my brain, it says, connected to an official ballot. But I think we've got some clarifying language coming up in an amendment.

A. JOHNSON: Great, and I'll gladly look at those, but I want you to know the reason I'm asking is because I'm thinking about this from a prosecutor perspective. Because you're making this a felony, which means if I were still assigned to the DA's office, I'd have to decide who I can prosecute and who I can't. And most of the time, we have definitions of terms so that there is some clarification. So I will gladly look at the amendment, but that is a question. What does it mean to be—

CAIN: Is this a fact question or would that be a question for a jury?

A. JOHNSON: I think there's a fine line between what's a fact question and what's a definition of law. And if you look in the Penal Code, in Section 1.07 we have definitions of terms or we have definitions of terms in a chapter. You have definition of terms in here, but I don't see a definition of the term "in connection with an official ballot." So my question—

CAIN: Well, I guess that would be a question for the jury, then.

A. JOHNSON: I don't think so because you have to give notice. So if the question is of notice, because you and Vice-chair González disagreed, if my wife is standing—so the question is, if somebody is outside a poll and someone is going in to cast their vote, is that location "in connection with an official ballot"?

CAIN: Well, you know, so we've got to read it in context of things. So for example, on page 16, at line 4—this is that Subsection (e)—it says: "This section does not apply to political speech or other acts merely promoting a candidate or measure that do not involve direct interaction with an application for ballot by mail, in the presence of the voter or a voter's official ballot, ballot voted by mail, or carrier envelope." I guess if we are voting out at locations, I don't see where that ever comes into play.

A. JOHNSON: I appreciate that, and I have the same quotations on page 16, line 9, because my question is, your definition says "a voter's official ballot, ballot voted by mail, or carrier envelope." I think "carrier envelope" would have a clear definition—if not by statute, by dictionary. I think "ballot voted by mail," again, is a recognizable thing. But I am genuinely confused, as a prosecutor preparing for this trial or to give notice to a defendant, is a voter's official ballot an electronic machine?

CAIN: I guess it could be, yeah.

A. JOHNSON: Or is it just paper?

CAIN: Well, there are paper ballots, and we want to be clear that this is their official ballot and not some other ballot, yeah.

A. JOHNSON: So the question would be, is this just limited to mail ballots? Or is this also attributable to the machines when we go to a polling location? And so I would ask the author to consider that because I don't know that we're giving notice.

CAIN: One moment, please. You know, it's my understanding that this is really about mail and mail-in ballot applications—the envelope and the ballot that would go inside the security envelope which then goes inside the carrier envelope. That's my understanding.

A. JOHNSON: Would the author be acceptable to a friendly amendment to clarify that this section is limited to mail ballots only?

CAIN: By the way, so if you offered, if you bring it to Representative Schofield, I think we have some language to clarify this, and maybe we could all talk and get it going.

A. JOHNSON: All right, and then let me ask you one other thing—and again, this might go to the same concept—"or during the voting process." Can you give me the definition of what it means to be "voting process"?

CAIN: And what page and line number are you on?

A. JOHNSON: So "voting process"—

CAIN: Because usually things in context matters. I mean, "voting process" could be inside the polling place while people are voting. I guess "voting process" could be while someone is filling out their ballot. I'd just like to see the language that surrounds it to understand exactly what that means here.

A. JOHNSON: I'm going to have to look.

CAIN: Yeah, we're trying to google it right now or at least look it up in a PDF version of the bill, but we can come back to it, and once he gets to it we can try and answer that.

A. JOHNSON: That's great. On page 16, "for services other than the vote harvesting services provided"—can you also tell me what the definition of "services" is?

CAIN: All right, let's do this. So we are on page 16. What line are we on?

A. JOHNSON: Lines 14 through 16.

CAIN: So this is Subsection (f): "In this section, compensation or other benefit in exchange for vote harvesting services is inferred if a person who performed the vote harvesting services for a candidate or campaign solicits, receives, or is offered compensation from the candidate"—I'm not understanding what the problem is—"for services other than the vote harvesting services provided". The idea is trying to get around by an indirect payment.

A. JOHNSON: So your definition of "services"—again, it's inferring, which is a very unique concept in the Penal Code, and you're saying "for services." So do you mean financial compensation?

CAIN: Okay, yeah, compensation or other benefit. Compensation means money or other benefit. It could mean doing political favors and other things like that. I think it's defined here in the code: "'Benefit' means means anything reasonably regarded as a gain or advantage, including a promise or offer of employment, a political favor"—which I hope we all think is not a good thing—"or a favorable discretionary official act, and a benefit to any other person whose welfare the beneficiary has an interest." So like buying someone a car.

A. JOHNSON: So just to clarify, I'm not talking about the benefit. I'm talking about page 16. On 15, it says, "is offered compensation from the candidate or campaign, directly or through a third party, for services other than the vote harvesting services provided." My question is, what does "for services" mean on line 15, at the end of the sentence. Do we have a definition of "services" in that context?

CAIN: Yeah, I guess that definition would be, in its context, "for services other than the vote harvesting services."

A. JOHNSON: Correct, and what are "services"?

CAIN: Well, I guess that'd be left up to the prosecutor and the jury for that.

A. JOHNSON: Actually it's not. We follow the law of definitions, and as I mentioned earlier, you can either put a definition under 1.07 of the Penal Code or you can put a definition in this subchapter. And if you don't put a definition in this subchapter, then we're going to defer to the dictionary, and the dictionary says "to offer help." So are you intending it to be that broad, that services are to offer help? Because I was thinking about Vice-chair González's question earlier when she said if my wife is standing outside pushing cards for me, promoting me

as a candidate, and my wife is married to me and offers me help daily and gratefully, and she does get insurance, and that insurance is part of our marriage—is my wife technically now a third degree felon under your statute?

CAIN: Yeah, I guess services other than that means some other kind of service, so.

A. JOHNSON: So I need a definition because other than that you're leaving it up to a significant amount of prosecutorial discretion, right?

CAIN: I'm not sure. I mean, I believe that you believe that.

A. JOHNSON: No, no, no. This is Texas law. We make the policy. Prosecutors prosecute the law—

CAIN: I think it's worded fine.

A. JOHNSON: —and we do it by definitions, and you're not providing me a definition as a prosecutor.

CAIN: Well, look, there's a lot of definitions in the code, and we'd get nowhere if we had to define every term and word. However, I will say I'm glad you brought this up. Let's talk about it. A lot of people have been talking to us for the last few months.

A. JOHNSON: Great. So this is the only time we can talk about it because we know once we start voting on these amendments they're going to go red and blue. We already know the outcome of this. And to let the people of Texas know what your notice is on whether or not they're going to be a third degree felon—this is it.

CAIN: Look, I'll tell you this much. Ms. Johnson, you may recall early on in this session I sent out a letter to every member of this body and said, hey, come talk to us. We want to have some input. We want to hear from some people, and this is the first you've brought it up. Let's talk about it with Representative Schofield or Representative Jetton over here. Let's talk about it so we can look and try and understand it with you, okay? I'm not against that, so let's chat. Now we can do this longer—

A. JOHNSON: I don't want to do it longer, but also let me tell you—

CAIN: Or we can try and look at it. You mentioned how the votes would go. And let's talk about it so we can help clarify things.

A. JOHNSON: Okay, so let me also reference, because you asked where I was getting "during the voting process." It's on page 14, line 17. So again, it says, "influence the independent exercise of the vote of another in the presence of the ballot." So again, my question is, what is "in the presence of the ballot"?

CAIN: Oh, during the voting process? That's existing law. I guess that's during the process of someone voting. Yeah, during the voting process.

A. JOHNSON: So again, it says, "including by altering the ballot of another." And so my question goes back to, is "ballot" an electronic machine or are you limiting this law to paper ballots being submitted and received through the U.S. mail?

CAIN: I think this is intended to be "altering the ballot of another," and that's however that is. And that is wrong if someone "knowingly or intentionally makes any effort" to alter someone's ballot, whether it's digital, virtual, paper. And—

A. JOHNSON: So Representative Cain, I'm just letting you know, as a prosecutor you have to give notice. And if I'm asking you that I can't figure out what your intention is of "ballot," and it's a simple question of machine or paper, and you can clarify it. So Representative Cain, I would ask if you would please, before—because we know this is passing—before you put a law that makes Texans a third degree felon with two to 10 years in prison, that you have the decency to describe to them these terms so they know what they can and cannot be prosecuted for.

CAIN: All right, let's be helpful. So right now, the way this is written, it says state jail felony. I've got an amendment to take it down to a Class A misdemeanor because that's actually where I think it should be.

A. JOHNSON: Great.

CAIN: It should be restored back to where it is because I think prosecutors actually need misdemeanors sometimes for—

A. JOHNSON: Say that again?

CAIN: I think prosecutors need misdemeanors. If you have all felonies, you can't work things, you know? And this bill, I think this was **HB 542**, this language is almost identical. We went down on the crime level, and we're going to go even lower. I believe it was by Representative Greg Bonnen that this language was done. It passed this chamber—I don't know, 98 to 40-something. And it passed our committee—I believe, I don't know, something like 7-2 or maybe it was 5-4. And it's already passed committee in the senate doing this identical thing. And questions weren't raised then when we went over this exact thing.

A. JOHNSON: Do you mean the first time when you shut down the hearing or the second time you had a hearing?

CAIN: No, **HB 542** is Section 5.03 of this bill. Except in that bill, the crime was even higher. I think it was like a third degree felony or something like that. And so this bill has it as a state jail felony, but I've got an amendment drafted that will turn it back to a Class C misdemeanor.

A. JOHNSON: Well, let's go—since you want to talk about punishment range. Let's go back to the discussion of if my wife is outside a polling place and encouraging people to vote for me as they walk in to cast their ballot, and she receives a service from a third party vendor, which is insurance, because of her marriage to me, and the fact that she is a wonderful, loving wife that provides me

help which meets the definition of the dictionary, which I would have to refer to since you've not provided a definition—is my wife now a third degree felon? Is that your intention that she's going to go to prison for two to 10 years?

CAIN: I don't think. It's not in connection with the official ballot.

A. JOHNSON: I'm sorry, what's an official ballot?

CAIN: I don't think that that service is in connection—like the purpose, it has a nexus with you, with your vote.

A. JOHNSON: So the problem is, if you look at page 16, on line 12, you have defined that her benefit from a third party is inferred to be harvesting. And that's why I said, if you fully grasp—

CAIN: Yeah, if they're doing something with connection with a vote.

A. JOHNSON: —for something we don't do anything in the Penal Code.

CAIN: Well, if it's in connection with a vote, yeah, that is what it says.

A. JOHNSON: No, no, no. It says you're going to infer that that compensation is for vote harvesting services even though it's from some other party. So you're not asking for direct benefit. You're implying that anybody who is getting any compensation from services from a campaign's individual or a third party.

CAIN: Yeah, we're going to infer it. Well, hold on. I think this—I mean, it makes sense. We're going to infer it if you perform vote harvesting services. We're going to infer if you perform vote harvesting services, which is a defined term, for a candidate or a campaign if you solicit—meaning you ask for money or you receive money or if you're offered money. Why can't we infer that you were compensated if you asked to be paid to perform a vote harvesting service, which the code defines.

A. JOHNSON: Which code? I mean, are we talking about the Penal Code or the Election Code.

CAIN: I'm sorry, the bill. The bill defines it.

A. JOHNSON: And the bill is referring to the code, and so I'm asking you, very genuinely—

CAIN: The bill has the term "vote harvesting services" defined at line 16, page 15.

A. JOHNSON: And that's fine. I got that definition. The problem is you're inferring compensation for services by a third party as intent for payment for vote harvesting.

CAIN: Yeah, if you ask for money.

A. JOHNSON: So that's the hypothetical. The hypothetical is my wife receives insurance benefits. The service, because you're not giving me a definition, could be that she helps me daily by walking the dogs, feeding the dogs, helping me, right? And she gets insurance from a third party vendor that can be considered

financial. And now she's going to go stand outside and have on a T-shirt that says "Ann Johnson" and she's going to tell a group of people coming to the ballot, please vote for my wife. That violates your third degree felony.

CAIN: I don't see that happening. I don't that see being a possibility.

A. JOHNSON: But that's the question, which is you don't see it happening.

CAIN: There's no way. There's no way it's going to happen. Can't happen.

A. JOHNSON: Okay, so let's go through the analysis here. Because you say you don't see it happening, but the decision is prosecutorial discretion, correct?

CAIN: There's no court that's going to allow somebody to prosecute that. And when you read it, we all know what it means.

A. JOHNSON: But wait. I know you say that, but this is what I'm asking you. Follow me through with Penal Code law. I'm going to trust that you know the election law since you're the chair of Elections. Prosecutorial discretion is warranted to every county, right? Do you know that? Are you aware of that?

CAIN: I'll trust you that that's what it is.

A. JOHNSON: Okay, great. Will you also trust me that prosecutors are elected individuals with a partisan tag?

CAIN: They're elected, and I think we have things in place to try and restrain that partisan tag, but yes.

A. JOHNSON: No, no. Prosecutors are elected with a partisan tag. We have the ability to make them nonpartisan because that's what we do in other elections.

CAIN: Oh, I thought you were saying that they were always partisan or something like that.

A. JOHNSON: But prosecutors are elected with a partisan tag, and you are giving a law to partisan individuals with complete prosecutorial discretion on a third degree felony of which I have just articulated a fact pattern that could easily fall into the hands of a wrong prosecutor with voter intimidation.

CAIN: But for one, I think somebody had an amendment for to go to a state jail. But I think it has to be connection with the ballot. I'm sorry. I disagree with your reading of that.

A. JOHNSON: And the ballot—so let's say that people are walking in—the ballot's right there, right? You know that 1,000 foot marker? I know you know this because you're the chair of Elections. There's a 1,000 foot marker, we have to stand outside of it, and the ballot is right there. It's the moment. And that's the question of during the election and voting process. When does the process begin?

CAIN: This is paying somebody for them to do something in connection with that ballot. I don't think we're—

A. JOHNSON: Will you please amend your law so that is clear? Because that's not what your law says. That's not what your bill says.

CAIN: Well, Representative, I believe I've invited you to come down and talk with Representative Schofield and others to get to doing that.

A. JOHNSON: All right, I'll do it. I appreciate the invitation to help you amend this law, to provide notice, and to stop prosecutorial discretion to go after political opponents. And I thank you very much, and apparently, my wife is going to thank you too, since you might set her up for a felony in 2022.

REPRESENTATIVE J.E. JOHNSON: So there's been several questions asked of you about harvesting and solicitation, and I wanted to clear up a few things that I don't know. If they've been addressed, I didn't hear them. But in the solicitation matter, the definition is very broad. Would that be inclusive of people who are making phone calls to voters to see if they would like to fill out a mail-in ballot? Is that considered solicitation under your bill?

CAIN: No, ma'am, and we have something in this bill that clarifies exactly that. In fact, we've learned about that from questions, I believe, from Representative Bucy in committee and some others. And so we clarify that. It's somewhere in here. I'm sorry. I don't know exactly the spot. Let me see. "This section does not apply to political speech or other acts merely promoting—"

J.E. JOHNSON: What page are you on?

CAIN: We're on page 16, line 4.

J.E. JOHNSON: Okay, so is this the entire bill or are you referring only to the previous section of 276.014?

CAIN: Yes, that's what that would mean, this section.

J.E. JOHNSON: Just to the section? So the rest of any of the political speech or promoting a candidate, that limitation is not to the entire bill, only to this one section?

CAIN: Well, that's to this section because something like that needed to be there, yeah.

J.E. JOHNSON: So just to be clear so that we're clear on legislative intent, any campaign is eligible to text, phone call, or reach out to eligible voters who can vote by mail and encourage them to request a mail-in ballot. Is that correct?

CAIN: Well, it's exactly what this says from page 16 to lines 4 through 10, and it means that. And I guess that's based on what a reasonable person would read that as.

J.E. JOHNSON: I would just like an answer to the question. It's a simple yes or no.

CAIN: I think it means exactly what it says.

J.E. JOHNSON: So does that mean it's a yes?

CAIN: No, it means what it says.

REPRESENTATIVE C. TURNER: I'm speaking in favor of this amendment to strike the enacting clause today for several reasons. I'd like to take a few moments to talk about what is really framing this debate that we're having this evening. First of all, none of us should get lost in the partisanship of all this. And make no mistake, the backers of this election bill believe it'll help republicans and hurt democrats. We all know that. And you know, we'll have a lot of those today, and a lot of them probably fall along party lines. That's no surprise. But that is not why this bill is so insidious, and that's not why so many of us oppose it with the intensity that we do.

The theory driving this bill and the provisions themselves in the bill are designed and intended to undermine and suppress participation in elections by black Texans, Latino Texans, the Asian American community, and folks who have a disability. It's a straight up assault on voting rights. Key provisions of this bill will almost certainly be overturned by the courts, and if the John Lewis Voting Rights Act reauthorization legislation is adopted in the federal level, it's likely that all or nearly all of the provisions in this bill would fail a fair voting rights preclearance review. Now, all of us coming into this debate are aware or should be aware of our state's shameful history of intentional discrimination. Just since 2011, the last decade, federal courts have ruled nearly a half dozen times that state leaders violated the Voting Rights Act and the Constitution. The courts further ruled that they did not do it benignly or inadvertently. The court ruled time and again that the discrimination was done intentionally to harm minority Texans. All three redistricting maps enacted in 2011 were ruled to be discriminatory in effect and adopted with discriminatory intent. A voter ID requirement was imposed in 2011. State leaders pushed this legislation in a clearly discriminatory fashion with discriminatory intent. One federal judge even called the Texas voter ID bill in 2011 a modern-day poll tax.

State leaders have used the big lie of widespread voter fraud to justify vote suppression for a long time now. When he was attorney general in 2006, Governor Abbott converted federal funds intended to monitor cybercrimes to launch a so-called voter fraud task force that targeted almost exclusively Latino and black voters. His office even used sickle cell stamps and pictures of African Americans standing in line to vote as indicators of suspicious voting behavior. The effort wasn't just a bust. It was a total sham. No widespread or significant voter fraud of any type was ever uncovered. What was accomplished? They created an atmosphere of fear in minority communities about voting. As we know more recently from the *Houston Chronicle*, Attorney General Paxton recently spent 22,000 staff hours investigating so-called voter fraud and only found 16 instances. And each incidence of "fraud" was a voter listing the wrong address on their voter registration card. Last cycle, two years ago, Governor Abbott, General Paxton, and the secretary of state at the time hatched a scheme to purge thousands and thousands of Latino Texans from the voter roles. It took a lawsuit and a federal court order to stop them, to stop that illegal purge.

So the pattern is established, it is clear, and it is very recent. Our state leaders repeatedly take actions to limit and suppress Texans' voting rights in violation of the law, and they force African Americans and Latinos and other minority Texans

to go to court to defend basic voting rights that are guaranteed by the Constitution. But it hasn't stopped there. Recent history: Attorney General Paxton, with the support of the governor and others, used our tax funds and the good name of the State of Texas to try and overturn the free and fair election of Joe Biden and Kamala Harris by attacking the voting laws of other states. The lawsuit was ridiculous and was immediately rejected by the United States Supreme Court—a court dominated, by the way, with republican presidents' appointees. As we know, General Paxton was in Washington and helped rally the mob on January 6 that eventually stormed the Capitol and used flagpoles to beat police officers.

So that brings us to where we are today in this legislative session. In the effort to impose a whole series of voting restrictions on Texans, from the beginning it's been an exercise in arrogance, exclusion, and confusion. Texas is a majority minority state where residents of color now significantly outnumber Anglos. Texas has the second-highest number of Latino residents at just under 12 million and the highest number of African American residents in the nation with nearly four million. Those Texans are in every part of our state but concentrated in the five big counties, and that's where the primary focus of this bill just happens to be—Harris County, Dallas County, Bexar County, Travis, and Tarrant. Whites make up the minority population of all those counties, and efforts to limit or restrict voting in these counties has a disproportionate impact on Latino, black, and other minority voters.

As mentioned earlier, Texas has a terrible history. Not just from 50 years ago but in recent years of engaging in intentional discrimination. One of the more damning provisions of this bill, which is why we need to adopt this amendment, is already playing out like a voter suppression story from the 1950s—the provision designed to harass and intimidate election workers and voters within the polling place itself. Partisan poll watchers would be empowered to roam throughout the polling place, imposing their own partisan views on the administration of elections. They would even have a hotline to the attorney general's office to make unsubstantiated accusations. Partisan ideologues intent on voter suppression are already at work planning to disrupt voting in heavily minority precincts. A leaked audio of partisan republican operatives planning voter harassment and recruiting poll watchers from primarily Anglo areas in Harris County to go into and disrupt voting in primarily minority areas in Harris County has already surfaced. Many people have seen it. It's all over social media.

I remember in 1998, when I was a young campaign worker in Tarrant County, sitting in an elections commission meeting with the then-chair of the Tarrant County Republican Party, and the subject of poll watchers came up. And the elections administrator said, well, is either party planning on appointing poll watchers for the general election? I said we hadn't planned on it. And the republican chairman said, well, we're probably going to have some poll watchers in the problem areas. And I asked, what are those problem areas? He said, well, you know, southeast Fort Worth. Southeast Fort Worth is District 95, represented by Chairwoman Collier. Those were the "problem areas" that the Republican Party wanted to send the poll watchers into to harass and intimidate voters.

Now, the 67 members of the democratic caucus come from all over this state. We're diverse by region, by race, and ideology, and you see that on votes on this floor. But we all share a very important fact when it comes to this bill. We are each the candidate of choice of the minority voters within our districts, and they are who elects us. And we reflect their successful ability to choose their representatives and elect the candidates of their choice. So don't think this debate is about democrats and republicans. It's about state leaders in the name of the State of Texas squaring off to undermine the voting rights of Texas voters of color. We've all become too used to the term "discriminatory intent" being used in the legal opinion describing the actions of the Texas Legislature. If you want to know what a discriminatory intent looks like in real time, pay attention to how our state and legislative leaders are handling this legislation on this floor today. I urge you to vote for the amendment to strike the enacting clause.

J. GONZÁLEZ: You heard the line of questioning just now. You heard the author respond in guesses. And he even said, I believe, stated, "This is starting to make sense to me." If the author does not know and can't explain the reach of his own bill, we should not be voting on it today. I encourage you to vote for my amendment and give us the opportunity to start over and do this right. Texans deserves better.

[Amendment No. 1 failed of adoption by Record No. 838.]

[Amendment No. 2 by J.D. Johnson and Cain was laid before the house.]

[Representative J. Turner raised a point of order against further consideration of **CSSB 7** under Rule 4, Section 32(c), of the House Rules on the grounds that the bill analysis is materially misleading. The point of order was withdrawn.]

CAIN: The amendment is acceptable to the author.

[Amendment No. 2 was adopted.]

[Amendment No. 3 by Cain was laid before the house.]

CAIN: Members, this is another perfecting amendment. We just want to clarify that people that receive assistance are able to be helped on how to read the ballot. It's acceptable to the author.

[Amendment No. 3 was adopted.]

[Amendment No. 4 by Cain and Schofield was laid before the house.]

CAIN: This amendment is from some work that Representative Schofield and I did based on some advice from the NAACP. It's acceptable to the author.

[Amendment No. 4 was adopted.]

[Amendment No. 5 by Cain and Schofield was laid before the house.]

CAIN: This amendment that Representative Schofield and I worked on with the Coalition of Texans with Disabilities is acceptable to the author.

[Amendment No. 5 was adopted.]

[Amendment No. 6 by Murr was laid before the house.]

REPRESENTATIVE MURR: This amendment makes some clarifications throughout the bill. I believe it is acceptable to the author.

[Amendment No. 6 was adopted.]

[Amendment No. 7 by Bucy was laid before the house.]

REPRESENTATIVE BUCY: I just want a few minutes of time. I want to tell you about someone I've gotten to know. Is Chair Collier here? Members, someone I've gotten to know over the last year, her name is Crystal Mason. She is a black woman from Tarrant County. She is a mother, a grandmother, and an active member of her church community and the community at large. During the winter storm, she used her event center to help house and feed displaced members of the community. In 2018, Ms. Mason was sentenced to five years in prison for submitting a provisional ballot in the 2016 presidential election that was never counted. At the time she cast her provisional ballot, Ms. Mason had no idea this state considered her ineligible to vote because she was on federal supervised release for a tax offense. No one told her that being on federal supervised release might have consequences for her ability to vote. Ms. Mason's provisional ballot was not counted. No election was changed. That process worked exactly as it was supposed to. Members, this amendment clarifies the law to make the legislature's intent explicitly clear. Before and after passage, it will make sure that only people who know they are ineligible to vote can be prosecuted for illegal voting and that people who make innocent mistakes in the voting process cannot be thrown in jail for mere confusion or a slipup.

REPRESENTATIVE J. TURNER: Thank you, Representative Bucy, for bringing this amendment. I just want to ask you a few questions for purposes of intent regarding the amendment. By amending our Election Code to clarify the knowledge requirement, do you mean in any way to imply that actual knowledge by a person of the person's ineligibility to vote was not already a requirement for conviction of this offense under Section 64.012(a)(1) of the Election Code?

BUCY: No, Representative, that is not my intention here.

J. TURNER: The existing statute already requires that to commit an offense under that provision, a person must vote or attempt to vote "in an election in which the person knows the person is not eligible to vote." Correct?

BUCY: That is correct.

J. TURNER: And as the amendment author, would you agree that no one should read this clarification of your amendment to suggest that the knowledge identified in your amendment was not previously required under a proper interpretation of Section 64.012(a)(1)?

BUCY: That is correct. Mr. Speaker, I believe this amendment is acceptable to the author.

[Amendment No. 7 was adopted.]

[Amendment No. 8 by Davis was laid before the house.]

[Amendment No. 8 was withdrawn.]

[Amendment No. 9 by Bucy was laid before the house.]

BUCY: This amendment is designed to promote election integrity and security by fostering transparency and ensuring that for local and tax-related elections, Texans know when and where to vote. I believe this is acceptable to the author.

[Amendment No. 9 was adopted.]

[Amendment No. 10 by Minjarez was laid before the house.]

REPRESENTATIVE MINJAREZ: This amendment simplifies the voting process by declaring all races with unopposed candidates as elected and moving them to the bottom of the ballot. I believe that this amendment is acceptable to the author.

[Amendment No. 10 was adopted.]

[Amendment No. 11 by Bucy was laid before the house.]

BUCY: This amendment ensures that election judges who are good faith actors and make simple and honest mistakes in the course of filling out a form associated with the provisional ballot process are not prosecuted for a state jail felony, which is punishable by up to two years in jail. I believe this is acceptable to the author.

[Amendment No. 11 was adopted.]

[Amendment No. 12 by Bucy was laid before the house.]

BUCY: This amendment is designed to promote election integrity and security by ensuring that voters know when elections are, who is running for office, and who currently represents them. I believe it is acceptable to the author.

[Amendment No. 12 was adopted.]

[Amendment No. 13 by Howard was laid before the house.]

REPRESENTATIVE HOWARD: This is about giving the application forms to high school seniors. It is acceptable to the author, and he said to have a good day.

[Amendment No. 13 was adopted.]

[Amendment No. 14 by Klick was laid before the house.]

REPRESENTATIVE KLICK: This amendment creates a method for all voters who request a ballot by mail to track the location and status of their ballot. This is acceptable to the author.

[Amendment No. 14 was adopted.]

[Amendment No. 15 by Gervin-Hawkins was laid before the house.]

REPRESENTATIVE GERVIN-HAWKINS: This amendment just gives notice of a defect and gives the voter an opportunity to correct any defect on the ballot.

[Amendment No. 15 was adopted.]

[Amendment No. 16 by Vo was laid before the house.]

REPRESENTATIVE VO: Voting is a civic duty allowed by our U.S. Constitution. We need to make sure our constituents who work hard and work long hours have the opportunity to express their voice and express their vote. Under current laws, an employee is allowed to be absent from work on Election Day for two hours to go vote. This amendment would include the early voting period in this section by giving employees more time to vote during early voting instead of staggering them on Election Day. In early voting, the lines move faster, and it saves counties money by having less machines on Election Day. I believe this amendment is acceptable to the author.

[Amendment No. 16 was adopted.]

[Amendment No. 17 by J. Turner was laid before the house.]

J. TURNER: This amendment will facilitate change of voter registration address when a person has moved to a new county, and it is acceptable to the author.

[Amendment No. 17 was adopted.]

[Amendment No. 18 by Dutton was laid before the house.]

REPRESENTATIVE DUTTON: This amendment just ensures that the person who decides to be on the ballot is the correct person.

[Amendment No. 18 was adopted.]

[Amendment No. 19 by Clardy was laid before the house.]

REPRESENTATIVE CLARDY: This amendment reconciles the "assistant" language and makes it consistent for both mail-in and early voting, and it also defines the oath consistent with current statutory revisions.

[Amendment No. 19 was adopted.]

[Amendment No. 20 by Beckley was laid before the house.]

BECKLEY: This amendment adds a type of voting machine already approved for use in Texas to the secretary of state's list. It's acceptable to the author.

[Amendment No. 20 was adopted.]

[CSSB 7, as amended, was passed to third reading by Record No. 841.]

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

SUPPLEMENT

FORTY-SECOND DAY — FRIDAY, MAY 7, 2021

HB 1900 DEBATE - THIRD READING

(by Goldman, Metcalf, Bonnen, Raymond, Button, et al.)

HB 1900, A bill to be entitled An Act relating to municipalities that adopt budgets that defund municipal police departments.

REPRESENTATIVE GOLDMAN: This is the pro-police, back-the-blue bill, and I believe there are a couple of amendments.

[Amendment No. 1 by Wu was laid before the house.]

REPRESENTATIVE WU: Members, it has been a very long 24 hours, so I appreciate your attention. And just as a reminder of what we're talking about, this is about a bill that helps protect all of our citizens—all of our citizens—by making sure that the police are properly funded. This is a good idea. We want to do this but we want to make sure that we don't discriminate against each other. We make sure that we don't want to discriminate against different parts of our state and different cities based on where we live. We want all people to be protected, and we want to make sure that when we're making policy like this, that it is not arbitrary and capricious.

And so my first amendment would completely remove the population cap so we're not discriminating against rural areas, so we're not discriminating against small cities. They are as equally deserving of protection in this bill as anyone else—as anyone else. We are all Texans equally deserving of protection, and here's what I'm talking about. I have right here a list of current populations of the State of Texas with each city ranked in order. And yesterday—I'm not sure if you remember—Mr. Goldman said that it is the major metro areas that he is concerned about because anecdotally that's where he's heard that there were problems. So in my area, I live in the city of Houston, which is a major metro area. But what I think maybe people who don't live in that area understand is that the city of Houston is just one small part of a larger, major metro area, and that major metro area includes many smaller cities that are below the threshold. In fact, many are well below the threshold. So let me just tell you some of the cities, independent municipalities with their own police force and with their own law enforcement, that are well under the 250,000 threshold: the city of Webster, the city of Bellaire—which I live right door next to—West U, Southside Place, Hedwig Village, Bunker Hill Village, Jersey Village, South Houston, Galena Park, Jacinto City, Humble, Cypress, Deer Park. Many of these cities are

inside—inside—the city of Houston itself. Why should they not be protected? I mean, just in case the City of Houston decides to defund their police—what if they did? These cities would be left unprotected.

So what this amendment does is puts this requirement and gets rid of the capricious nature of this bill and makes this apply to all cities, especially in the major metro areas, especially if they're smaller cities within the major metro area. Because if that's where we're concerned about, that's where we should target this.

GOLDMAN: As we said yesterday, anecdotally this is happening in major metropolitan cities across the nation, not smaller communities. So I am going to oppose the amendment.

REPRESENTATIVE J.D. JOHNSON: Representative Goldman, you said you wanted to make sure that this was bracketed just for the major metropolitan cities because of some anecdotal information that you found said that there was—

GOLDMAN: Well, it's not anecdotal. It's fact.

J.D. JOHNSON: It's fact?

GOLDMAN: Yes, sir.

J.D. JOHNSON: Is there crime in every city in the State of Texas?

GOLDMAN: I'm not advised of every single city in the State of Texas, Mr. Johnson.

J.D. JOHNSON: Then why are you only advised on the 11 cities that this is bracketed to but you're not advised on the other 489 cities that it is not bracketed to?

GOLDMAN: I'm pretty certain that this is best for the major cities in our state, Mr. Johnson.

J.D. JOHNSON: So does every city in this state have a police force?

GOLDMAN: I'm not advised of that. I don't know if every single city has a police force.

J.D. JOHNSON: What are police for?

GOLDMAN: Police are to help with public safety, provide public safety for our citizens.

J.D. JOHNSON: And there are many cities. Are there cities in this state that have police forces beyond the 11 that you bracketed for?

GOLDMAN: Are there cities in this state who have police? Yes, there are cities in this state who have police forces.

J.D. JOHNSON: So why didn't we bracket—because if police are supposed to be for public safety—then why don't we make sure that every city in this state has an opportunity to protect every citizen?

GOLDMAN: Well, frankly, it's not a problem. For some of our smaller cities, it's not a problem at all.

J.D. JOHNSON: I'm sorry?

GOLDMAN: It's not a problem for some of the smaller cities. They're not defunding and they're not diverting funds away from. There's no stories out there where some of our smaller cities, not only in this state but in the entire nation, where they're diverting money or taking money away from police departments and threatening public safety in their cities.

J.D. JOHNSON: I'm sorry. I thought we were going to get away from that hateful rhetoric of calling it "defunding" when it's simply reallocating resources from one department to another.

GOLDMAN: Diverting funds. If that's what you want to me use, I'll say diverting funds.

J.D. JOHNSON: That's not defunding. What we're trying to do is to make sure we protect citizens.

GOLDMAN: Absolutely, we are.

J.D. JOHNSON: And so if we're protecting citizens—so a small town has the right and the opportunity to move what they see fit for themselves?

GOLDMAN: Again, Mr. Johnson, we don't see it as a problem, not only in this state but anywhere in the nation, where a smaller community is taking funds away from public safety, because many of those smaller communities know that public safety is their number one priority, to provide enough police to make their communities as safe as possible.

J.D. JOHNSON: The smaller towns must be a lot smarter than the larger, more populated metropolitan areas. Is what you're saying?

GOLDMAN: Those are your words. They're not mine, Mr. Johnson.

J.D. JOHNSON: I'm asking. That's a question. That's literally a question. Because you're saying that they're smart enough not to do it, but you're saying Austin, Dallas, and San Antonio are not smart enough?

GOLDMAN: No. I'm saying that some of their budgets aren't as comprehensive. Some of their budgets aren't as comprehensive, and when some of them aren't—

J.D. JOHNSON: Some of them aren't what?

GOLDMAN: Some of their budgets are not as large, as comprehensive. And so again, we have seen where major metropolitan cities, not only in this state but in this nation, have taken funds away from their police departments, diverted funds from their police departments, and given it to other areas that are not about public safety. And we are trying to make sure that our major metropolitan areas in this state, our cities, do not divert funds from the police to provide public safety for the citizens. Because again, as elected officials in this state, we want to make certain that the 29 to 30 million people in this state feel safe.

J.D. JOHNSON: But you're not bracketing this bill for 30 million residents of this state. You're bracketing this bill for 11 cities, not all 30 million. You're literally only talking about 11 cities. And yet you keep saying all Texans, but you're only looking at certain Texans. So please stop with saying all and then

you're saying only a few. And then when there's a sensible amendment that says, look, let's just do this for everyone, I'm not quite sure why you want to penalize one city over another—

GOLDMAN: Oh, I'm not penalizing anybody.

J.D. JOHNSON: —because you feel like you just want to do it.

GOLDMAN: We're not penalizing anybody. Mr. Johnson, we are not penalizing anybody. This bill does not penalize one city. The bill does not penalize one city.

J.D. JOHNSON: It penalizes 11, potentially.

GOLDMAN: No, it doesn't. That's—it does not penalize one city.

J.D. JOHNSON: Your bill is bracketed to how many? Your bill is bracketed for cities over what?

GOLDMAN: It's about 10 cities over 200,000.

J.D. JOHNSON: And does the bill offer a penalty if cities over 250,000 choose to remove a janitor and put it in another department?

GOLDMAN: They can remove a janitor.

J.D. JOHNSON: Does your bill—

GOLDMAN: No, they can remove a janitor. They can remove a janitor.

J.D. JOHNSON: And the money that goes with it?

GOLDMAN: As long as they keep their police budget current or increase it, there's no problem with that. They can do whatever they want with different divisions.

J.D. JOHNSON: And when they choose to—when the Super Bowl or some special big event comes and they have to increase their budget for overtime purposes, they can never reduce their budget?

GOLDMAN: They are allowed to do so.

J.D. JOHNSON: And if they have analytical data that says crime is going down, do those police departments themselves, can they make their decisions?

GOLDMAN: Mr. Johnson, you just said the purpose of this bill. If crime is going down, then their police force is doing their job. Then their current funding is appropriate. So to that point, they probably don't need to increase their budget for that. They can put the money elsewhere if they have extra income.

J.D. JOHNSON: They can put it elsewhere in the city?

GOLDMAN: If the crime's going down, then there's no reason to defund the police at all. The current budget is exactly the number it needs to be to provide public safety in that community.

J.D. JOHNSON: I mean, it's really hilarious how you keep saying defunding, and we just said we're not going to say defunding because we know what that rhetoric means. We're not trying to defund police. You're pitting—you're making everybody in this body feel intimidated because they don't want to go back—

GOLDMAN: I'm not making anybody feel intimidated.

J.D. JOHNSON: —because they're afraid of someone saying that they have defunded police.

GOLDMAN: Everybody has a right—

J.D. JOHNSON: No one is defunding police.

GOLDMAN: Mr. Johnson, I am not trying to intimidate one member of this body. I'm absolutely encouraging members to vote their districts.

J.D. JOHNSON: Vote their districts but their districts are not impacted by this bill.

GOLDMAN: Then vote no.

J.D. JOHNSON: Then accept the amendment to protect 30 million Texans—30 million Texans. And there's no data to prove that crime is on the rise in only those 11 cities when there is crime in the entire State of Texas. This is a very discriminatory bill that is only attacking certain cities. We need to put the amendment on to protect all Texans because what you're saying right now is that we, from this body, don't care about all. We only care about penalizing large cities.

GOLDMAN: Mr. Johnson, Mr. Wu has an amendment. I'm going to leave it to the will of the body on the vote on the amendment.

J.D. JOHNSON: But you just said—

GOLDMAN: So it's a will of the body—

J.D. JOHNSON: You're going to leave it to the will?

GOLDMAN: If it's the will of the body to put the amendment on there, we will do so.

J.D. JOHNSON: But not support from you?

GOLDMAN: I personally am going to vote no.

J.D. JOHNSON: You asked the gentleman to bring the amendment up yesterday, and now you're going to—

WU: I really enjoyed this lively debate. It is fantastic that we can discuss why we are putting this particular bracket on this bill and why we are choosing or not choosing to put this amendment on and to remove the bracket completely. Representative Goldman specifically said that this bill was for everyone in the State of Texas, all 30 million people. But unfortunately, his bill right now is not for all 30 million people. That might seem a little bit capricious, maybe a little bit arbitrary, in the way we're doing it. And I'm trying to fix this with this amendment. If we're true to our word, if we're true to our word of what we're saying why we are doing this to carry out our legislative intent, then we should accept this amendment to make it cover all 30 million Texans and not just some.

In addition, Mr. Goldman said again, repeatedly—yesterday, today, the last time we had this on the floor—that this was about covering the major metro areas. And for those of y'all from smaller towns, smaller cities, you may not know this, but the major metro areas include many cities. And I just read you a list, and I'm happy to read you that list one more time. In just Houston alone, we have Webster, the city of Bellaire, West U, Southside Place city, Hedwig Village city, Bunker Hill city, Jersey Village city, South Houston city, Galena Park city, the city of Jacinto City, Humble, Cypress, and Deer Park. All of these are separate municipalities inside Harris County in the major metro area. Some of them are within the city of Houston itself. It would be very arbitrary to cut them out when we're talking about major metro areas.

[Amendment No. 1 failed of adoption by Record No. 844.]

[Amendment No. 2 by Wu was laid before the house.]

WU: I understand that that last amendment maybe had too much for some people, and you didn't agree with that policy. So let me change it a little bit. I dedicate this amendment to my good friend Jonathan Stickland. And this is because the city of Bedford is right at the 50,000 cut. And the city of Bedford is right between two of the cities that are listed in this bill, that are bracketed in this bill—Dallas and Fort Worth. And if we're concerned about Dallas and Fort Worth, then we should be concerned about a city smack dab right in the middle of them, squeezed between all of the rioting and all the protests and all the stuff. If we're concerned about all that, then we should make sure that Bedford is protected as well.

REPRESENTATIVE CANALES: This puts former State Representative Jonathan Stickland in the bill?

WU: It does.

CANALES: Awesome.

REPRESENTATIVE P. KING: Mr. Wu, I just wanted to correct you just a little bit. You mentioned Mr. Stickland lives in Bedford? He has moved into my district and my county.

WU: I'm very sorry about that.

P. KING: So I just wanted you to be able to get the record straight.

WU: Which city is that?

P. KING: Actually it's in Willow Park—Willow Park, actually.

WU: I think in this amendment that would be covered as well.

P. KING: But Willow Park doesn't want anything to do with this, of course. I just wanted to make sure you knew the logistics.

WU: So in case—I believe you, Representative King. And just to make sure we understand, there are many other cities that this amendment would cover including the city of Georgetown—which abuts, which comes right up to the city of Austin—which would be included. The city of Pasadena which comes right up to the city of Houston—this amendment would now include it. And we want to

make sure these places—if completely removing the cap was too much, this is a more balanced approach where it would cover a lot of the cities that come right up to major metro areas.

[Amendment No. 2 failed of adoption by Record No. 845.]

[Amendment No. 3 by Wu was laid before the house.]

WU: I promise this is the last one. This, in fact, is an amendment dedicated specifically to my good friend Richard Raymond. Yesterday on the mic when we discussed this bill, Mr. Raymond discussed how he had one city—only one city—that was included within this bill. The city is the wonderful, the beautiful, city of Laredo. Because currently we think the city is around 259,000 people, but that was a 2019 number. And in fact, unfortunately for Mr. Raymond, his cities have had a little shrinkage. And in 2017-2018, that number actually went from 261,000 to 259,000. And now by the time this bill is enacted—by the time this bill is enacted—his city will probably be below the 250,000 threshold which he himself said that he supported and loved because it included his city in it.

Now, I want to make sure that my good friend Richard Raymond is protected. I want to make sure he is protected and that we are true to our word because I want to cut this cap down to 200,000 to make sure that his city is included because Laredo will be below the 250,000 threshold by the time this bill is enacted. And if we are true to our word, let's make sure that we do that.

J.D. JOHNSON: Representative Wu, you just said your good friend Representative Raymond wanted to make sure that his city was in?

WU: Yes. He said—I believe yesterday he said he enjoyed—that he appreciated that the bill included his city. And we just want to make sure that it stays included.

J.D. JOHNSON: Representative Wu, would you accept a friendly amendment that would allow cities to opt in to this bill? So that way, if people like Representative Raymond want to do it, there may be others.

WU: I think that would be a separate amendment to this amendment.

J.D. JOHNSON: There may be other representatives that want to make sure that their residents are protected. Just as Representative Goldman has pointed out, this is for all, so why don't we open it up to make sure that we can opt in?

WU: I think that's a great amendment that I think is probably better separately.

REPRESENTATIVE RAYMOND: I want to thank my dear friend Gene Wu for being so considerate of me. And please, if you want to make an amendment to the amendment, spell it L-a-r-e-d-o, represented by Raymond, and put it on there. I'm all for it. Let's go. You think I was messing with you? Put Laredo in. Put it in. They didn't do it on second reading. I wish you had, Gene, because it's harder to get it on third reading. But, you know, calling me out like that? Really, Gene? Bring it, baby. Put it on. I'm all for it. Vote aye.

[Amendment No. 3 failed of adoption by Record No. 846.]

[Representative J.D. Johnson raised a point of order against further consideration of **HB 1900** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption fails to give reasonable notice of the subject of the bill. The point of order was withdrawn.]

J.D. JOHNSON: Members, we're going to do this one more time, and then I'm going to sit down and be quiet, and you probably won't hear from me again for the next two years. But when I'm passionate about something, I'm passionate about something. When I think things are fair, I think things are fair. When I think things are unfair, I realize things are unfair and I call them for what they are. I hope that you guys can realize that. This is a public safety bill that says we are backing the blue. This bill is bracketed for 11 cities in this state. There were multiple, multiple, multiple amendments to offer to make sure that we could take care of all 30 million—all 30 million—residents of this great state. The author simply said no.

He only wants to deal with those 11 cities because he thinks there is crime. But when I look at some of these cities on violent crimes per capita, I see that Snyder, Gonzales, Beaumont, Odessa, Levelland, Paris, Lubbock all have higher rates of violent crime per 1,000 residents than the other 11 cities combined. So if this was serious about public safety, then why are we not protecting all residents of the great State of Texas? I then asked for a simple amendment that said let cities opt in if cities want to opt in, and the author said no.

So my real question is, is this really about public safety or is this about political propaganda? That's what this is all about. Is this truly about protecting the citizens of the great State of Texas or is this truly about just giving it to democratic cities across this state? When you don't even want to talk about protecting the 23 million other residents and you won't even let them opt in to be protected? You won't let police make their own decision. You're right, I ain't really talking to y'all no more. Now I'm just talking to the camera because y'all ain't going to listen. Y'all are going to keep going on doing what you're going to do. At the end of the day, this is what it's all about. Make sure you vote your conscience. Make sure you understand. You're not even affected by this bill. None of your cities are even affected by this bill but 11 cities in this state will be. You don't care because all you care about is your red and the blue, and yeah, I'm sick of it right now. And it's unfortunate because the author just simply said he did it because he felt like it. He did it because he felt like it. I wanted to go into cities and penalize them because he felt like it. The same way we put up hateful, harmful bills all the time because we felt like it and we pick and choose who we're going to criminalize and who we're going to penalize.

Is that democratic? Is that American? You pick and choose who you want to affect? You pick and choose? You choose not to legislate for all Texans, but you're going to legislate for those that don't even affect you. This is not Texas. This is not a democracy. This is harming Texas. Every time we do something like this, it is harming Texas. The United States is looking, and they're realizing what this is. And sure, you're going to hide behind, "Oh, I had to go party line." Because I talked to many of you yesterday, and all of you said, "I understood it, brother. I understood it and I appreciate where you came from, but—but." It's not

leadership. It's not leadership, but it's easy to sit in here and legislate when it doesn't affect you, when we've got to go back home and deal with our residents. It's easy when you don't have to deal with them.

I know you don't understand when you have to talk to a crying mother whose child was just shot by the police. I know you don't have to deal with that. I know you don't want to hear us talk about what's going on in these major metropolitan cities with some of these police departments. I know you don't want to talk about that because it doesn't affect you. And since it doesn't affect you, we're just going to ram it down your throat. I'm embarrassed. I'm embarrassed for this body. I'm embarrassed for this state that we can come up here and pass hateful, harmful legislation. And we shrug it like it ain't no big deal because you get to go back to your districts and say, "I did good work," when you know you didn't.

WU: Members, I appreciate your patience. I know it's been a long few days. I'm really asking you to not vote for this bill anymore because I'm afraid that we have created a piece of legislation that is very arbitrary and very capricious in nature and which just generally violates the spirit of our State Constitution and the United States Constitution as well. And here's the reason why. Some of the things that we look to when we decide if something is arbitrary and capricious is whether there is a rational basis of what we're doing to the way we're trying to do it. So if we're saying that we're trying to reduce crime, we're trying to protect people, we're trying to make sure that all 30 million Texans are protected, then we should have legislation that reflects that. If the legislation does not actually protect all 30 million people, does not actually do what it says it's supposed to do, then there is no connection.

There must be a rational relationship between the policy goals and the policy itself. And as the federal guidelines often say, there has to be an underlying rationale or a factual assertion that must be reasonable. Earlier, you heard us talk about the idea that, as Mr. Goldman repeatedly said, this is about the major metros. This is about the major cities. But we showed him—we demonstrated to him that the major cities, the major metro areas, included more than just one city. In the greater Houston area, there are more than a dozen cities, many of them actually completely inside the city of Houston itself. Those were left out. They're not being protected, and those would be the pockets where citizens do not receive adequate protection. And that is unfair. That is not rational.

Additionally, you heard Representative Johnson in his closing remarks say that, in fact, if we're trying to reduce crime, if we're trying to protect citizens from violent crimes, it is, in fact, actually, those smaller municipalities where there is the greatest dangers to those citizens. It is, in fact, the cities that we have left out that have a disproportionately higher rate of violent crime. But yet we leave them out. We left them alone. We didn't protect them, and that is not reasonable. And that is not rational. Additionally, you heard earlier that we wanted to protect Representative Raymond's area. In fact, he came to the mic and demanded that we make sure that his area was protected going forward. And we denied him that. We denied him that protection. That is not rational. That is not reasonable. And members, I'm going to have to ask you to vote no on this bill. It

doesn't protect all Texans. It discriminates against the Texans who actually need this protection the most. It does the opposite. It does the opposite of what the stated purpose of the bill is, and that is unreasonable.

GOLDMAN: Members, let's support public safety in this state. Let's support our police. Let's back the blue.

[**HB 1900** was passed by Record No. 847.]

SB 7 DEBATE - THIRD READING

(Cain, Schofield, Jetton, Klick, and Oliverson - House Sponsors)

SB 7, A bill to be entitled An Act relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses.

REPRESENTATIVE CAIN: Members, with that, I close. I move passage of **SB 7**.

REPRESENTATIVE ANCHIA: Successful. Safe. Secure. Successful, safe, secure—these are the terms that were used by Governor Abbott's secretary of state, the chief elections officer of Texas, when describing the 2020 election. Yet this bill, **SB 7**, rode into the Texas house cloaked in that long-standing pretext of purity of the ballot box. And that pretext has denied full participation of African Americans and Latinos in Texas for generations, Ms. Thompson, as you well know. In the recitals, if you look at page 1 of **SB 7**, the recitals scream out. And they say, "reforms are needed to the election laws of this state to ensure that fraud does not undermine the public confidence in the electoral process," members. And you can find that on the first page in the recitals.

Well, members, that's a big lie. The rare instances of fraud in Texas—that fraud that's less likely to occur than any of us being hit by lightning—they don't undermine confidence in our elections. Not at all, in fact. You know what undermines confidence in our elections? It is the lies that are told in the face of all contrary evidence by politicians for their own and their party's political gain, the lie that an election for the presidency was stolen by people of color in America, the big lie. And when a president and his enablers tell lies—lies that are so brazen, in fact, that one of the president's top lawyers admitted in court that "no reasonable person would conclude that the statements were truly statements of facts"—that was just politics, members. That was just politics. You really can't believe it because we were just talking politically.

And when tested, over 60 courts across America threw out the big lie on its ear, including the United States Supreme Court that has three appointees of the ex-president on it. And in one notable case in Pennsylvania—and members, at least some members on this floor, are well aware of the cases in Pennsylvania—the judge found "strained legal arguments without merit and speculative accusations" that were not supported by any evidence. And when the lies are so big, so brazen, and so dangerous to our democracy, guess what happens? Police are killed. Police that were locking arms to protect the U.S. Capitol when it was overrun. Lies so big and dangerous that the former vice president of the United States would have been hung by a mob during the

insurrection at the U.S. Capitol. Lies that were so dangerous that republican and democratic members alike—members of Congress, including the speaker of the house—were called to be killed. Lies so dangerous that when we showed up on the first day, instead of a joyous time celebrating people's elections and a new legislative session where we serve the people of Texas, we were met by security briefings and credible threats against our lives. It's not democrats—republicans and democrats and Texans.

And this bill, members, this perpetuates the big lie, and it offers the same pretext in its recitals that resulted in findings of intentional discrimination against voters of color by this Texas Legislature. And this isn't some old timey, black and white news reel. That was last decade alone. And that's not me saying it. I know, you guys tell me all the time, you hate when I talk about that. These are not my words. These are the words of bipartisan federal judges in three federal courts, including a federal court in San Antonio that found unanimously, with two republican appointees and one democratic appointee, intentional discrimination by this legislature on voting rights matters. That is damning. Yet we stand here today in a state where soon you can carry a gun without a permit but you must swear an oath under penalty of perjury to help your madrina or your padrino simply cast their constitutional vote. And members, that—that's just wrong. But that's where we are in this state.

Members, we must rise. We must rise in the spirit of the late congressman and civil rights hero John Lewis to make good trouble on this bill. We must rise as the defenders of the vote. And we will rise. And I ask you to rise with me against the big lie that **SB 7** perpetuates. So join me in voting no. Join me in voting to protect the votes of republicans in Texas. Join me in protecting the vote of democrats in Texas. Or just join me in protecting the rights and the votes of Texans.

REPRESENTATIVE ROSENTHAL: Thanks to my colleagues for standing with me today. Members, I'm here to voice my opposition to this bill that so many consider to be an instrument for voter suppression and voter intimidation all under the guise of "election integrity." I submit to you that in a representative democracy, we advance competing ideas and we ask the voters to decide what they want. Forwarding this notion means we should be working to increase ballot access, and we should be working to increase voter engagement and participation. Current leadership has been in charge of election policy in this state for over 20 years. Have y'all really been unable to secure our elections after all this time?

Your own secretary of state said the 2020 election was free, fair, safe, and secure. Your attorney general pulled out all the stops to chase after phantom voter fraud in the 2020 election. He assigned extra people. He used 22,000 staff hours, spent a quarter of a million dollars, and all of that to identify 16—one, six—16 problem ballots. So you know I'm a numbers guy. There were 11 million—more than 11 million votes cast in this state in 2020—and the attorney general found 16 problem ballots, most of them innocent mistakes. So 22,000 staff hours, a quarter of a million dollars, all for 16 ballots out of 11 million. That is, if you do the math, 0.00014 percent—roughly one in 700,000 votes. One in 700,000, y'all. That's roughly the same as your chances of

being struck by a meteorite. Anyone in here even heard of somebody being struck by a meteorite? You are much more likely to be struck by lightning than to find an instance of voter fraud in this state. According to the National Center for Health Statistics, you are more than 15 times as likely to drop dead dancing at a dance party than you are to find a case of voter fraud in Texas.

No, members, after decades of current leadership control of the executive and legislative branches, Texas is already rated as the most difficult state to register and cast a vote in. We ranked worst in the nation, 50 out of 50, according to a study from Northern Illinois University and Jacksonville University as reported in December 2020. The reasons that they give for our bottom-level ranking include things like our extension of the 30-day deadline for in-person voter registration, restrictions on absentee and mail-in voting, and reduced numbers of polling locations in some parts of our state. The states who are ranked at the top of this list, the states where it's easiest to vote, they have things—nice things—like online voter registration, like automatic voter registration, and same-day registration on Election Day. Some states have universal mail-in voting. This is considered by political scientists to be the hallmark of improved voter access. In Texas, voting by mail already has serious restrictions, and this bill seeks to further limit voting by mail, instead of developing more robust systems in our state to improve both access and security of vote-by-mail, the way that they've done in states like Utah and Colorado who have universal vote-by-mail.

Members, I'm going to tell you this is not about policy because if it was about policy, we would surely be talking about ways to improve voter access like expanding drive-thru voting and ways to better secure and proliferate vote-by-mail systems the way that other states do to encourage voter participation. This bill purports to be about election security. I just want to know how in the world it makes our elections more secure to reduce allowable voting hours on certain days; to dictate the allocated numbers of voting machines in certain locations, in any location; to criminalize sending out vote-by-mail applications—just sending out the application, not the ballot, an application to vote by mail. How does it make our elections more secure to end drive-thru voting? How does it make our elections more secure to disallow staff from your elections officers from being in polling places to address issues as they arise? The short answer is none of these measures make voting more secure. There's no election integrity problem in Texas. Remember, you're more likely to get struck by lightning—far more likely to get struck by lightning—than you are to find any case of serious voter fraud in Texas.

So this bill is not about election security. It's about suppressing the vote. It's about intimidating voters and election workers. Why else would we allow armed, partisan poll watchers access to the ballot place that we don't even allow our election officers, while we criminalize simple human errors made by voter election employees? It boggles my mind, y'all. Who in the whole wide world could see these measures as anything other than voter intimidation? We've already seen video of conservative advocacy groups planing to build an "army" of militarized, partisan poll watchers they intend to send into urban areas,

"problem areas," areas that are predominantly ethnic with black and brown populations. We all know these populations tend to vote democrat more often in elections.

The people of Texas—y'all, the people of Texas want us here working on broadly popular, very important issues. Things like, I don't know, access to health care, improving public education, maybe finally securing our electrical power infrastructure, and restoring our powerhouse Texas economy. Instead, you're here debating anti-trans bills, heartbeat bills, reducing commercial liability for transportation and trucking—y'all want to fight to the death to protect your interpretation of the Second Amendment but apparently don't care so much about the First Amendment—and attacking local control of larger municipalities like where I'm from, Houston, Harris County. I submit that if focus were on forwarding truly popular policy, then you would want more voter participation, not less. This bill is bad for Texas because it's a bold effort to silence the voices of certain voters, and with that, I urge you to vote no.

REPRESENTATIVE REYNOLDS: Members, when this debate on **SB 7** started, I was reminded of the words of former President John F. Kennedy when he said, "Let us not seek the republican answer or the democratic answer, but the right answer. Let us not seek to fix the blame for the past. Let us accept our own responsibility for the future." And closer, more personal to me, my faith teaches me in Proverbs 31:8-9 to: "Speak out for the one who cannot speak, for the rights of those who are doomed. Speak out, judge fairly, and defend the rights of oppressed and needy people." What we're doing with this bill is disenfranchising people of color, the poor, the elderly, students, the young, and the disabled.

You know, this bill was personal to me and so many of my black and brown colleagues. As I stand here today as the first African American elected state representative in Fort Bend County since Reconstruction, I realize I didn't get here by myself. I stand on the shoulders of those who came before me, those who paved the way. And Chairman Anchia mentioned our late, great Congressman John Lewis, who coined the phrase "good trouble." He made good and necessary trouble, which ultimately led to our own Texan former President Lyndon Baines Johnson signing the Voting Rights Act of 1965, which made it possible for people of color to hold public office. Because before that, you had many barriers, even after the enactment of the Fifteenth Amendment, called Jim Crow laws. And you know what those were designed to do? Those laws were designed to stop people who look like me from voting. They didn't write that, but what they had enacted were poll taxes. You had to pay to vote. They enacted literacy tests where you had to recite the Constitution. They enacted senseless things, like guessing how many bubbles were in a bar of soap, before you could vote.

Now, I know if you're an American, you believe that voting is one of the most precious and fundamental rights that we have. We send our troops abroad to go to war to protect that fundamental, precious right to vote. It is the bedrock of our democracy, and here we are in 2021, trying to turn back the clock. We thought we had arrived past those times, and here we are doing the right thing. What we're doing here today does not make Texas a better place. It does not embrace the diversity of our state—one of the most diverse states in this entire

United States of America. It does not encourage new businesses to come to Texas. And for all of my fiscal, conservative hawks, The Perryman Group has estimated that we're going to lose billions—with a "b"—billions of dollars to our economy and hundreds of thousands of jobs if we enact this legislation. It does not encourage more participation in our democratic process. It does just the opposite. And Representative Rosenthal is right. Instead of focusing on this, why aren't we focusing on making voting more accessible? We haven't even had hearings on online voter registration. I served on the Elections Committee for two terms some years ago. This is a great, bipartisan concept, and we can't even get a freaking hearing on it. But we get a hearing and debate this?

As Chairman Cain stood at the front mic and laid out **SB 7**, I could not help to think about what happened in this very chamber 118 years ago. In 1903, a state representative named Alexander Watkins Terrell led the charge to pass what became known as the Terrell Election Laws. The first iteration of these laws included the poll tax, which resulted in the disenfranchisement of many poor Texans, African American Texans, and Hispanic Texans. In 1905, he made certain his law was amended in such a way that it allowed the political parties to exclude black Texans from the primaries. This was eventually codified in statute. And as Chairman Cain laid out this treacherous bill at the front mic, I find it ironic that almost directly to his right, on that wall right there as you go toward the chief clerk's office, hangs a portrait of none other than Alexander Watkins Terrell. And here we are. This house will pass a bill just as destructive to the democratic process and just as disenfranchising as the poll tax and white primary law which Alexander Watkins Terrell oversaw and championed. I urge you all to walk over there and take a look at his portrait over there as we recall that day 118 years later. We still know the name of that man who took away from blacks and browns and the poor the precious and fundamental right to vote. And here we are at this body where we say we're not like Congress in D.C, where we're statesmen and we work across the aisle and bipartisan, but this is nothing but a partisan bill. Sometimes you have to rise above that. Dr. King said this best, that "the arc of the moral universe is long, but it bends toward justice." And I'm trying to appeal to the social consciousness of you all.

Now, all of us in this chamber should consider whether or not we want to be remembered in that fashion. I submit to you that when the history books are written that you want to be on the right side of history. You want to be on the right side of voting rights. You want to be on the right side of equality. You want to be on the right side of equal rights. You want to be on the right side of freedom and liberty. You don't want to be unpatriotic. And I urge you all to vote your conscience and to vote no on this Jim Crow 2.0 voter disenfranchising bill that does nothing to move Texas forward.

REPRESENTATIVE BUCY: Members out there, you've heard from our colleagues, and they've hit a few points that we need to hit again because I don't know if everyone is listening. This is what the Elections Committee was told, not by democrats, by the secretary of state's office. They said it twice—success, smooth, and secure. Members, we've heard a lot about election integrity and

so-called voter fraud since November 3, 2020, and we've heard a lot about those topics as we have debated **SB 7**. But it's important that we remember what we know to be true.

At the start of the legislative session—let's say it again. I hope our colleagues are listening. And if you're not, I know the people of Texas are listening. Because the secretary of state's office came into this building, into the Elections Committee, and they told us when we asked how did the 2020 elections go, their words: It was a success. It was smooth. And it was secure. Subsequently, in that same meeting, we received information from the attorney general's office, and then we had to press to get the real data. And what we've found is that in the past five years—in the past five years—16 defendants have been convicted of an election-related offense. Rosenthal shared numbers with you. If you add in the deferred adjudications and deferred diversion programs, out of the 16.9 million registered voters, if you do the math over the last five years of elections, that is 0.00000436 percent—a fraction of a fraction of a fraction of a fraction of a fraction of a percent. And with over 40 million votes cast, that number goes up. That's just one time.

What are we doing here today? Here's the simple truth. **SB 7** will not keep our elections secure or maintain accurate voter rolls. They're already safe and secure, as we were told. What we need to do is prioritize how we modernize and move forward. That should be our focus of this body. We heard ideas about that—online voter registration. Let's have a system where everybody's registered to vote, where everybody has access. How do we make voting easier, not harder? That should be the goal of this body. We shouldn't use policy to hide behind ways to make sure we get a better outcome in the election. Let's make policy that makes the people of Texas want to vote for us because of those policies. That's how we get the better outcome in the election. Because when we come in this body and we work together, then we go home and we get to tell the people of Texas that we accomplished things for them, not partisan divide.

The best days here, the special days here, are when we pass unanimous votes that make every Texan's life better. We did that last session when we fought for public education. We can do that again today when we vote down this bill. This bill creates new, unnecessary criminal offenses. It erects barriers to voting that are unprecedented in their scope, especially for seniors, Texans with disabilities, and people of color. What have these Texans done to earn such suspicion, other than dare to exercise their most sacred right to vote and shape the future of our democracy? Having just concluded an election cycle where a higher percentage of Texans cast their vote in the past 30 years in spite of the barriers provided by the COVID-19 pandemic, the legislature cannot in good conscience convene and respond by making it harder for Texans to vote, criminalizing democracy, and undermining faith in the integrity of our elections to discourage civic participation.

Members, success, smooth, and secure—that is your secretary of state's office. That is their report on the status of elections in Texas. Let's not buy into conspiracy theories. Let's not listen to the rhetoric out there. Let's know the facts—success, smooth, and secure. For all of these reasons, members, please

think about your vote and what it means for the people of Texas. So for those reasons, I encourage you, please vote no on **SB 7**. And let's make sure that no member's vote today makes it harder for Texans to vote tomorrow.

REPRESENTATIVE MARTINEZ FISCHER: What I would say is we've spent a lot of time on voting rights in my time here. And if you calculated the amount of time we have debated, from voter ID to redistricting to phantom problems, and if we were to just apportion a fraction of that time to Medicaid expansion, to the fact that our foster care system sits in a federal courtroom in Corpus Christi and we would rather let a federal judge fix our foster care program—because you want to fix an election system that's not broken. If we spent a fraction of the time looking for the \$50 billion that left our constituents' pockets in four days of a winter freeze, to bring that money back to our communities, we could solve that problem—but instead, we're going to focus on an election system that is not broken. We are going to lose \$100 billion in an 1115 waiver, which, by the way, is next year and which, incidentally, has a few billion in this budget, and we're going to ignore that and say we're going to deal with it mañana—because we're going to fix a problem that doesn't exist. That's what we're doing here.

So Representative Cain, you have your vote. You have your majority. But guess what? I look forward to seeing you in federal court. What I know from my days of voting rights in this chamber, you may have the vote today, but we are all equal in federal court. And history is on our side. Intent is on our side. So please do not delete any e-mails. What I want folks to know is the things you don't get to see because we sat idle for three-quarters of a day. Look at the calendar. We have about 24 days left before we go home. So the three-quarters of the day we spent yesterday is the equivalent of about two weeks in legislative business. And we sat there and did nothing while we waited, and we waited, and we waited, and we waited, and then we took up this proposal. Folks are tired, and they should be. Folks are grouchy, and they should be. Folks want to get some sleep, and they should. And we come up with a proposal and Representative Cain refused this body—not just democrats, everybody—the courtesy to explain what these changes were doing.

Now, I'm a big boy and I can read, so I understand that I have my ability to go find this language and read it and understand it, but the members of the public, our staffs, the voting rights advocates that don't get paid to be here, they have a right to know what was happening. So to simply take the microphone and say, **SB 7**, move passage—that's not our standard. That's not how we do business here. I have the votes, therefore, I don't have to explain. That's not cool. I don't care where you are on this vote. Members, you have to remember that people will treat you the way you let them. And when we start letting each other get up here on the most fundamental, the most sacred, the only thing we should really be caring about when it comes to human life, human dignity—that's our right to be heard at every election when you get to walk into that room and mark your ballot. And we can't even get the member to explain to us with a straight face what these changes do. So what it was 3 o'clock in the morning. We were here. And we're here now. And there's no reason why on third reading, Chairman Cain—and maybe when he closes—this is my invitation when he closes: Tell us what we're

doing. Tell the people in the third floor gallery what we're doing. So it's not about this gotcha. It's about make your argument. Take your vote. If you think you're making the right vote, well, then make it.

But on voting rights, there's going to be an instant replay. And fortunately, that replay isn't going to be concerned about the color of the lights. Fortunately, that replay is not going to be concerned about whether you tabled an amendment, whether you adopted an amendment, whether it was second reading, third reading, or in the back hall. That doesn't matter. What's going to matter is, did witnesses get the opportunity to be heard when **SB 7** came up? And they didn't. What's going to matter is when you start a vote and you know you're going to lose, you quit. I've taken hundreds of votes in this building. Ms. T. has probably taken thousands. I have never seen a vote stop unless the bell didn't ring and we had to start all over, and that was rare. What's going to matter is the process. What's going to matter is how we treat each other. What's going to matter is how we treated people who wanted to be heard. That's what's going to matter. So how you vote your light is of little concern to me, but think about the dignity of this process. Think about the respect we owe each other to explain exactly what we're doing whether you want to or not. I heard somebody say, and I will not out him, I heard someone say that when you bring a bill to the floor you have to defend it. And it wasn't a democrat. And I believe that. You want to carry **SB 7**, **HB 6**, you better be ready to prepare to explain it, to defend it, and when you change it, show the respect to the body that you're going to tell them what these changes are going to do.

But it should also be recognized and acknowledged that there are a number of men and women standing up here—they didn't care. They would've stayed all night to fight for the right to vote. And that began with the hardworking men and women that serve on the Elections Committee that were pressing the leadership every single step to let them know when the i's weren't dotted and the t's weren't crossed. That goes to our caucus leaders that were pressing negotiations that we spent three-quarters of a day trying to negotiate. That kept everybody else to maintain the floor and the schedule to make sure everybody was doing what they were supposed to be doing. And I must say, when we all thought this was falling apart, many of us were sitting in the back room in the corner reading the rule book, debating on who had the better point of order, and I saw somebody get out of his chair because negotiations were on life support. So I told Chairman Canales, I really appreciate the fact that while you had your other problems and other things to worry about, you were willing to get up and go revive those conversations. But make no mistake, this took this bill from very ugly to just ugly, where not a single democrat is going to vote for it and for good reason.

But what I cannot understand is that we have a bill sitting today with 76 votes, R's and D's, saying let's fix our health care program. We can't even get it to the floor. And that's the true irony. And that's what's wrong with this process. I like to say, in the old days, we took care of the people's business. And if you want to lock the door and fight like hell for 30 days I'm game. Just tell me when and where. But when the people's business is not being done and we divert ourselves to these red herrings and problems that don't exist, we are not serving

our constituents. We are not serving Texas. And frankly, we're not serving ourselves. So I hope you think about this regardless of how you vote. With the time we have left on the clock and the things we have to tackle where we are actually in the same solar system, let's fix them while we can. Let's get done with this nonsense, let's get it over into conference, and let's fix some problems. Vote no on this.

REPRESENTATIVE DAVIS: I'm going to start with a quote that I think is relevant today as it relates to where we are. And I think, members, this is to each of us. "Every time we turn our heads the other way when we see the law flouted, when we tolerate what we know to be wrong, when we close our eyes and ears to the corrupt because we are too frightened or too busy or too frightened, when we fail to speak up and speak out, we strike a blow against freedom and decency and justice."

Members, this bill ought to be about how we expand and create equal access and empower people to participate in our process, in our electoral process. We have spent a great deal of time talking about inclusion. We're one. We're Texas. We're one Texas, indivisible. And yet we're as splintered as we've ever been. The number one—the number one—issue for disenfranchisement is not having access to voting. It also perpetuates racial injustice. That's our challenge today as members of this legislature. What are we willing to do? And what is enough for us to say we cannot let Texas become like Washington or any closer to Washington? I want to just mention that we've got lots of bills that we've shared, but this is the basics. This is the foundation. This is what got us here, the electoral process. When you cut it off, when you cut access to voting off, we're harming Texas. You're not harming me. You're harming Texas and other Texans who place their confidence in you to come up with policies that will keep us as one.

So I want to just leave you with one thought. Everybody knows I get really heavy-handed, as they tell me occasionally. I'm going to be a bit heavy-handed today. And I'm going to say this because I believe in creating a more perfect world. I believe that notion. And so when I came to the legislature, it was with the thought that all lives matter. We debate all this stuff about abortions and all this other stuff, but then we don't respect our voters. We don't respect our citizens. And I just wish for once—after listening to **HB 1900** and listening to all these bills—I just wish you would recognize that the black and brown lives matter, too. Because I'm clear that I want all people to be successful. I just wish you felt that way about my community and allow them to have the same access to voting, because this is going to disenfranchise voters in my community. This will disenfranchise voters.

I would encourage you to take a deep look into yourself and ask: Did you turn your head? Did you ignore what you should be doing? Are you part of the problem or are you part of the solution? If you want to be part of the solution, let's start by saying this is not good enough for Texas. We can do better. We can be more inclusive. We can be more respectful. And start by voting no on this bill.

REPRESENTATIVE CROCKETT: I'm going to keep this brief. In short, this bill is nothing but voter suppression. Let me tell you what suppression looks like. It looks like firing back at County Judge Lina Hidalgo and former County Clerk

Chris Hollins, who braved to increase access to the ballot box for all. And instead of applauding them for assisting and increasing the participation of Texans in the process, we filed this bill. Suppression looks like black, brown, and disabled people telling you to your face that this policy will affect them in a negative way and allowing that to fall on deaf ears and passing this bill out of committee anyway. Suppression looks like reducing the participation by threatening litigation, incarceration, and empowering partisan poll watchers. And finally, when you're a freshman like me who comes into the house and believes that you have an opportunity to make a change to the extent that you somehow ended up filing more election bills than any other freshman but couldn't get one hearing, suppression looks like democrats filing hundreds of election bills yet not being allowed to be heard. I'm going to end with this. National Youth Poet Laureate Amanda Gorman said it best: "There is always light, if we're only brave enough to see it. If we're only brave enough to be it." It is time for us to be brave Texans and vote this bill down.

REPRESENTATIVE SHERMAN: All politics are local. But the more that I stay here, I believe that all politics are loco. Politics—rhyme or reason—it seems that there is no logic or reason to the politics here at the Capitol. There is a scripture that says in Proverbs 18:17 that the first account you hear is the one you believe until you hear the second account. It reminds me of Paul Harvey's words—hearing the rest of the story. Here, it seems we talk past one another. It's as though we're speaking a different language and we're not representing all the people. We say we represent our districts, but our districts represent Texas. So who are we representing if we don't represent all Texans?

In Proverbs 18:19, the Bible says that if you offend your brother, it's just as hard to win him back as it is to take over a strong city. There's a lot of offense that happens here, I notice. People get offended about some of the things that are said, but yet we act as though we don't believe the very Bibles that we have in our desks that say in Luke 17:1 that offenses will come but woe through whom they come. So in other words, offenses are all around us. All you've got to do is just say something and someone is going to be offended. But we are to be about the ministry of reconciliation. This is not about republican or democrat, independent, libertarian. This is about control freaks. We've gotten to the point that we want our way no matter what. But yet God, who is all powerful and all knowing, allows us to make choices to work together not for party but for his people. And so often it's because we don't know each other. We are not talking to each other.

All politics are local. When I was mayor, I remember we had this thing where we had juniors in our high school that would be mayor for a day. And I looked over there and I didn't see Mayor Cook but Mayor Paddie. And one year, the mayor for a day was a young lady by the name Vicky Nguyen. And 25 years prior to that, I had worked for a company called Sprint, and I was in national accounts. And I was a self-appointed inventor, and I would develop different products to augment our revenue and decrease our expenses. And our president and CEO at the time, Bill Esrey, would provide things for me so I could provide for my family, and I was very appreciative. Vicky Nguyen came to my office that

morning, early, to be mayor for a day and to shadow me. And it had been 25 years since I had been at Sprint. While I was at Sprint, there was a custodial company that would teach me to speak their language. It was about a month and then their contract was canceled for a Hispanic company, and my tongue is too lazy to speak Spanish. So I see Vicky Nguyen coming down the stairs, and I think to myself, I'm going to try. I'm going to see if I can recall, sister T, what I learned. And I said, "Annyeong-haseyo, sugohaesseo, chingu, kamsahamnida." And she looked at me bright-eyed and said, "Mr. Mayor, you speak excellent Korean." For all that time, I thought I was speaking Mandarin.

We don't spend time talking about the issues to know the language and to feel where we're coming from. We make these prejudicial decisions so rapidly without even considering changing, because the party says I have to vote this way. With all due respect, Mr. Cain, I find him to be a great man. Mr. Cain, I find you to be a very honorable man. And Mr. Cain, I could make that assessment not by knowing you, as I do, but by knowing your family, your wife, Bergundi, and your five sons, and seeing how orderly and well-behaved they are as young men. I've said—you don't have to pay for this one—I have said that the most difficult parenting is when you have multiple same-sex children. Because Michelle and I, we have five kids, but we've got boy, girl, boy, girl, boy, and the girls bring civilization to the household. So my hat's off to you. And when you stood here and laid out your bill, you answered each of those questions patiently as I watched you in the beginning. And you acknowledged when Chairman Anchia said to you about the purity at the ballot box—you acknowledged that you didn't know. I believe you.

My mother, who was born in 1937, told me about her life in Texas. And though women could vote when Congress ratified the vote in 1920 and the Nineteenth Amendment gave the right for women to vote, my mother, who is a woman, could not vote. My mother could not vote until she was about 40 years old because even though she was a woman, she was a black woman in Texas. And if she voted, it could have cost her her life and her family's life. That's how precious the vote is. And I know you didn't know. I know you didn't know.

You know, sometimes as we're growing up—as I'm coming to a close, Mr. Speaker and members—as you're growing up, you began to change. You don't know, but everyone tells you you look like your father. And one day as you're getting ready for just another day, as you are getting ready for another day, as you have finished shaving, you stare into the mirror only to discover and realize that the person you're looking at in the mirror resembles your father. Maybe you're not as overwhelming in stature but the similarities are undeniable. You may not be as commanding, boisterous, or dominating. You're more polished than your father. You're well-educated. You're soft and you're gentle and genuine. Our parents knew Jim Crow. And just like older people see our parents in us before we see it, often, my parents look at the children of the old Jim Crow and they see the resemblance in his children. Though they may not be Jim Crow because they would never be as crude as to enact some of the laws that they did. They just moved to communities where there are fewer of us, and that's why our ISDs are more segregated than they were before.

If I can just say, one of the things that I love about being an adult is that we can be candid with one another. We can be transparent. We can just talk. I've often served as the first African American in various positions, whether it's leadership in city management or mayor. And being the first is often different because some people are not comfortable with that. I used to meet with all the young white professionals in my city of DeSoto. Every Wednesday morning at 8:30, I would hold a meeting with them because I noticed that there were many white young professionals. And I would meet with them to ask them about what they liked about the city of DeSoto. I would give them assignments. They began to call me Professor Mayor. One of the assignments was you pick the city you would like to live in if you didn't live in DeSoto. Some of them said McKinney. Some of them said The Woodlands, Representative Toth. Some of them said McKinney. They said—well, you get the point. I asked them, if DeSoto had the best-ranked school district academically in the nation, not in Texas but in the nation, would you send your kids to DeSoto ISD? Now, in order to be a part of this group, you had to promise to be candid, and I promised that I would never be judgmental. And I asked them would they send their kids to the school. And they said no. Not if it was the top-ranked academic school in Texas but in the nation—they said no. I asked why. They said because we would be outnumbered.

As I come to a close here, we are at a tipping point as a nation. And I'm going to have to wrap up. I really had this close that I was going to make, but thank you all very much for listening. God bless you. Whether you're republican or democrat, we're all one.

REPRESENTATIVE J. GONZÁLEZ: I'll keep his short, but I do want to share as a member who served on the Elections Committee. This is one of the most challenging sessions for me and I think for many of us for many, many reasons. One thing that I did learn is that we have to do better and we have a lot of work to do. In serving on this committee is seeing people being silenced, being disrespected—both my colleague Michelle Beckley and I—but we fought every single day. And I showed up to committee to hear testimony from the people because that is what we are sent here to do. I take pride in serving my district just like everyone else here does, and we are sent here to serve our people, to pass policy based on good data, good policy—you know, data-driven policy. That's what we're sent here to do—to make the lives better for the people of Texas, not to hurt them.

And when I first thought about when I ran for office, I thought that that's what we were sent here to do—that we actually have conversations, that we can meet in the middle. Because there are many things that we can meet in the middle on and we can pass good policy that is going to serve our constituents. And it's really disappointing that we're sent here every other year for 140 days, yet we sit here and we debate these issues that Texans don't really want. And when you hear an overwhelming majority of people testify and say we don't want this—we don't want this—yet we still ram it through anyway because we don't have the numbers. Members, that's not what our democracy is supposed to look like. That's not what we're sent here to do. We're sent here to listen to the people, to pass law that is going to make their lives better. Yet we want to play politics because

we don't have the numbers, and we have these laws that get forced down our throats and forced down to our constituents who don't want these policies in Texas.

And you heard yesterday from the author of this bill guessing on—"Yes, I guess this does that." In my opinion, you should not bring a bill to the floor if you don't understand it yourself, if you don't understand the effect of what this bill would have on the people of Texas. Because not even the AG could even give an explanation of that, and these the people that are going to be enforcing this bill, this law. I mean, you heard the author of the bill also say, "You can't find what you don't look for." And members, that to me sounds like a witch hunt. And I'll just reiterate what I said yesterday, that when this bill passes, today is a dark day in Texas. So I encourage you to vote no and do right by Texas.

REPRESENTATIVE BOWERS: Members I don't usually say much, but when I say something, I mean it. I didn't plan to say anything and speak against this bill, but I feel that I have to because I came here, just like I hope most of you did, to make a difference. One thing that I write to my constituents is that we're moving Texas forward. Let's move Texas forward together. And right now and in this 87th Legislative Session, it feels very retroactive to me. It seems that in almost 140 days, day in and day out, we have stripped everything away. And we keep doing it.

We're not moving Texas forward. The one right that we have is our voting right—the right to be heard, the right to believe in democracy. As I stood here and listened to our colleagues, I thought about my father, who is no longer here, who was an immigrant who got here as fast as he could, who said and thought that Texas was God's country. But I don't see us making a better way for our children and those coming behind us. I hope that you all want to go home after this session is over and tell all of your constituents what a great job you did—that you fought for their rights, that you fought for them to have a better way of life and better quality of life. And I don't know that we'll all be able to say that. When you vote no, because that is the way I'm encouraging you to vote, ask yourselves—am I moving Texas forward? Am I making things better for the people that I serve, with every vote but especially with this one?

When this bill was heard in the Elections Committee, it was an explosive day in the house, right? We were hearing all sorts of bills. The George Floyd Act, we heard that, defund the police. And I'm trying to stay on this bill and what we're talking about, but people with all different ways of thought came here to be heard. But the most explosive was probably the Elections Committee. I'm proud to say in our committee, we let people be heard, but I don't know if the Elections Committee can say that. So when you cast your vote, vote no. And know that when you do, you are standing up for people who are coming behind you, people that we want to move to the State of Texas because they are moving somewhere for a better way of life.

CAIN: There were a few amendments put on in second reading. I guess earlier this morning, now that I think about it. I almost said yesterday. Much of those changes made to this bill were made in response to things we learned in and out of committee. In fact, one of those perfecting amendments from second reading

was made at the advice of the Coalition for Citizens with Disabilities. Another one of those perfecting amendments was based on recommendations from the NAACP of Texas chapter. This bill took a lot of work. We heard ideas from many members and constituents. This bill protects every single Texas voter. It does not punish people for making honest mistakes. To that end, actually, some of the amendments that went on yesterday were designed to clarify and ensure that people would not be prosecuted for honest mistakes.

This bill requires the Election Code to be applied uniformly and consistently statewide. It requires the provisions of this Election Code to be strictly construed and prohibits the unauthorized altering or waiving or suspension of an election procedure practiced by any public official. It ensures that voter rolls are accurate by requiring the abstracts of deceased voters to be sent to the appropriate authority within seven days of being created. It increases transparency by adding spoiled ballots from a voting system that uses paper ballot backups to the list of spoiled ballots that must be logged. It also increases transparency by listing in one place the persons who may be present at a polling place and an early voting ballot board or a central counting station.

In relation to poll watchers, something that gets talked about a lot, this bill and the amendments added on second reading clarify the existing duties and purpose of poll watchers and ensures that poll watchers are able to properly observe the activity for which they were appointed. So this bill seeks to strike a balance between poll watchers and election workers. See, watchers are not there technically to watch the voters. That's the job of the election judge. So the watcher is there to watch the process. They're there to watch the people running the election. And because the election judge is part of that process, it makes little sense for the judge to be able to eject the watcher for any cause—or without cause, rather. Therefore, it further instills trust in the electoral system by ensuring that poll watchers cannot disrupt the delivery of ballots, be removed without cause, or prevented from properly performing their duties. This bill does not allow, by the way, poll watchers to harass voters nor does it prevent poll watchers from being removed for committing crimes or violating the Election Code.

In relation to assisting voters, this bill protects voters who are unable to write or see due to physical disability or those who are unable to read the language in which the ballot is written. It protects them from being taken advantage of by updating the oath—an existing oath of assistance—to clarify that the assistant did not improperly persuade the voter. The bill also makes it an offense for a person to commit perjury by making a false statement on that oath. The bill also increases transparency and protections of voters eligible to receive assistance at a polling place by requiring persons other than the election officers who assist a voter to complete a form with the assistant's name, address, and relationship. It actually—the older version required you to say why you were assisting them and how you were assisting them, but that's something we removed after talking to some disability groups.

This bill protects those who choose to vote by mail by adding to the form already required to be completed by a person assisting them in preparing their ballot to list their relationship to the voter and whether the person was given any

compensation or other benefit in exchange for providing assistance. Additionally, this bill prohibits a person from requesting or receiving a monetary benefit or political favor in exchange for assisting a voter in preparing their ballot by mail. Similarly, the bill protects voters who choose to vote by mail by prohibiting a person from paying or offering to pay another to assist a voter to prepare their ballot. The bill further protects voters who vote by mail by adding to the content already required to be placed on the carrier envelope by requiring the relationship of the assistant to the voter be added. The bill prohibits voting in more than one state. It protects the integrity of the ballot box by prohibiting the alteration of a ballot to no longer reflect the voter's intent or making them count invalid ballots if the person knew they were valid or invalid. Vote trafficking is buying or selling votes for profit. Financial involvement can tend to make things a little corruptible, and this bill strengthens prohibitions against vote trafficking. This bill prohibits the use of tax dollars by local governments from being used to solicit applications of vote-by-mail or distribute applications for vote-by-mail, early voting ballot materials, or any early voting ballot by mail to persons who did not request them. It doesn't prevent your campaigns from sending them out. The bill also prohibits public officials from pre-filling any portion of that application before sending it to that voter.

In relation to judicial review, this bill ensures that legal challenges are expeditiously handled by requiring courts to give priority to and expedite consideration of election cases alleging fraud. And actually, I believe due to some amendments yesterday, it allowed that for any kind of election thing so that people can get their case in court because come Election Day, things are over. And I believe that if there are issues with an election, people should be able to get it swiftly resolved. This bill also ensures that cases alleging violation of the Election Code in a trial court are free from any potential judicial bias by requiring that cases be randomly assigned to a court. And it prohibits any person, including a public official, from attempting to improperly influence a court or the judge.

This bill, it may have my name on it, it may have some members of this committee and members of this body, it may have Senator Hughes' name on it, but it doesn't belong to me and it doesn't belong to him. This bill belongs to Texans. It's written for all Texans.

[SB 7 was passed by Record No. 848.]

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

SUPPLEMENT

HB 3979 - DEBATE

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FORTY-FOURTH DAY — MONDAY, MAY 10, 2021

CSHB 3979 DEBATE - SECOND READING
(by Toth, Leach, Metcalf, Bonnen, Parker, et al.)

CSHB 3979, A bill to be entitled An Act relating to the social studies curriculum in public schools.

REPRESENTATIVE TOTH: **CSHB 3979** is about teaching racial harmony by telling the truth that we are all equal, both in God's eyes and our founding documents. This bill addresses an area of growing controversy and disagreement today. Therefore, I want to begin my remarks with something in which all of us can agree. Democrat, republican, male and female, all races—we all agree that racism, racial scapegoating, and racial and sexual stereotyping are wrong and they're evil. We all agree with the Reverend Martin Luther King Jr., who correctly interpreted the Declaration of Independence to hold up a standard of judging individuals not by the color of their skin but by the content of their character. So what's stopping us from achieving that? Critical race theory is a mouthful. And it's come on the scene as of late publicly, but it's something that's been brewing for several years. Critical race theory is a form of Marxism often called neo-Marxism. Just as Marx rejected democratic liberties and the rule of law as a trick to disguise the selfish interest of capitalism, in the same way, critical race theory rejects our constitutional liberties and the rule of law as a disguise for the selfish interests of a supposedly white supremacist American society.

If you don't believe me, listen to the passage from a book by Gloria Ladson-Billings. And what I'm going to do this evening is instead of giving you my evaluation or belief or understanding of critical race theory, I'm going to go and cite critical race theorists and those that established and developed critical race theory and those that argue for it in the university systems across the United States. These won't be my words. These will be their words. Gloria Ladson-Billings, who is considered the founder of critical race theory and education, first said this: "By 'white supremacy' I do not mean to allude only to the self-conscious racism of white supremacist hate groups. I refer instead to a political, economic, and cultural system in which whites overwhelmingly control power and material resources, conscious and unconscious ideas of white superiority and entitlement are widespread, and relations of white dominance and non-white subordination are daily reenacted across a broad array of institutions and social settings." She goes on to say, "Many critical race scholars view white supremacy, understood in this way, as central to [critical race theory] in the same way that the notion of capitalism is to Marxist theory and patriarchy to feminism. This perspective on the nature and extent of contemporary racism is one of the key defining elements of [critical race theory]."

So what the founder of critical race and education just said is that these two, Marxism and CRT, are inextricably linked. It's a distinction without a difference. Ladson-Billings cites the following: "[Critical race theory] begins with a number of basic insights. One is that racism is normal, not aberrant, in American society. Because racism is an ingrained feature of our landscape, it looks ordinary and

natural in persons in this culture." So the question is, do you want our Texas kids to be taught that the system of government in the United States is nothing but a cover-up for white supremacy? Do you want them to be taught a souped-up version of Marxism? And with that I'll entertain questions.

REPRESENTATIVE M. GONZÁLEZ: Representative Toth, you have to give me a second to catch my breath after I heard your layout. I'm not sure if you're aware, but two years ago, I completed my PhD program. Did you know that?

TOTH: I do recall that.

M. GONZÁLEZ: And as part of my PhD program, I had to pick a theory in which to do my research on. And did you know that I utilized critical theory and critical race theory in order to do the academic research that my doctoral degree is in? Did you know that?

TOTH: Is that a question?

M. GONZÁLEZ: I asked if you knew that.

TOTH: No, I did not know that.

M. GONZÁLEZ: And so you would know, because I have worked with you on lots of bills and lots of pieces of legislation, that I come into this space full of love and compassion and a desire for people to work together. Do you agree with that?

TOTH: I think you're a very considerate member, absolutely, yes. You've got a big heart and I appreciate that about you.

M. GONZÁLEZ: And so what I think is surprising for me is in your layout, you describe that critical theory and/or critical race theory creates divisions. However, I would argue that I have seen how critical theory and critical race theory healed me and helped me understand society so I could come into this space and be loving, compassionate, a unifier. And so it's interesting to me that in your layout you feel critical theory does the opposite when, in fact, from personal experience and research, we know that's not accurate. So my question is, how many actual critical theory books have you read? Critical race theory books beyond just picking quotes here and there but from front cover to back cover to fully understand, really, what we're talking about today?

TOTH: I'm going to continue to lay this bill out with the words of critical race theory.

M. GONZÁLEZ: No, besides cherry-picking words here and there.

TOTH: I have not raised, I have not read—

M. GONZÁLEZ: No, Representative Toth, besides cherry-picking words here and there.

TOTH: Representative, let me answer the question. Let me answer the question. I'd be happy to—

M. GONZÁLEZ: I have a question. How many books?

TOTH: You've got to let me answer the question now.

M. GONZÁLEZ: How many books have you read that deal with critical race theory and critical theory from front cover to back cover?

TOTH: I've read white papers on critical race theory, and that's where I've derived these quotes.

M. GONZÁLEZ: So you want to ban a whole subject of theory because you have read a couple of white papers? You've never even finished an entire book or multiple books on this.

TOTH: So this does not ban the discussion of critical race theory. This bill does not ban that at all in any way, shape, or form. We're still allowed to talk about it in the classroom. Now, Representative, have you ever heard of—

M. GONZÁLEZ: But you want to limit discussion on it and you have never even, and to your words—

TOTH: I want to limit—this bill limits the proselytizing.

M. GONZÁLEZ: —completed reading a book on this subject. Is that accurate?

TOTH: No, the bill limits—

M. GONZÁLEZ: You've read a book on critical race theory? A whole book front cover to back cover?

TOTH: I think I've already answered your question, Representative.

M. GONZÁLEZ: I just want to know. Have you read one book from front cover to back cover on CRT?

TOTH: I've answered your question. I said I've instead read white paper studies. So Representative, have you ever heard of the Chinese American Citizens—

M. GONZÁLEZ: You've read white paper studies that are accurate?

TOTH: Have you ever heard of the Chinese American Citizens Alliance?

M. GONZÁLEZ: I'm sorry. I'm at the back mic. I'm asking you questions. So you've read white papers. Can you tell me who the authors of these white papers are?

TOTH: These white papers—the first quote that I gave you was from the founder of critical race theory.

M. GONZÁLEZ: So who is the founder of critical race theory? Something you want to limit but you don't know the founder of?

TOTH: I already shared that with you.

M. GONZÁLEZ: Who is the founder?

TOTH: Ladson—Ladson-Billings.

M. GONZÁLEZ: She is not the founder.

TOTH: Mrs. Ladson-Billings.

M. GONZÁLEZ: She is not the founder.

TOTH: She is the founder.

M. GONZÁLEZ: She is a writer in critical race theory but not the founder.

TOTH: Okay.

M. GONZÁLEZ: So you want—here's my point. We are making very real decisions about access to educational resources without even having a full understanding of what we're talking about. And I can speak to this because I literally spent 10 years getting a PhD in this in which I have seen the opposite of what you're talking about happen, that compassion and love stem from this theory, stem from this research, and stem from the academic writings of everyone from Kimberlé Crenshaw to Paulo Freire to bell hooks. And I can name the multiple books which I've read and you can't even name one. I guess—

TOTH: Are you familiar with the Dalton School, Representative?

M. GONZÁLEZ: Of course I am, but—

TOTH: Are you familiar that the Dalton School now is limiting what they will educate students on based on critical race theory?

M. GONZÁLEZ: My question is—

TOTH: We've already established that you've read more books than I have.

M. GONZÁLEZ: Do you—let me better understand you.

TOTH: Sure.

M. GONZÁLEZ: Why are you bringing this bill?

TOTH: Because this is not who we are.

M. GONZÁLEZ: So are you saying that I am not who we are?

TOTH: Representative, I think you've got an incredibly great heart and I have told you before that I really appreciate that about you.

M. GONZÁLEZ: So help me understand why isn't it who we are if this is literally the foundation of the three letters after my name, PhD. Why is it not who we are? Tell me what is so wrong with my PhD that you want to ban—limit—students from understanding this very critical foundation to understand—

TOTH: That's not what this bill does.

M. GONZÁLEZ: And a greater point, can you list the countries that have had banning of books or banning of subjects?

TOTH: Can you restate the question? I apologize. I was listening to Mr. Goldman.

M. GONZÁLEZ: Can you list countries that have banned books or banned topics for students? And what are the histories of these countries?

TOTH: This bill does not ban books. This bill does not ban speech.

M. GONZÁLEZ: Yes, it does ban. It bans teachers' speech.

TOTH: No, it doesn't.

M. GONZÁLEZ: It says teachers can't speak to this theory.

TOTH: Where does it say that in the bill, Representative?

M. GONZÁLEZ: I will find the quote. It says it prohibits the—

TOTH: I apologize. Where are you in the bill?

M. GONZÁLEZ: Section (h-3)(4)(B) prohibits the inclusion of certain concepts in social studies and other courses. Is that not similar to what happens in countries in which you say you don't want us to be like?

TOTH: Is there a question? I'm sorry.

M. GONZÁLEZ: Is what you're doing not similar—so you in your layout said we are not this, right? We are a democracy. This is important for maintaining our democratic freedoms. But how can you say that when you're literally doing the opposite by prohibiting the inclusion of topics for discussion?

TOTH: So can I read some of the bill to you to answer your question?

M. GONZÁLEZ: I read the bill backward and forward. But I would love for you to answer my question.

TOTH: I can by reading the bill to you.

M. GONZÁLEZ: Or you could just talk to me.

TOTH: Okay, it's—"a teacher who chooses to discuss the topics described by Subdivision (1) shall [do so] to the best of the teacher's ability, [and] strive to explore these topics from diverse and contending perspectives without giving deference" to one or the other. So the bill clearly states that teachers can discuss this, and they should discuss it, and they need to discuss it, but they shouldn't proselytize.

M. GONZÁLEZ: I guess my question is that you're saying one thing here, your bill is doing this thing here, and then your layout is saying something completely different. And so you can imagine, as a member of the legislature, that it's really confusing. But I'll leave you with this. Tomorrow, I'm going to go buy you five critical theory and critical race theory books, and I hope you read them all.

REPRESENTATIVE TALARICO: Representative Toth, you weren't there to lay out this bill in the Public Education Committee, so we didn't get a chance to ask you these questions before the bill came to the floor. So we're going to do it now. Last week was Teacher Appreciation Week, correct?

TOTH: Yes.

TALARICO: Okay, and you're not an educator are you, Mr. Toth?

TOTH: I'm sorry—one more time?

TALARICO: You're not an educator, are you?

TOTH: I am a pastoral teacher.

TALARICO: Do you have a degree in education?

TOTH: I do not.

TALARICO: A degree in curriculum development?

TOTH: No, I don't.

TALARICO: A degree in instructional practice?

TOTH: No. In fact, I did not finish my college degree.

TALARICO: And you know that I was a public school teacher before coming to this body?

TOTH: Yes. I did not know that but I'll take your word for it.

TALARICO: Are you aware that most of the major education groups in this state oppose this bill?

TOTH: I was not aware of that.

TALARICO: Are you aware that the Texas Council for the Social Studies opposes this bill?

TOTH: I'm not informed.

TALARICO: Are you aware that the Texas Social Studies Supervisors Association opposes this bill?

TOTH: I am not informed.

TALARICO: Are you aware that the Association of Texas Professional Educators opposes this bill?

TOTH: I am not informed of that.

TALARICO: Pastors for Texas Children opposes this bill and major chambers of commerce around this state. Are you aware of that?

TOTH: I'm not aware.

TALARICO: In lines 9 and 10 on the second page, your bill says, "a teacher may not be compelled to discuss current events," correct?

TOTH: We have a perfecting amendment on that.

TALARICO: Currently, that's what the bill says.

TOTH: So what line are you on?

TALARICO: Lines 9 and 10 on the second page.

TOTH: And what's your question?

TALARICO: Your bill says, "a teacher may not be compelled to discuss current events," correct?

TOTH: Correct.

TALARICO: Have you read our educational standards in Texas, also known as the TEKS?

TOTH: The TEKS—and we have a clarifying amendment on this, but if you'll read down to point (2), line 12, "a teacher who chooses to discuss topics described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore these topics from diverse and contending perspectives without giving deference"—

TALARICO: Mr. Toth, have you read Chapter 113 of the Texas Administrative Code?

TOTH: I'm familiar with it, which is why we've got a perfecting amendment on this. But that is also why lines 12 through 15 describe that these can be discussed but it just needs to be done from a diverse perspective while not advocating.

TALARICO: So your amendment will be removing this ban on speaking about current events?

TOTH: There is not a ban.

TALARICO: It says, "a teacher may not be compelled." Should a teacher be compelled to teach the TEKS in Texas?

TOTH: It doesn't say that they can't teach the TEKS. In fact, point (2) brings clarification to this in case there is any confusion.

TALARICO: Mr. Toth, your bill says "a teacher may not be compelled to discuss current events." Throughout the social studies TEKS in Chapter 113, it says that students are expected to gather information about historical events, be able to interpret historical and current events, to be able to identify different points of view about an issue or current topic, about a contemporary event. Throughout the social studies TEKS, teachers are required to teach current events. Are you aware of that?

TOTH: I am, and that's why point (2) brings clarification to it.

TALARICO: I know you keep talking about that same section. But I'm asking you about the section before it where it says, "a teacher may not be compelled to discuss current events." Should a teacher be compelled to teach the TEKS in the State of Texas?

TOTH: Of course.

TALARICO: Okay, so you're going to be providing an amendment to strike that part of your bill that conflicts with the TEKS?

TOTH: It doesn't conflict with the TEKS because of points 12 through 15. And we actually talked with attorneys about this, including the top attorney in the State of Texas.

TALARICO: Mr. Toth, you said a teacher should be compelled to teach the TEKS. I just listed out in third grade, fourth grade, fifth grade, sixth grade, ninth grade, and 12th grade, teachers are required to teach current events. But your bill doesn't compel them to do so. Should teachers in Texas be compelled to teach the TEKS?

TOTH: The teachers must teach the TEKS, which is why point (2) brings clarification to point (1).

TALARICO: All right, so we need to get rid of lines 9 and 10 on the second page. Mr. Toth, are you familiar with the learning pyramid?

TOTH: I'm not advised.

TALARICO: So when you're becoming an educator, they teach you about the learning pyramid, which suggests that some methods of learning and study are more effective than others. So at the top of the pyramid are the more shallow types of learning, which are listening to a lecture, reading. At the bottom of the pyramid are the deeper types of learning, like practicing or teaching others. What is the difference between civics and history?

TOTH: Understanding how our current system of justice, how our current laws work, as opposed to historical events.

TALARICO: The goal of civics education is social and political participation, correct?

TOTH: Correct. That's a good definition.

TALARICO: And the goal is to sustain our constitutional democracy?

TOTH: I'm sorry?

TALARICO: And the overall goal should be to sustain our constitutional democracy? The goal of civics education?

TOTH: I'm sorry. Could you repeat that, Representative?

TALARICO: I was just asking you if the overarching goal of civics is to sustain our constitutional democracy.

TOTH: Correct.

TALARICO: Your bill bans service learning programs with any organization that also engages in social or political activism or lobbying or advocacy at the federal, state, or local level. Is that correct?

TOTH: Can I just respond to your first comment?

TALARICO: Sure.

TOTH: You said it's important for us to understand, what was it, the Constitution? Our form of government?

TALARICO: I asked you what the goal of civics education is.

TOTH: So I teach citizenship back in Montgomery County, and one of the interesting things is that while some of the people that come have a hard time understanding English, as they're learning English, they're learning. And so most of these people don't even understand or have not really mastered English yet. And yet the really cool thing is that 90-plus percent of them will pass their citizenship test on the first try. But the really sad thing is that only about 19 percent of Americans can get six out of 10 questions correct, which is really sad.

TALARICO: Mr. Toth, I think we all agree about the need—

TOTH: Which is really sad. Which is very sad and it points to a real problem that we've got in our nation. You're pointing to something that's critically important, and the problem is—

TALARICO: Mr. Toth, respectfully, we have a lot of questions to get through. Like I said, you weren't in the committee to lay out the bill, so I want to make sure we get through these questions.

TOTH: Sure, you bet.

TALARICO: Your bill bans service learning programs with any organization that also engages in social or political activism or advocacy at the federal, state, or local level, correct?

TOTH: Where are you pointing on the bill? I apologize.

TALARICO: This is the section of the bill that is about what organizations a student can affiliate with for class credit.

TOTH: Where are you in the bill?

TALARICO: So Mr. Toth, this is page 2 of your bill, and this is starting at line 16.

TOTH: Can you read it? Or do you want me to read it?

TALARICO: We don't need to read it. Hopefully, you understand your own bill. My question is, are we banning service learning programs with any organization that also engages in social or political activism or advocacy?

TOTH: Any child that would like to take part in coming to the Capitol, any child that would like to take part in going door to door, any child that would like to take part in registering voters is free to do that under the supervision of their parent and the guidance of their parent.

TALARICO: Right, they can't do it in a public school context. So this bill would ban students from earning class credit for volunteering at the Boys & Girls Club?

TOTH: The only thing it would ban—

TALARICO: It's just a yes or no, Mr. Toth.

TOTH: No.

TALARICO: It will not?

TOTH: No, it will not.

TALARICO: The Boys & Girls Clubs of America advocates for policies at the state and federal level that help at-risk youth. So this bill would ban students from earning class credit by volunteering with the Boys & Girls Club.

TOTH: No, it won't ban that. It will not ban that.

TALARICO: Mr. Toth, have you read your own bill?

TOTH: I have read my bill, and what it bans—let me read it to you. The only thing it bans, the only thing it precludes, is if it's done to advance critical race theory.

TALARICO: No, Mr. Toth, that's incorrect. You are banning any work with an organization that lobbies for legislation at the federal, state, or local level or that advocates for social or public policy or is involved in political activism.

TOTH: So if a child, let's say, so if a child is in school—one sec.

TALARICO: Mr. Toth, I'm going to—okay, I'll wait until you're done.

TOTH: My apologies, I'm sorry.

TALARICO: Mr. Toth, this bill would ban students from earning class credit for volunteering with the Rotary Club because the Rotary Club advocates for educational and humanitarian causes?

TOTH: No, it would not.

TALARICO: No, it would not? Can you explain how it would not?

TOTH: What it would ban is it would ban the use of our children by, whether it's the National Rifle Association or Planned Parenthood, from advocating, from lobbying on behalf of these organizations.

TALARICO: That may be your desire, Mr. Toth, but that's not your bill.

TOTH: That is the bill.

TALARICO: This bill bans—

TOTH: So if a child chooses to do that on their own, they can do that on their own or with their parents.

TALARICO: Mr. Toth, I'm just reading your bill. I'm reading the words on the page. This bill would ban students from earning class credit for volunteering with humane societies.

TOTH: Correct, if the children are being used—

TALARICO: Mr. Toth—

TOTH: Whether it's the NRA or whatever else, the kids are still allowed to do it. They will not get class credit for it.

TALARICO: So this bill would ban students from earning class credit for volunteering with the Humane Society? Since the Humane Society advocates for animal welfare issues?

TOTH: Any child that wants to do that, they can still do it.

TALARICO: Mr. Toth, how is social advocacy defined in this bill? Or how do you define social advocacy?

TOTH: Where are you at in the bill?

TALARICO: Say it again?

TOTH: Where do you see it in the bill? And I'll—so I can put it in context.

TALARICO: Line 23, on page 2.

TOTH: So the next amendment that we're going to take is going to strike (3)(A), which is lines 19 through 23.

TALARICO: Oh, that's great. Hopefully we can keep going. We can just strike the whole bill. Why not just trust Texas teachers to make these decisions for their own students in their own classroom?

TOTH: So I think we need to start trusting parents to make these decisions for their children and not teachers. It's the responsibility of parents to instill values in their kids and not teachers.

TALARICO: Mr. Toth, how do you define activism? We agreed the goal of civics was to increase political participation earlier. What's the difference between activism and participation? Is it only activism when progressives do it?

TOTH: No, I think it's activism when you're trying to change the system.

TALARICO: So were the Founding Fathers activists?

TOTH: Certainly, so were the Freedom Riders, so were the three young men that died in Mississippi in 1964.

TALARICO: I completely agree. So Mr. Toth, you would agree that any sound civics program should have action at the center of it, correct?

TOTH: The question is, at what age? At what age, Representative, does that transition from oversight of a parent in direction of a teacher?

TALARICO: Mr. Toth, your bill is for—

TOTH: So when my children were little, I took them to Tamaulipas and Reynosa every Easter and for spring break and we built houses, we built schools, we did medical service work.

TALARICO: Mr. Toth, we've got to move through these questions. I think the concern is that if we remove these current events TEKS or these service learning opportunities in our public schools, it's going to be affluent kids who have these opportunities, kids like yours. But kids like the ones I taught on the west side of San Antonio—

TOTH: I apologize—could you repeat that?

TALARICO: I'm explaining to you, I think that the concern is that if we remove these service learning programs from our civics classrooms or our social studies classrooms, that it will be affluent kids like your own that will have access to these types of training and democracy but not the students who need them most like the ones that I used to teach on the west side of San Antonio. And those are the ones that we desperately need to take ownership of the democratic process and to run to serve in bodies like this one.

TOTH: Can I respond to that?

TALARICO: Mr. Toth, if your concern is—

TOTH: Mr. Talarico, can I respond to that?

TALARICO: Sure.

TOTH: So my kids went with our church, and we approved it, and the church paid for everything. And my church and the people that I worship with are some of the poorest people in the city of Houston. So the activism that we do has

nothing to do with wealth. It has everything to do with meeting a need when a parent sees a need and instilling direction in their child's heart and mind that this is something that they need to do and be about.

TALARICO: The difference, Mr. Toth, is that public education is available to every child in Texas. Not every child has a family or a church that is able to support those types of activities. That's the difference. If your concern is teacher bias, then why do we not just go after that in your bill? It seems to me that everything in this bill could be cut—

TOTH: We have an amendment for that as well.

TALARICO: —except for lines 12 through 15 on the second page.

TOTH: We have an amendment for that as well, Representative.

TALARICO: Is it true that teacher bias has always been an issue in the practice of education? While teaching literature or social studies or health or life skills?

TOTH: I think that you're always, Representative, going to hear some passion from a teacher. I can't believe anyone would teach if they didn't have a conviction and a passion that they wanted to share, right?

TALARICO: So why not just let Texas teachers check their own bias like they always have?

TOTH: In the midst of sharing that passion, the question is how do you do it in such a way that still honors the values—

TALARICO: Mr. Toth, what—

TOTH: —that a parent is trying to instill in their child.

TALARICO: What empirical evidence do you have that there's an actual problem here? That teacher bias is on the rise?

TOTH: Can you repeat it? I'm sorry.

TALARICO: What empirical evidence do you have that there's an actual problem here? That teacher bias is on the rise or is increasing in the state?

TOTH: Empirical evidence?

TALARICO: In other words, why didn't you commission—

TOTH: Empirical evidence?

TALARICO: Why did you not commission a TEA study or a statewide survey?

TOTH: Let me share—

[Amendment No. 1 by Toth was laid before the house.]

TOTH: Members, this is—it just brings some clarification to the bill. On page 2, it strikes lines 6 through 8. Also on page 2, 9 and 10, it strikes "current events or widely debated and currently controversial issues" and substitutes "a particular current event or widely debated and currently controversial issue." On page 2, line 12, it strikes "topics" and substitutes "a topic."

[Representative M. González raised a point of order against further consideration of **CSHB 3979** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption failed to give reasonable notice of the subject of the bill. The point of order was withdrawn.]

TOTH: Number 4, on page 2, line 14, it strikes "those topics" and substitutes "the topic." On page 3, line 1, it strikes "practicum" and it substitutes it with "internship" and "practicum." We wanted more clarification on it. On page 3, line 18, it strikes "or sex." And then on page 3, line 21, between "character" and "is," insert "standing, or worth."

[Amendment No. 1 was adopted.]

[Representative M. González raised a point of order against further consideration of **CSHB 3979** under Rule 8, Section 1(a)(1), of the House Rules on the grounds that the bill caption failed to give reasonable notice of the subject of the bill. The point of order was withdrawn.]

[Amendment No. 2 by Toth was laid before the house.]

TOTH: This amendment covers The 1619 Project. Even the founder of The 1619 Project, Nikole Hannah-Jones, acknowledged that The 1619 Project is not history, and she has publicly stated the fight over The 1619 Project is not about history. It's about memory. Her words, "I've always said that The 1619 Project is not a history. It is [in fact] a work of journalism." And what this amendment does very specifically is it lays out The 1619 Project, and while teachers are allowed to discuss The 1619 Project, they cannot be advocates for The 1619 Project.

REPRESENTATIVE COLLIER: Representative Toth, I'm looking at (x), which is 10, I suppose. It's (2)(x) in your amendment. Right here you said "that, with respect to their relationship to American values, slavery and racism." So are you saying that they cannot teach anything in relation to this (x) section of your amendment?

TOTH: Again, this is no different than the other elements of the bill. We're simply asking that teachers teach from a diverse perspective without proselytizing.

COLLIER: Okay. So that's a no. What are you talking about when you're saying they cannot teach about "betrayals of, or failures to live up to, the authentic founding principles of the United States"? What does that mean?

TOTH: Where are you on the amendment, Representative?

COLLIER: Same paragraph, (x).

TOTH: What line? I'm sorry.

COLLIER: Look at lines 10 and 11.

TOTH: "That, with respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality." And what this amendment clearly states is that there was a failure on the part of Americans to live up to the values of the founding documents.

COLLIER: So you're saying slavery failed to live up to the values of the founding documents?

TOTH: Slavery was a deviation. Slavery was evil. Slavery was wrong.

COLLIER: Agreed, but slavery was codified in the founding documents. It was actually written in the founding documents.

TOTH: How about if we stay on the amendment, Representative?

COLLIER: Well, you're saying that that's not part of the "founding principles of the United States."

TOTH: We hold these truths to be self-evident—

COLLIER: That all men what?

TOTH: —that all men are created equal.

COLLIER: Yes, except for African Americans at the time.

TOTH: And that they're endowed by their creator—

COLLIER: Okay, so the principles—

TOTH: —with certain unalienable rights.

COLLIER: Are you not—

TOTH: And the very fact that slavery occurred is a failure.

COLLIER: I'm trying to figure out if you're reading the same Constitution that I read. Because the Constitution specifically excluded the inclusion of African Americans, of blacks.

TOTH: Why—you know, I want to stay on the amendment. I don't want to get onto what is and isn't in the Constitution.

COLLIER: Okay, so then tell me. Tell me what "the authentic founding principles of the United States" were.

TOTH: So do you understand why—no, let's stay on the amendment.

COLLIER: That is your amendment. I'm reading word for word. What are "the authentic founding principles of the United States"? What are they based on?

TOTH: Do you understand why the founders did not want the word slavery in the Constitution? It's a question.

COLLIER: I'm asking a question if you would answer it, please. "The authentic founding principles of the United States"—what were they?

TOTH: It was the understanding that nature's God endowed each of us with certain unalienable rights that among them is life, liberty, and the pursuit of happiness. That people should live free. And the reason why the Founding Fathers did not want the word slavery in the Constitution was because they felt that it would stain the document. And they were right because it was a disgrace, an utter and complete disgrace, to who we are.

COLLIER: I'm sorry. I'm not sure which Constitution you're reading because in the founding documents, in the founding papers, they talked about owning slaves. The Founding Fathers talked about owning slaves.

TOTH: What percentage of the Founding Fathers—

COLLIER: So we're talking about "the authentic founding principles"—

TOTH: What percentage of the founders in—

COLLIER: The "authentic founding principles of the United States" included ownership of other humans. That was included in their principles. So I'm not sure which revised history you're looking at.

TOTH: Again, let's stay—that has nothing to do with this amendment.

COLLIER: Well, you're talking about the authentic principles, and it seems like you're whitewashing this. You're not including the founding principles of which the United States was founded.

TOTH: What documents are you talking about?

COLLIER: The Constitution.

TOTH: Where in the Constitution does it talk about slavery?

COLLIER: You're talking about—you're trying to say that you don't want them to teach about the founding principles of the United States?

TOTH: Where in the Constitution does it talk about slavery? You just mentioned the Constitution.

COLLIER: Okay. Let's see here. Article I, Section 2: "Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to the respective numbers, which shall be determined by adding the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons." That's in the Constitution, Article I, Section 2.

TOTH: So let's understand what you're talking about, because I want us to fully understand the three-fifths rule. Who argued for the three-fifths rule? Slaveholders, slave states, or non-slave states?

COLLIER: Are you saying that the three-fifths rule is not racist?

TOTH: Who argued for the three-fifths rule? Slave states or non-slave states?

COLLIER: No, I want to ask, do you think the three-fifths rule is racist?

TOTH: Any time you refer to someone as three-fifths, it's not a good thing. It's a bad thing. Who argued for it? The slave states—

COLLIER: But this is in the founding documents—

TOTH: Who argued for it?

COLLIER: You said, "Where is this found in the founding documents?"

TOTH: Did the northern states that believed that slavery was illegal—

COLLIER: I'm sorry. That's not what your bill says. Let's stick to your bill.

TOTH: Did they argue for it or did—

COLLIER: Let's stick to your amendment. Your amendment says let's talk about the "founding principles." The founding principles considered me to be three-fifths of a person, so your bill and your amendment would preclude the discussion of that.

TOTH: You're trying to take something out of context.

COLLIER: No. No, I'm just reading what your amendment says.

TOTH: The states that held that slavery was wrong and sinful cried for three-fifths so the southern states did not have greater representation in Congress, which would enable slavery to continue.

COLLIER: You're saying you want "the authentic founding principles."

TOTH: The southern states wanted slaves. They could not participate in freedom. They wanted them counted as whole so that they could continue to control Congress.

COLLIER: Now, you said that you wanted to teach "the authentic founding principles of the United States." This is in the founding documents, the Constitution. They talk about Indians and blacks, and it even talks about owning people. So wouldn't you agree that your educators should be able to teach about that?

TOTH: They absolutely can talk about anything. So let's go back to the amendment and stay with the amendment.

COLLIER: Okay. So I don't see anything about equality here, because it seems like you're trying to revise what history was. I mean, the history didn't have equality for all. It was only equality for white men. So that wasn't part of the founding principles of the United States, of equality and liberty, because they were ownership and there were people who were excluded. So I believe that this is a misstatement that you have here. And it's misrepresenting what has happened in our history. And so you're attempting to preclude students from learning actual history because this is not the truth. There was not liberty and equality for all. So would you take an amendment to remove that section?

TOTH: In no place does **CSHB 3979** ever seek to hide from future generations the evils of slavery.

COLLIER: Well, we're on your amendment. We're on your amendment. Your amendment attempts to rewrite "the authentic founding principles of the United States."

TOTH: Do you believe that The 1619 Project is a historical rendering?

COLLIER: I'm not on that section. I'm on (x), lines 8 through 12. Would you be willing to remove that section?

TOTH: No.

COLLIER: Okay. "That the advent"—go up to 5, line 5—"that the advent of slavery in the territory that is now the United States constituted the true founding of the United States." So you're saying that the advent of slavery was not part of the founding principles even though it's in the Constitution?

TOTH: It acknowledges what took place in the Constitution, absolutely.

COLLIER: Well, what you have—

TOTH: And you have to look at that in the context.

COLLIER: —on lines 5 through 7 of this amendment is contrary.

TOTH: You have to look at that in the context of the fact that this was not something that the founders agreed on.

COLLIER: Well, it made it into the document. This is the final document that the Founding Fathers signed, so obviously it was part of their principles. It was included in what they believed in, so you're attempting to remove that information because you're saying that they cannot teach about that.

TOTH: No, all men and women are created equal. We hold these truths to be self-evident.

COLLIER: I understand that. I know this.

TOTH: That's the aspirational goal.

COLLIER: I understand that, but if you look at Section 2—if you look at Article I, Section 2, of the United States Constitution—it's written very clearly there where they talk about "number of free persons, including those bound to service . . . and excluding Indians not taxed, three fifths of all other persons." So that means that we were excluded. So I'm just trying to figure out where do you get the part about liberty and equality for all and that slavery constitutes the true founding of the United States. Because if it's in the Constitution, it's part of their founding, so I think you're misrepresenting—I know you are misrepresenting—the Founding Fathers, because it was in there. So would you take an amendment to remove that section?

TOTH: No, ma'am.

COLLIER: Okay. So it just seems that this gets to the true heart of what you're doing. You're trying to erase the history so that our students don't grow up learning about what they shouldn't do in the future. Because if you don't know what you've done in the past, it's hard to figure out what you're going to do in the future. You can repeat history.

TOTH: I'm having a hard time understanding where you say we're limiting what people can and can't read.

COLLIER: Because you said you cannot—you're rewriting history and you're just automatically coming up with a reason why slavery was created. You're saying the advent of slavery was not the true founding of the United States.

TOTH: What it says really clearly here is that slavery and racism are a betrayal and that we failed to live up to the authentic founding principles of the United States.

COLLIER: You're saying that they cannot teach about that.

TOTH: I think that's a good thing that we say that it's wrong. It was wrong and this says it was wrong. It was a deviation from what the intent, the original intent, of our founders was, was that we would all be free.

COLLIER: Is there any requirement that they teach that slavery was wrong? Is there any requirement that they teach that the Founding Fathers were wrong about the advent of slavery and how people are equal?

TOTH: Yes, it says that in here. It's a deviation—

COLLIER: Is it a requirement? Is it required?

TOTH: It's a deviation and betrayal. It's a failure to live up to, and it says that very clearly here in this amendment.

COLLIER: Do you know the definition of deviation? Deviation doesn't mean wrong.

TOTH: How about betrayal?

COLLIER: But you have deviation.

TOTH: How about failure?

COLLIER: Deviations, betrayals, or failures to live up to authentic—

TOTH: How about live up to? How about authentic founding principles?

COLLIER: You're saying that this doesn't live up to the founding principles?

TOTH: It did not.

COLLIER: Slavery?

TOTH: Slavery did not live up to our founding principles.

COLLIER: Okay. You go, literally, you go against what the Constitution read.

TOTH: I'm looking right at it.

COLLIER: Is the Constitution part of the Founding Fathers'—

TOTH: I'm reading to you exactly what it says.

COLLIER: Is the Constitution a part of the Founding Fathers' documents?

TOTH: Yes, it is.

COLLIER: All right. And so what's in the Constitution is what the Founding Fathers believed in? Would you agree with that?

TOTH: I would agree that it was a compromise between the northern states and the southern states.

COLLIER: Were you there? Were you there when the Founding Fathers—because I'm not sure where that's written in this Constitution.

TOTH: There's quite a bit that was written about it during that time.

COLLIER: Is it in the Constitution?

TOTH: In the compromise in the Federalist Papers about what they had to do between the northern states and the southern states.

COLLIER: So are you going to teach about the Emancipation Proclamation, the Voting Rights Act? Are you going to include all that in there? Your amendment is prohibiting them from having a critical conversation or critical thinking on these issues. So if you're going to—

TOTH: No, it's not.

COLLIER: Well, you're saying that they can't talk about The 1619 Project.

TOTH: Sure you can. You can talk about it. You just can't portray it as history because it's not history. Even the founder of it said it's not history. She said it's a work of journalism. And so when you talk about The 1619 Project, you simply need to talk about that it's founded in journalism not history.

COLLIER: I just feel like you're not grasping the concepts that are here in the Constitution. Your amendment is totally going against what the Constitution says. If you're saying that they cannot teach—you're trying to give them an excuse as to why slavery was created or used. You're trying to give them an excuse why the founding principles of the United States were anything but slavery.

TOTH: Could you be more specific about what those excuses are?

COLLIER: Well, you're saying that—well, it's your excuses. You just made these up.

TOTH: What did I just make up?

COLLIER: You just made up the fact "that the advent of slavery in the territory that is now the United States constituted the true founding of the United States." You're saying that that's not—you don't want them to teach that.

TOTH: I don't believe that's true.

COLLIER: You don't believe it's true but you just made that up? Because it's not in the Constitution. You just made up the fact that the "authentic founding principles of the United States" were "liberty and equality." That's what you're saying in here.

TOTH: Those are the aspirational desires of our founders.

COLLIER: Aspirational, but it's not what happened. It's not factual.

TOTH: Unfortunately, it's not what happened, which is why it says that "slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality."

COLLIER: Well, you know what? By saying that—

TOTH: And we failed miserably.

COLLIER: —you don't give—

TOTH: It's imperative that we continue to acknowledge that we failed.

COLLIER: You say that as if slavery was just something in the past that shouldn't have happened, but you don't honor and recognize and acknowledge the many people who died in the heat, the many people who died working in servitude to others. And so you're really dismissing the gravity, what happened when you had slaves. You're really dismissing that, and so I believe that you're just whitewashing history by making it sound like it's something less than what it was. And so you're saying the founding principles were liberty and equality. Would you take an amendment that said for the white man? Because that's what the Constitution said.

TOTH: No, ma'am.

TALARICO: Mr. Toth, I just want to clarify that this amendment that you have is not something that you are asking to explicitly teach students. You're just saying that in a civics education curriculum, if it's going to mention race, it's got to say that it wasn't authentic.

TOTH: Incorrect.

TALARICO: So you're saying we should explicitly teach this? Or you're saying—

TOTH: You can talk about it. And what do you mean when you say "teach," Representative? Are you talking about speech?

TALARICO: I'm saying you're putting limitations on what a civics curriculum can't do, not what it can do. I'm just trying to clarify your amendment. I don't want you to be defensive.

TOTH: Very clearly, this is about making sure we teach history and not journalism, which The 1619 Project is. It's journalism.

TALARICO: Mr. Toth, can I ask you a question? The bill and this amendment in particular, so much of it seems to be about race. Why is that?

TOTH: Excuse me, is what?

TALARICO: Why is so much of this entire amendment as well as most of the bill, why is it about race?

TOTH: Let's keep it to this amendment. This amendment is about The 1619 Project.

TALARICO: This amendment is entirely about race.

TOTH: This is about The 1619 Project and teaching history.

TALARICO: Well, that's the very end of it. The first part is about slavery and the second part is saying how racism wasn't an authentic founding principle of the United States.

TOTH: The intent of the amendment is to teach true history.

TALARICO: Mr. Toth, do you believe that white supremacy exists?

TOTH: Yes, of course.

TALARICO: Did white supremacy exist at the founding of our nation?

TOTH: Were there white supremacists? Of course there were.

TALARICO: Was the economic institution of slavery a white supremacist institution?

TOTH: In the South I believe it was, yes.

TALARICO: Was the three-fifths compromise a white supremacist solution to the problem of slavery?

M. GONZÁLEZ: Members, I know it's late, but I really think we need to listen about what this amendment does and the hypocrisy of this amendment. In this bill, on page 1, it states, and I'm going to read what it says on lines 19 through 22, page 1, "the founding documents of the United States, including the Declaration of Independence, the United States Constitution, the Federalist Papers (including but not limited to Essays 10 and 51), excerpts from Alexis de Tocqueville's *Democracy in America*, the first Lincoln-Douglas debate, and the writings of the Founding Fathers of the United States." Here's the point—excerpts from Alexis de Tocqueville's *Democracy in America*. I would encourage you to read what those writings are, and here's why. Because this writing, as has been cited by many academics, justified slavery—justified. So on page 1, we're okay with having young kids read texts that justify slavery, but let's not allow for The 1619 Project to be taught. We have a literal hypocrisy in this amendment, and I hope that we stand against it. And I hope we teach young people that slavery is a stain—a stain on this country—and we don't limit our understanding for our young people.

TOTH: Members, I think it's imperative that teachers have the ability to speak freely in the classroom without any fear of reprisal. In the State of Illinois, teachers that refuse to teach critical race theory are actually being threatened with the removal of their teaching licence, which is hard to imagine, especially when you consider the fact that we have individuals now that want to say that The 1619 Project is history when it's not history.

M. GONZÁLEZ: Representative Toth, in your bill, on page 1, it does recommend that teachers teach *Democracy in America* by de Tocqueville. Have you read that text?

TOTH: Have I read?

M. GONZÁLEZ: Have you read that text?

TOTH: I have read de Tocqueville's book. I read it about five years ago when I read *The 5000 Year Leap*. No, it was actually back in 2012 when I read *The 5000 Year Leap*. It spoke extensively about de Tocqueville and it was then that I read *Democracy in America*.

M. GONZÁLEZ: And what are your thoughts about his interpretation of the justification for slavery?

TOTH: Representative, you're going to have to tell me what it said because it's been a long time.

M. GONZÁLEZ: Yet you're recommending that young people read this text but you don't remember that he is explicitly listing, or speaks to, the justification of slavery. And so here's my concern. I believe young people should read everything. But we can't say, "read this that justifies slavery, but don't read this." Do you understand why there might be some hypocrisy there?

TOTH: What are we telling people not to read?

M. GONZÁLEZ: Do you understand why there's some hypocrisy?

TOTH: What are we telling people not to read?

M. GONZÁLEZ: Well, in your amendment you are stating basically a ban on The 1619 Project.

TOTH: They're allowed to talk about it. They're not allowed to purport it as truth, though, because even the—

M. GONZÁLEZ: But we're allowed to report de Tocqueville as truth?

TOTH: One more time. I'm sorry. Mr. Goldman was speaking.

M. GONZÁLEZ: But we're allowed to—let me just read.

TOTH: Sure.

M. GONZÁLEZ: This is from de Tocqueville. The words that he writes talk about: "Born into slavery, he could not sense his own tragedy; the slave even admired and emulated his oppressors. Thus untutored, the Negro could not develop his intelligence." De Tocqueville employed a spurious historical argument to explain slavery's origins and justify it. You can't ban something or say something is truth and the other thing is not truth. Do you understand the hypocrisy?

TOTH: So don't you think it's good, then?

M. GONZÁLEZ: Thank you. No more questions.

TOTH: Do you want me to answer your question, Representative?

TALARICO: Our timer ran out a second ago, so I just wanted to clarify from you for the body what this amendment does. So on the third page of your bill, if you have it in front of you, it says that teacher, administrator, or the employee of a school district may not—may not—"require or make part of a course the concept that" and then—

TOTH: Representative, what line are you on? I apologize. I just want to follow along with you.

TALARICO: That's okay. I'm on lines 9 and 10 on page 3. So a teacher may not "require or make part of a course the concept that"—and then we get your amendment, right? That's where your amendment comes in? Mr. Toth?

TOTH: Representative, I'd like to—I'd forgotten we're still on the amendment. So let's stay on the amendment.

TALARICO: Yes, sir. I was wanting to clarify where the amendment goes. And this is not a gotcha question. I'm just trying to clarify. So it falls under that part of the bill, right? A teacher may not "require or make part of a course the concept that" and then we get this amendment, right?

TOTH: Right. Correct.

TALARICO: Okay, so a teacher can't make a course that talks about racism as anything other than a deviation, betrayal, a failure of the authentic principles of the United States and its founding, right?

TOTH: Would you like to use stronger language?

TALARICO: Say it again?

TOTH: Would you like to use stronger language?

TALARICO: No, no, no. I'd like to use honest language.

TOTH: Okay, would you like to use stronger, more honest language?

TALARICO: I think my concern, Representative Toth—Representative Toth, your bill, lengthy bill, about civics makes no effort to teach the history of racism or white supremacy and its impact on the founding of our country politically, socially, economically. The only thing you're doing is preventing us from talking about race in a way that makes you uncomfortable. Is that what this amendment is doing?

TOTH: No, sir.

TALARICO: I'm just trying to read the amendment, and you want to make sure if a teacher is going to talk about racism—not that they should, but if they do—they better say—

TOTH: They should talk about racism.

TALARICO: They better say it was inauthentic. We didn't mean it. We didn't mean it, right, at the founding of the country? It was a mistake, we feel bad, and we regret it, right? Sweep it under the rug as quickly as possible. That's the goal of this amendment.

TOTH: No.

TALARICO: It's not?

TOTH: No.

TALARICO: Well, defend yourself. Defend this amendment.

TOTH: Do you have a question?

TALARICO: My question is, is this amendment trying to prevent teachers from talking about racism and white supremacy as a critical part of the founding of our country and being honest about that fact with our students?

TOTH: Actually—

TALARICO: And I say that as an educator, Representative Toth.

TOTH: Okay. Actually, this amendment is about making sure that history is taught and not a journalistic, creative story that someone came up with.

TALARICO: Representative Toth, before we got gaveled out a second ago, you did say that white supremacy exists, that it existed at the founding of the country, that the economic institution of slavery, that the three-fifths compromise or white supremacist concepts and pieces of policy—so do you think that was inauthentic? Do you think our founders, do you think these systems that were put in place, do you think they were inauthentic? That seems to be what your amendment is saying. That they didn't mean it?

TOTH: It's not what the amendment says. It says—

TALARICO: Do you think—

TOTH: It says it's a failure. It says it's a failure.

TALARICO: Do you think that—

TOTH: It says we were flawed. It says it was a betrayal—

TALARICO: But it wasn't a betrayal at the time.

TOTH: —of what the founding nation was all about.

TALARICO: It's a betrayal now looking back.

TOTH: It was a betrayal at the time. It was a failure at the time.

TALARICO: It seems like you're trying to photoshop history, Mr. Toth. The point is that it wasn't. It wasn't a betrayal at the time. It was intentional at the time. It was purposeful at the time.

TOTH: Representative, I'm actually reading from the amendment. You're interjecting words that are not in this amendment.

TALARICO: Mr. Toth, your amendment is the same as the rest of your bill, which is a whitewashing of history. It's shielding our students from the truth about the founding of our country. And the only way for students to develop a true patriotism, a true love of country, not a puppy love, not a crush on America—to develop a true love of country means you have to accept every part of our history, the good, bad, and the ugly. Is that right?

TOTH: I think I've been saying that since we started laying out the bill.

TALARICO: You may be saying it up at the front mic when you're trying to get the rest of us to vote on it, but it's not what your amendment says, and it's not what your bill says. Representative Toth, you're putting restrictions about how we can talk about race, that if we talk about race in a civics classroom, we've got to say that the founders didn't mean it. It was an innocent mistake. It's not part of our authentic principles. Would you be open to an amendment requiring that in civics classrooms we teach the history of racism and white supremacy and that we teach our students that it's morally wrong? Would you be open to something like that?

TOTH: We are already teaching that. We should teach that. And throughout this document, it talks about the fact that slavery existed and that it was wrong and that it was evil.

TALARICO: And so you'd be open to an amendment?

TOTH: Where in this—no, I'm not open to an amendment.

TALARICO: You're not open to an amendment condemning white supremacy in our civics classrooms? It's a simple question, Mr. Toth. Are you open to an amendment condemning white supremacy in our civics classrooms?

TOTH: White supremacy—in what context would you like to discuss it?

TALARICO: Mr. Toth, it's troubling that you're having to ask a clarifying question. It's an easy yes.

TOTH: No, if you're going to say—

TALARICO: If we're trying to condemn white supremacy and its role in American history—

TOTH: —white supremacy is—

TALARICO: —you shouldn't have to quibble over a definition, Mr. Toth.

TOTH: If you're going to say that white supremacy is systemic in the United States today—is that what you're trying to say? I want to understand what you want for your amendment to do.

TALARICO: I would like our amendment to teach the history of white supremacy in the history of our country and teach students that it is morally wrong. That's all I want to do.

TOTH: Slavery and the history of slavery is immoral and wrong, and we need to continue to say that.

TALARICO: And so the role that white supremacy played in the founding of our country, we should condemn that? Take your time.

TOTH: Representative, if you'll work with Mr. Cain, we'll look at something. How's that?

TALARICO: I think it should be easy to commit to this on the front mic, but I'd be happy to work on some language.

[Amendment No. 2 was adopted by Record No. 929.]

[Amendment No. 3 by Toth was laid before the house.]

TOTH: Members, this is just a severability clause for the bill.

[Amendment No. 3 was adopted by Record No. 930.]

[Representative Zwiener raised a point of order against further consideration of **CSHB 3979** under Rule 4, Section 32(c)(5), of the House Rules on the grounds that the comparison section of the bill analysis is materially misleading. The point of order was withdrawn.]

[Amendment No. 4 by Ramos was laid before the house.]

REPRESENTATIVE RAMOS: This amendment includes—in the list of documents that the author wrote that is to be considered or to be permitted—it includes the writings from Frederick Douglass's newspaper, *The North Star*. And for those of you who are not familiar, Frederick Douglass was an abolitionist. He was also an advisor to Abraham Lincoln and *The North Star* was a newspaper that he released to send messages to the enslaved Americans who were escaping. And I think his slogan fits perfectly with what we're trying to say here in that his slogan for *The North Star* says, "Right is of no sex; truth is of no color; God is the father of us all, and we are all brethren." And that's what really pushed him to continue to advocate before he was a Civil War hero. And so he means a lot. He is actually one of our Founding Fathers, and I do believe this amendment is acceptable to the author.

[Amendment No. 4 was adopted.]

[Amendment No. 5 by J.D. Johnson was laid before the house.]

REPRESENTATIVE J.D. JOHNSON: This amendment just simply says that we will "between 'States' and the underlined period, insert the following appropriately lettered paragraphs and reletter subsequent paragraphs accordingly: the Book of Negroes; the Fugitive Slaves Acts of 1793 and 1850; and the Indian Removal Act." This is simply just talking about our history. This is what our history is, and we should be willing to discuss it all, as the author has so eloquently pointed out. He wants to talk about the history, and this is what the history of Texas is.

[Amendment No. 5 was adopted.]

[Representative M. González raised a point of order against further consideration of **CSHB 3979** under Rule 4, Section 32(c)(3), of the House Rules on the grounds that the rulemaking authority statement in the bill analysis is incorrect. The point of order was withdrawn.]

[Amendment No. 6 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: Members, my amendment expands the historical documents that students will review in order to elevate the civic accomplishments and contributions of all populations. I have included the Chicano movement, women's suffrage and equal rights movement, the civil rights movement, the Snyder Act of 1924, and the American labor movement. These movements emphasize the significance of marginalized populations' contributions to the prosperity of this country.

TOTH: The bill does not by any means try to lay out an exhaustive list of all the things. If a teacher so desires to teach these documents, and I was happy to take the first amendment from Representative Johnson, but I will not be taking this amendment.

J.D. JOHNSON: I simply just want to make sure that we all have—making sure that our teachers have the ability. Because I think what we're doing is kind of making our teachers a little afraid to teach what they think they need to teach in their classrooms. And so if we're going to pull back so many different things,

we've got to make sure our teachers understand what they can or cannot teach. We shouldn't leave this to conjecture or just simple "I don't know what you can and cannot teach." So we don't want to tie their hands. And this is inclusive of every movement in this country—the Chicano movement, women's suffrage and equal rights, the civil rights movement, the Snyder Act, and the American labor movement. This includes all. This doesn't talk about one particular race or another. It's including women, the civil rights movement, the Chicano movement—it's all there. So we might as well—we need to do this.

M. GONZÁLEZ: Thank you, Representative Johnson, for bringing an inclusive list. Can you remind me did the author accept your amendment?

J.D. JOHNSON: The first one, he did.

M. GONZÁLEZ: But not this one?

J.D. JOHNSON: No, ma'am.

M. GONZÁLEZ: And why did you decide to be more inclusive just beyond some of the things he wants us to read, like *Democracy in America* which justifies slavery?

J.D. JOHNSON: Well, I think it's important that we are inclusive of it all. We have to make sure that our teachers are equipped and can be very diverse in their teachings. We don't want our children to have one mindset of how they think. That's a tyrannical type of behavior, that we're telling children, "you should only learn this" or "you should only teach this." That's not what we're trying to do. We're literally trying to make sure that our children are well-balanced and well-rounded, so this is what this is.

M. GONZÁLEZ: I really appreciate you bringing a more inclusive amendment, and I hope that the author will accept it.

[Amendment No. 6 was adopted.]

[Amendment No. 7 by Talarico and Toth was laid before the house.]

TALARICO: Thank you to Representative Toth for working with me on this amendment. It'll just add that the knowledge and skills that are developed on the first page of this bill will also include the history of white supremacy and the way in which it is morally wrong. I believe it is acceptable to the author.

[Amendment No. 7 was adopted.]

[Amendment No. 8 by Slaton was laid before the house.]

REPRESENTATIVE SLATON: This is a clarifying amendment that makes sure our social studies curriculum covers Jefferson's letter to the Danbury Baptists.

REPRESENTATIVE ZWIENER: I'm sorry. It's getting late. I don't have a laptop in front of me. Could you walk us through the language of your amendment?

SLATON: Sure. It's just adding Thomas Jefferson's letter to the Danbury Baptists. This is a letter where, basically, these letters were used to help form the First Amendment, and also, it's the only real document from our founders that describes the separation of church and state.

ZWIENER: Okay.

SLATON: And it's important to add.

ZWIENER: So it's adding to that first section of the bill that lists important documents?

SLATON: Yes.

ZWIENER: And it's the Danbury letters from Thomas Jefferson, correct?

SLATON: Thomas Jefferson's letter to the Danbury Baptists.

[Amendment No. 8 was adopted.]

[Amendment No. 9 by Sherman was laid before the house.]

REPRESENTATIVE SHERMAN: I want to thank the author, Representative Toth, for accepting this amendment. This amendment is very important as it speaks to covering a lot of important events that happened in our history, including the letter from Martin Luther King Jr. that Dr. King wrote from the Birmingham Jail; also the federal Civil Rights Act of 1964; as well as the United States Supreme Court's decision in *Brown v. Board of Education*; the Emancipation Proclamation; as well as the Universal Declaration of Human Rights; and the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution; the United States Court of Appeals for the Ninth Circuit decision in *Mendez v. Westminster*; Frederick Douglass's *Narrative of the Life of Frederick Douglass, an American Slave*; the life and work of Cesar Chavez; as well as the life and work of Dolores Huerta. These are very important.

And I think, at the end of the day, Representative Toth, you have shown an immense willingness to be open to these amendments. I think at the heart of all of this is understanding, getting an understanding. Understanding is so critical to understanding our history. There's a scripture that says in Job, chapter 38: Then the Lord answered Job out of a whirlwind and said, who is this that darkeneth counsel by words without knowledge? Gird up now thy loins like a man, and answer thou me. Where wast thou when I laid the foundations of the earth? Tell me if you have understanding.

I believe in the resurrection. I believe in the resurrection. Let me just say this. I believe in the resurrection. And I believe that if Stonewall Jackson were resurrected today, if Stonewall Jackson were resurrected today—and Stonewall Jackson was a general in the Confederate army. He died May 10, 1863, two years prior to the end of the Civil War. If he came back today, he would be proud. He would be proud to see the over 1,300 monuments that cover our nation. He'd be proud to see the thousands of schools that are named in the honor of confederates. Conversely, as I close, the Great Emancipator, Abraham Lincoln, if he saw the 31 monuments of himself in statute in this nation, and all of those are not in the United States, he would think there was another war and that the South won. And he could look at the lowest denomination in our currency and see his image and know where we stand today. So thank you, Representative Toth, for accepting this amendment.

[Amendment No. 9 was adopted.]

[Amendment No. 10 by J. González was laid before the house.]

REPRESENTATIVE J. GONZÁLEZ: This amendment includes in the founding documents of the United States, the history and importance of the women's suffrage movement, including the following documents: the Voting Rights Act of 1965; the Fifteenth, Nineteenth, and Twenty-Sixth Amendments; Abigail Adams's letter "Remember the Ladies"; the works of Susan B. Anthony; and the Declaration of Sentiments. And this amendment is acceptable to the author.

[Amendment No. 10 was adopted.]

[Amendment No. 11 by Ramos was laid before the house.]

RAMOS: This amendment includes William Still's *Underground Railroad Records*. For those of you who don't know, William Still was a humble Philadelphia clerk who risked his life helping lead runaway slaves to freedom in the tumultuous years leading up to the Civil War. His book has excerpts of enslaved Americans and the extent of their desperation and the brutality imposed upon them, which is why they escaped to freedom. He helped nearly 800 enslaved Americans escape, including Harriet Tubman, before she served in the Union in the Civil War as a nurse, cook, and spy. So this is a very, very powerful book, and I believe the author accepts the amendment.

[Amendment No. 11 was adopted.]

[Amendment No. 12 by Reynolds was laid before the house.]

REPRESENTATIVE REYNOLDS: Members, this amendment adds language to clarify that there were people who helped to build the United States as a country other than the men typically identified as Founding Fathers. Women, children, and people of color, free and enslaved, should also be considered founders of this country. Specifically, the amendment lists George Washington, Ona Judge, Thomas Jefferson, and Sally Hemings. The lives of all four of these individuals have been explored and documented by historians through biographies and by the estates of Presidents Washington and Jefferson.

[Amendment No. 13 by Reynolds was laid before the house.]

REYNOLDS: This amendment to the amendment strikes "and about" and is acceptable to the author.

[Amendment No. 13 was adopted.]

REYNOLDS: This amendment has been accepted by the author.

[Amendment No. 12, as amended, was adopted.]

[Amendment No. 14 by Goodwin was laid before the house.]

REPRESENTATIVE GOODWIN: This amendment removes the subsection in the bill that prohibits teachers from discussing current events and issues of public policy and social affairs, as well as offering credit for work or participating in advocacy and activism. The language in the bill before us sends a message to students, especially high school students who are becoming more engaged in and aware of the world around them, that they aren't welcome to participate in that

world. With this bill as written, we're telling our students and our teachers that we do not trust them to have respectful and thoughtful conversations on real world issues and that, in fact, they're discouraged from contributing as active and engaged citizens. The classroom is and should be an open space to have these conversations because a classroom is a place where they can be had deliberately and intentionally.

TOTH: Members, it's been my intent tonight to work with the whole house to make sure the documents we put in front of our children are documents that we can all agree on that played a role in shaping our history, both the good and the bad, and that we have the opportunity to fully explore those in the classroom with diverse thought, provided—provided—teachers do not use that opportunity to advance an agenda. This amendment is not acceptable, and I ask you to vote against it.

GOODWIN: Members, current events are really important for our students to discuss in the classroom. Imagine a student coming here and being a page for you and going back to their classroom and sharing that experience. This bill would tell them they can't do that. Members, I ask you to vote in favor of my amendment.

[Amendment No. 14 failed of adoption by Record No. 931.]

[Amendment No. 15 by Zwiener was laid before the house.]

REPRESENTATIVE ZWIENER: Members, this amendment takes the prohibitions on students getting credit for advocacy activities or writing their legislators and removes the prohibition so long as the district, school, or teacher does not prescribe a point of view. I think we all want our students to be civically engaged. We want to set them up to be part of the political process, and I know I am so grateful for the educators in my life that encouraged me to get involved. So, members, this amendment protects the intention of the bill to make sure that educators are not prescribing points of views to students but makes sure that they still can receive credit. One educator I think fondly on was my middle school social studies teacher, Dan Barkley, and this may surprise some of my colleagues here, but y'all, I was very conservative in eighth grade. And Mr. Barkley worked on the Clinton-Gore campaign, but he saw what I was interested in, and he handed me a copy of Ayn Rand's *Atlas Shrugged*. And that's what an educator should do is find things that our students are interested in and get them engaged. And with these prohibitions, what I see is a prohibition on a senior in high school being able to get credit from interning with Sierra Club, where I'd love to see more seniors interning, but also the Texas Public Policy Foundation. I want those students to have the opportunity to participate. So my amendment protects the intent of the bill to make sure that our educators aren't putting the thumb on our students' belief systems but still provides pathways to encourage them to actively participate in the political process and get educated in civics that way.

TOTH: Again, members, I look forward to reaching across the aisle and working with everybody in the house tonight. Kids still have the opportunity to come here to the Capitol to work with us, to learn about how this place runs, how bills are created, how government works, and I ask that you oppose this amendment.

M. GONZÁLEZ: Have you ever been actively involved in your local 4-H Club?

TOTH: Local what? I'm sorry. I can't hear you.

M. GONZÁLEZ: 4-H.

TOTH: Yes. In fact, my sister and I were involved in 4-H growing up.

M. GONZÁLEZ: Have you seen every legislative session how you have the green blazers walking around the Capitol advocating for 4-H programs and Texas Agricultural Extension Service?

TOTH: Yes.

M. GONZÁLEZ: And did you know that there are 4-H programs that are commingled with FFA programs and thus they would be prohibited from being involved based on your bill? Did you know that?

TOTH: No.

M. GONZÁLEZ: Can you expand why you don't think that is accurate?

TOTH: Are they lobbying? And the answer is no.

M. GONZÁLEZ: I'm so sorry. Did you not hear me when—have you not seen the green jackets come every legislative session?

TOTH: Yes.

M. GONZÁLEZ: And is that not lobbying?

TOTH: Who are they lobbying for?

M. GONZÁLEZ: They are lobbying for their programs, for increased funding, for recognition of the work that they're doing. Is that not lobbying?

TOTH: They're welcome to do it, in fact, as long as they're not used as pawns by somebody else. Again, this is the decision—

M. GONZÁLEZ: So are you saying that young people don't have a mind of their own? These 4-H leaders that come to testify about their projects, about their livestock, about their food initiatives, that they are being used by the adults and the adults being our teachers and our Agricultural Extension agents?

TOTH: I think, at the end of the day, that's up to a parent.

M. GONZÁLEZ: I'm sorry? I couldn't hear you.

TOTH: I think that's a parental choice. It's up to the parents.

M. GONZÁLEZ: But here's the complication. My father chose for me to be in 4-H, and then I got credit through the commingling of programs between 4-H and FFA. So my father chose. And now you're saying that these students will be penalized for being involved in programs like 4-H, Boys & Girls Club, the Humane Society, and you don't want to accept this amendment?

TOTH: No, you can still—these kids can still come here and do that.

M. GONZÁLEZ: Right, but you have to understand there's a thing called service learning. And so we know that when students—and this is actually researched; it's in books—that when they learn through experience, they're more actually able to retain the information. Do you know that?

TOTH: Yes. Oh, yeah.

M. GONZÁLEZ: So you don't want them—

TOTH: There's an old saying that more's caught—

M. GONZÁLEZ: So you don't want them—

TOTH: More's caught than taught.

M. GONZÁLEZ: So you don't want them to engage in service learning?

TOTH: No, I absolutely do want them to.

M. GONZÁLEZ: You don't want them to teach our young people to be democratic citizens?

TOTH: I absolutely want them to do it.

M. GONZÁLEZ: How else do you learn to participate?

TOTH: And that's a decision that they can make on their own with their parents.

M. GONZÁLEZ: How else do you learn to participate in democracy if you are therefore not participating in democracy at a young age? All we're asking you to do is to accept this amendment so that young people are able to use their experiences and not be penalized for it in the classroom. Why is that so hard to accept? Why can you not accept this amendment?

TOTH: I want kids to continue to come here. In fact, I spoke with a mom and a dad today about having their child come here. He was here two years ago with me, and he's going to be coming back again to work in my office. And that's a decision his mom and his dad made for him to come here.

M. GONZÁLEZ: So what about the kids in our foster care system?

TOTH: They can come here, too. We'd love to have them. That'd be great. And foster parents—

M. GONZÁLEZ: But a lot of the times because they're in the foster care system the only access they have to organizations and/or this space is through programs. And so you're literally taking away this opportunity, this moment for them to learn and to be engaged in democracy, because you don't think that that should happen. Is that accurate?

TOTH: No.

M. GONZÁLEZ: So you want to punish foster care children?

TOTH: No.

M. GONZÁLEZ: You want to punish our 4-H kids. You want to punish our Boys & Girls Club.

TOTH: No.

M. GONZÁLEZ: But you want to punish the volunteers who work at the Humane Society because you don't want to accept an amendment that literally would allow young people to engage in these organizations.

TOTH: We hope that they will continue to do that just like they're doing it right now.

M. GONZÁLEZ: I wish you really would understand the impact of your legislation.

REPRESENTATIVE ALLEN: I just want to think forward just a little bit. If this bill passes, the TEKS that's the curriculum for the State of Texas will have to be rewritten. The textbooks will have to be rewritten. The tests will have to be rewritten. It costs approximately \$40 million to write the textbook. I don't know the total cost of having the TEKS, the textbook, and the test all done over. Is there a rider? Have you filed for a rider to take care of the cost of this? And how much is your fiscal note?

TOTH: Ma'am, we've already run this, actually, by the attorney general's office to find out if, in fact, this would conflict with the TEKS, and they said it would not. We wanted to make sure that that, in fact, was not the case.

ALLEN: There are things in the textbook. The way that TEKS was written by a whole host of people is that they got together and they wrote the TEKS, then they wrote the textbook from the TEKS, then rewrote the test, and the items in the test are some of the things you're saying you can't teach. Social studies—there's an item in the test where you read the newspaper. There's an item in the test where you read a thermometer. Good reading skills in there—a whole lot of things that you're saying don't teach are already in the textbook, in the TEKS, and in the tests.

TOTH: Ma'am, none of the things that you just mentioned are forbidden.

ALLEN: I'm sorry. What is forbidden?

TOTH: None of the things that you just mentioned are forbidden. None of the things that you just mentioned are in this bill.

ALLEN: I just want you to think about that because some of the things that you say are not in there are really in those TEKS. And I was on the State Board of Education when they wrote the TEKS, when they wrote the textbook, and when they wrote the test. So I was there when it happened. So I know what's in those books. And don't forget you'd have to go through every grade level, one through 12, to eradicate some of the things that are in the textbook.

ZWIENER: Members, this legislation as written would ban a high school senior from getting internship credit to work with a political advocacy organization. That's not left or right. That's across the board discouraging civic engagement. As Representative González illustrated so well, that could prevent 4-H clubs from coming to the Capitol and talking to us about their priorities. It could prevent the speech and debate club from your high school—and again, these students enroll

in classes and they get credit for them—it could preclude them from getting credit or if they get credit, from being able to come here and talk to us about issues that matter to them. I don't think that's the goal of anyone in this chamber. I think we all want young people engaged.

So what my amendment does is it protects the intent of the bill by saying that these activities may take place as long as the district, school, or teacher does not prescribe a point of view. And I think that's something we all agree on. But what's important is that the students still have those opportunities. And yes, of course, their parents should have a voice in that. Nothing about this amendment removes the parent's voice. It just preserves our students' options, particularly those students who at a young age want to get politically engaged. So members, I ask for your favorable consideration of this amendment so that we can keep giving young people an opportunity to come into this building, learn about the process, and also receive school credit for it.

[Amendment No. 15 failed of adoption by Record No. 932.]

[Amendment No. 16 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: If I'm not mistaken, it's a long night, my amendment just simply says that—my amendment removes the section prohibiting a school teacher from instructing a student's efforts that promote social and political participation. Current language contradicts the mission found in the public Education Code. This language is as follows, "The mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their political and fully participate now and in the future in the social, economic, and educational opportunities in our state and nation." Simply, each and every one of us has probably been a part of our student council. We have been a part of our student body. Some of you probably were student body president. I was. Some of you participated in elections in your school. If our children and our teachers are talking about political participation, we often, if not always, pattern our student body elections after our own political systems. It doesn't mean that our teachers are teaching our children to be one way or another, but oftentimes there's a debate. You are the pro; you are the con. You are the affirmative; you are the negative.

So we are simply saying, if we don't put this amendment in, our teachers won't be able to—our children won't be able to have student council anymore. And I don't think that's what we're trying to do. We should not be telling our children that they should not participate in political conversations at our schools. Now, our parents should be the ones who convince our children which way they should go. But at the end of the day, they should be able to participate and our teachers should be able to teach them how to participate in a political process of an election at the school. That's just as simple as it is. I hope that this is acceptable and I hope that you guys understand. Let's not stop our children from being able to participate in political elections on their own campuses.

TOTH: Members, I hope that you'll oppose this amendment. This bill does not stop any of the things that the member just spoke about. I participated in debate. I participated in student elections. We encourage your kids to continue to do those

things. There is nothing in this bill that precludes kids from being involved in all the things that Representative Johnson just mentioned. None whatsoever. I oppose this amendment.

J.D. JOHNSON: I absolutely disagree. We have continued to talk about what is and what is not in this bill. I want to make sure. And the unfortunate thing is that our teachers are the ones who are going to be harmed by this bill because they're not going to know what they can and cannot do. We simply need to make sure that our teachers are comfortable teaching in the classroom. That when they go in there they are comfortable and they are free to think and help our children to be thinkers. So it's very confusing at this point, and I want to make sure that our teachers are comfortable teaching in the classroom.

M. GONZÁLEZ: Have you or have you ever heard anybody on this floor on the campaign trail say the words "let teachers teach"?

J.D. JOHNSON: All the time.

M. GONZÁLEZ: So do you feel that if a member has said "let teachers teach" that they should be voting for your amendment?

J.D. JOHNSON: Absolutely they should be voting for my amendment.

M. GONZÁLEZ: Because you stand with teachers and you don't believe they should be penalized for accidentally bringing up something that was on the news or accidentally mentioning something that is relevant to the classroom. And we believe—because I just heard Representative Krause here earlier and about how standardized testing is infiltrating our classrooms so much that teachers can't teach. Well, isn't this bill doing the same thing?

J.D. JOHNSON: The amendment simply—

M. GONZÁLEZ: I mean amendment, yes.

J.D. JOHNSON: Absolutely, because the bill does talk about political participation and how we want to make sure that that's left at home. But we have student bodies and student councils and student body presidents and courts. We should be able to teach our children. And so, again, we're still confused. We don't know which way to go. Our teachers don't know which way to go. I want to bring some clarity to this. I don't want this to be ambiguous. I want our teachers to feel comfortable knowing that they can walk in that classroom and they can absolutely teach and demonstrate and use that classroom as an eye opening for the world. That's where our children learn, is through those type of classroom participation exercises.

M. GONZÁLEZ: I want to say, thank you for letting teachers teach through your amendment and standing by teachers. And anybody who wants to stand by teachers and let teachers teach should vote for your amendment, correct?

J.D. JOHNSON: Absolutely, yes.

[Amendment No. 16 failed of adoption by Record No. 933.]

[Amendment No. 17 by M. González was laid before the house.]

M. GONZÁLEZ: Members, this simple amendment simply strikes on page 2, lines 19 through 23, and it's relating to the prohibition on grade credit, similar to Representative Zwiener, because we definitely want our students to be involved. This would effectively, the way as written, would effectively prohibit any civics-related activities as classroom assignments. We know that these—for example, when your child or your kids in your district are applying to go to college, they need volunteer hours. They need to show that they're involved in their community. This would allow for them to use their civic-related activities as classroom assignments so they can go on away to college.

TOTH: Respectfully, members, I disagree. It's late. I oppose this amendment.

M. GONZÁLEZ: It is unfortunate that it's so late that we can't think of the future of our young kids. We want young kids to be involved in civic organizations. I don't care how late it is. We need to make sure that they have very opportunity possible to be involved in our democracy, to be involved in our communities, and to be able to use those experiences in order to go to their colleges. So, please support this amendment.

[Amendment No. 17 failed of adoption by Record No. 934.]

[Amendment No. 18 by Collier, Neave, and Thierry was laid before the house.]

COLLIER: This amendment, I believe, is acceptable to the author. It strikes excerpts from Alexis de Tocqueville's *Democracy in America*.

[Amendment No. 18 was adopted.]

[Amendment No. 19 by Capriglione was laid before the house.]

REPRESENTATIVE CAPRIGLIONE: This amendment simply states that a state agency or school may not instruct or train any employee in a variety of discriminatory topics. I believe this amendment is acceptable to the author.

REPRESENTATIVE C. TURNER: This is kind of a meaty amendment. I was wondering if you could walk us through what it's doing exactly?

CAPRIGLIONE: Sure. As I stated in my layout, what this does is essentially says that—I'll paraphrase—basically, a school district cannot instruct or train any administrator, teacher, staff member, or employee to adopt any of the following concepts. And so what I do is I list a variety of those concepts that we do not believe, if the bill were to pass, that we do not believe that should be part of the instruction or instruction material or training for teachers. And as I'm sure you're aware, Representative, this is something that has come up in my local school district.

C. TURNER: So things like, as I'm looking at the amendment here, "members of one race cannot or should not attempt to treat others without respect to race; an individual's moral standing or worth is necessarily determined by his or her race or sex." So you're saying—and it goes on, obviously—but you're saying that you want to ensure that a school district or school may not teach instructors, train any staff member, to teach those things? Is that what you're getting at?

CAPRIGLIONE: That's right. So what we're saying is, so if you'll start with (A), it says that the school districts would not be able to train the teachers or instruct them to adopt for instance, on (A), that one race is superior to another or that one sex is superior to another. So as I mentioned in my layout, they're just being instructed not to teach discriminatory topics.

C. TURNER: I think we certainly would agree with that. It says "an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously," so—

CAPRIGLIONE: Right, so what that's saying is that just simply because a person is a certain race, that doesn't mean they're inherently racist.

C. TURNER: Would that get to things like unconscious bias?

CAPRIGLIONE: Well, yes. And again, an issue that came up in my school district was the concept of microaggressions, for instance, where people, or kids in this case, may be punished unfairly simply because they may have made an unconscious or a non-deliberate statement. But again, what this is saying is that just by the simple fact that a person is one specific race, that doesn't make them racist.

C. TURNER: So would that, if we adopt this amendment, would that prohibit teachers talking about things like racial stereotypes that we know still persist in our society or gender stereotypes and why those are wrong and how we need to consciously try to unlearn those stereotypes?

CAPRIGLIONE: Well, I can't speak to what's in the rest of the bill or what other amendments may be on here, but what this amendment is focused on is that this wouldn't be something to instruct or teach or train the teacher to do. My amendment doesn't speak at all to what the teacher may do. It has to do with what the school district or the agency or the administrators can do.

C. TURNER: And so you mentioned one of your school districts. Was this a particular problem that arose that you're trying to address with this amendment?

CAPRIGLIONE: Well, in my school district, which has been in the news quite a bit in relation to the fact that there was a very contested election on this topic, in the process of going through this, we realized not only was there a certain—in my opinion and the opinion of about 71 percent of my school district—but that there was a plan that was going to be put in place that would treat individuals differently, that could treat and punish people differently, because of some of the things that I have here. And shortly after one of the school board meetings, school was beginning, and so we did find that there was some curriculum that was being taught toward teachers, some training that was being kind of directed at teachers, that was related to the amendment that I have filed.

C. TURNER: Okay, so what types of things were they training teachers to teach that was objectionable?

CAPRIGLIONE: Well, and I apologize, right before this I was trying to get that. I do have it somewhere. I'll have to have it somewhere else. I know at the time—and again, this was, because of COVID it was probably closer to August

or September, so I couldn't easily find the PowerPoint or at least the images from that. So I can't tell you exactly what it was. But it was a bunch of variety of things that would fit in either (A) through (H).

C. TURNER: So when they were proposing to train teachers to teach these principles or lessons that you find objectionable, was that in response to anything in particular? Was there something that caused the school district to try to implement a program like that?

CAPRIGLIONE: Well, in this particular case, the school district had—I mean, this is something that's, I'd say, is pretty well vetted or at least well documented in the news. But what I would say is that it seemed to many in my area that this was something that was not very well described to the public—that they had had some board meetings on curriculums and some generic, in my opinion, just attempts to try and portray it as if they were getting community feedback. But in reality, when we saw the actual plan that was being documented, it seemed to a lot of folks in my district that it was not done in that open of a way.

C. TURNER: Was it, and I do remember seeing some news coverage of this discussion in that school district—was the genesis of this whole episode not a video back from 2018 where you had a bunch of, I think, white high school students filming themselves using the very worst racial epithet that can be used and that's what sort of created a greater awareness of a need to perhaps teach students about racism and bigotry and prejudice?

CAPRIGLIONE: Again, Representative Turner, I'd like to stay on this amendment. And my amendment is not necessarily on—well, it isn't—it isn't on the students. My amendment is entirely on the fact that whether a school district should the teach teachers the concepts that I have in this amendment. It does not go into anything outside of that, right. I mean, because at the end of the day, teachers do an incredible job. I mean, I definitely support all the teachers in my district, especially those who have these tough jobs during this pandemic. And they've had to learn a lot, and they've had to change a lot of things in terms of how they do it, whether it's online schooling, having to deal with all of the health and safety issues that have been going on. And so we know that they need help, and they need support, and they need training. And so they then, hopefully, generally speaking, relay a lot of that information to our students. And so we just want to be clear that when they do that, they do that in a non-discriminatory way.

C. TURNER: Sure. Yeah, and I understand your focus here is on the training of teachers and what they cannot be trained to do. You mentioned, and the reason I brought up that incident is—

CAPRIGLIONE: Well, can I just—and I know I'm usually not here at the front mic or the back mic most of the time. But, I mean, let's take for instance number (A), that one race or sex is inherently superior to another race or sex. I mean, to not support this amendment—

[Representative Zwiener raised a point of order against further consideration of Amendment No. 19 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 19 was withdrawn.]

[Amendment No. 20 by E. Morales was laid before the house.]

REPRESENTATIVE E. MORALES: I have the privilege of representing House District 74, which includes the Kickapoo Tribe of Texas. This amendment serves to preserve the history of Native Americans to ensure that our youth understand the whole history of our country including those tribes, the Alabama-Coushatta Tribe of Texas and East Texas, the Kickapoo Tribe of Texas and South Texas, and the Ysleta del Sur Pueblo in El Paso.

[Amendment No. 20 was adopted.]

[Amendment No. 21 by Herrero was laid before the house.]

REPRESENTATIVE HERRERO: This amendment adds to the list of items to be studied the life and work of Dr. Hector P. Garcia, who is of Mexican descent but, more importantly, is a U.S. veteran who under President Reagan received the Presidential Medal of Freedom and who was also a medical doctor that practiced medicine in Corpus Christi. Also, this identifies the American G.I. Forum, which was founded by Dr. Hector P. Garcia, in standing up for the civil rights of Mexican Americans and specifically men and women of Mexican descent that were veterans that were discriminated upon coming home from tours of duty. Also, it identifies the League of United Latin American Citizens, another organization, both of which were founded in Corpus Christi, by coincidence, but more importantly, they advocate for the civil rights of Mexican American descendants and Latinos in the United States. And then, also, the United States Supreme Court case of *Hernandez v. Texas*, which was decided in 1954, which identified the Mexican American class as a class that should be recognized and protected by the Fourteenth Amendment of the Constitution.

[Amendment No. 21 was adopted.]

[Amendment No. 22 by Anchia was laid before the house.]

REPRESENTATIVE ANCHIA: There was some discussion about whether or not teachers would be able to teach current events. There was a current event that was pretty traumatic to the United States earlier this year and those were the events of January 6, 2021. That insurrection is a stain on American history, and we want to make sure that our kids are able to talk about current events and that very, very difficult storming of the U.S. Capitol where the vice president was to be hung, the speaker of the house was to be killed, where members of Congress, republicans and democrats, were threatened to be murdered, where police officers died. And so that trauma that was inflicted upon this country by those insurrectionists is a current event that absolutely should be taught in our public schools and should not be censored from the pages of our history. And it should be taught as an important stain, a stain where you saw the Confederate flag waived in the U.S. Capitol. It didn't ever get there during the Civil War, yet we saw it in 2021. And I want all Texas public school students to be able to remember this day so it is not repeated ever. Thank you Mr. Speaker, and I hope it's acceptable to the author.

TOTH: This has nothing to do with the bill, and it's not acceptable to the author. Please vote no.

C. TURNER: Why is this not acceptable?

TOTH: It has nothing to do with **CSHB 3979**.

C. TURNER: Well, it does. Your bill says that teachers cannot teach current events, does it not?

TOTH: If teachers would like to talk about what happened on January 6, they're more than welcome to. Does it say—would you like me to read the bill again?

C. TURNER: Well, you address current events in the bill, so I think the concern is this is a very contemporaneous event.

TOTH: "A teacher who chooses to discuss topics described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore those topics from diverse and contending perspectives without giving deference to any one perspective." So they're more than welcome to continue to talk about it. I move that you vote against this.

C. TURNER: Chairman Anchia is just making sure that the lessons from January 6, from that insurrection—the only storming of the United States Capitol, well, since the War of 1812, at least—that it is taught because it's an important lesson to be taught. Why would there be opposition to teaching—

TOTH: This has nothing to do with **CSHB 3979**, and I would like to keep the discussion around **CSHB 3979**, Representative.

C. TURNER: Well, you're trying to shape social studies curriculum in the state, are you not? Is that not what the bill does?

TOTH: Teachers still have the opportunity to talk about any current events to the best of their ability, that teachers should strive to explain topics "from diverse and contending perspectives"—

C. TURNER: So why would we not ensure that the social studies curriculum includes one of the most horrific events in our nation's democracy?

TOTH: —"without giving deference to any one perspective."

C. TURNER: Why would you oppose teaching Texas school kids about this horrific event that was a stain on our nation's democracy in a bill about social studies curriculum?

TOTH: Teachers should not be compelled to discuss current events, but they can talk about those if they feel like it is appropriate to their classroom with their kids. They're more than able to talk about these things.

C. TURNER: We compel all kinds of things with our curriculum. I mean, you basically have a curriculum bill, which typically is impervious to—

TOTH: I'm sorry, go ahead. I couldn't hear you.

C. TURNER: You oppose teaching Texas school kids about the insurrection on January 6?

TOTH: I think that if a teacher chooses to discuss that with their kids, they're more than welcome to do that as long as they do it from a diverse and contending perspective without giving deference to any one side.

C. TURNER: A diverse perspective, so both sides? We need both sides of the insurrection. Is that what you're saying?

TOTH: This, honestly this amendment really has nothing to do with **CSHB 3979**, and I ask for members to oppose it.

C. TURNER: Do you agree that the events of January 6 were an insurrection?

TOTH: Teachers are free to talk about it as long as they do it from a diverse and contending perspective without giving deference to any one perspective.

C. TURNER: Well, just say yes or no. What is—I mean, you've given your opinion about a lot of curriculum here today—so what is your opinion? Was it or was it not?

TOTH: It doesn't matter what my opinion is. It matters what this bill is.

C. TURNER: Well, it certainly does. You're the bill author.

TOTH: So this is **CSHB 3979**.

C. TURNER: Representative Toth, you're the bill author. You're proposing this pretty radical change to how we approach social studies curriculum in the State of Texas—

TOTH: You're trying to take this far afield from what the original four corners of the bill is about—

C. TURNER: —and you're rejecting this amendment that would require the teaching of—

TOTH: —and I'm simply saying that we need to take this back to the four corners of the bill. And I respect your—I'm sorry, Representative. I respect that it's your job—

C. TURNER: Well, no, no. Let me finish my question. Why are you rejecting an amendment that would require the teaching of one of the most horrific events in American history in a social studies bill? That's what this is. It seems like this would be one of the most important events of our 240-plus years of American history to make sure is taught to Texas school kids. We had talked earlier today on another bill about the peaceful transfer of power. You would agree peaceful transfer of power is an important hallmark of American democracy, would you not? Yes or no?

TOTH: It absolutely is. Now, let's come back to the four corners of this bill. If you want to have a discussion—

C. TURNER: Was what happened on January 6 a peaceful transfer of power?

TOTH: Are we going to—is that where this discussion is going? I mean, at the end of the day, this amendment has nothing to do with **CSHB 3979**. If a teacher so chooses to talk about this, they're welcome to.

C. TURNER: And you want them to talk about it with diverse perspectives, is that right?

TOTH: Yes.

C. TURNER: So how do you have a diverse perspective on the insurrection? How would that lesson plan go?

TOTH: I don't know. I guess that's up to the teacher, right?

C. TURNER: So what does the teacher say? Well, on the one hand, people storm the Capitol because they thought the election was stolen?

TOTH: Representative, how many teachers are there in the State of Texas?

C. TURNER: I'm sorry?

TOTH: How many teachers are there in the State of Texas?

C. TURNER: There are thousands of teachers in the State of Texas.

TOTH: Thousands and there are thousands of perspectives, I'm sure.

C. TURNER: Well, your bill says that teachers have to teach with a diverse perspective. So I am just wondering how you would have a diverse perspective on the insurrection of January 6. How would a teacher approach that?

TOTH: It's up to them.

C. TURNER: How would you approach it if you were in the classroom, Mr. Toth?

TOTH: I'm not a classroom teacher. I'm here in the Texas House laying out a bill. And frankly, it's not up to me to tell teachers how to—

C. TURNER: You're not a classroom teacher, but you're here. You're trying to dictate to thousands of teachers across our state how they should teach. And that's the problem.

TOTH: No, actually, I'm not, Representative.

C. TURNER: You're not a teacher, but yet you think should be able to dictate to teachers how they teach. And that's why so many people have a problem with this bill.

TOTH: I'm actually not. I'm leaving it up to the teacher to decide how to be able to teach January 6. It's up to the teachers to decide how to do that.

C. TURNER: I'm still waiting for an answer about how you have a diverse perspective about an insurrection. You're just not going to be able to answer that question?

TOTH: That's up to the teachers. I'm not going to put words in their mouth. That's up to them.

C. TURNER: But they should have a diverse perspective about the insurrection. Is that right? Yes or no?

TOTH: It's up to teachers to decide how they like to do it as long as they do it without giving deference to any one perspective.

C. TURNER: Okay, if you won't answer how they have it, will you answer yes or no? Do they need to teach the insurrection with a diverse perspective? Yes or no?

TOTH: That's not what this bill is about, Representative.

C. TURNER: You just said that's what's in the bill.

TOTH: A teacher who chooses to discuss these topics, they're more than—this is going to turn into a feedback loop, but that's okay.

C. TURNER: You just said—does your bill not say diverse perspectives?

TOTH: A teacher who chooses to discuss topics, they're free to discuss any of these topics. They're more than welcome to discuss any current events as long as they do it from both a diverse—as well as they explore those topics from a diverse and contending perspective without giving deference to any one perspective.

C. TURNER: So they can teach the insurrection as long as they provide a diverse perspective, which I assume means both sides, and they can't give any preference to who was right and who was wrong. Do I have that right?

TOTH: I'm not going to put words in their mouth.

C. TURNER: Well, for legislative intent, if your bill passes, I think it's important for people to understand. Is that right?

TOTH: From legislative intent, "A teacher who chooses to discuss topics described by Subdivision (1) shall, to the best of the teacher's ability, strive to explore those topics" on January 6 "from diverse and contending perspectives without giving deference to any one perspective."

C. TURNER: So I take that as a yes.

ANCHIA: I really enjoyed that back and forth between the bill author and Chairman Turner. I'm not sure how many perspectives I could fit into an explanation with respect to the insurrection of January 6. I guess there could be the perspective of the Holocaust deniers who wore the shirts or the ones who said six million were not enough. I guess the white supremacists in the crowd—maybe you could offer their perspective. I guess you could offer the perspective of the people in the crowd who wanted to kill law enforcement officers and overran them at the gates. I guess you could offer their perspective. I don't know that I want my children learning that perspective. I guess you could offer up the perspective of the people in the crowd who wanted to lynch the republican vice president. Maybe you could offer the perspective in the crowd of the people who wanted to kill republican and democratic members of Congress. You could offer the perspective, I guess, of the people who wanted to stop the vote count on the house floor. Those are the only other "diverse" perspectives that are required, I guess, by this bill. What I'd prefer, candidly, is that we just say that insurrection is wrong, that killing the people who were guarding the Capitol is wrong, that suggesting that we overthrow the government is wrong. I think that's the way to sort of—those are the diverse perspectives I would talk about when it comes to insurrection at the Capitol. And this is really an amendment that the bill author

should take. I mean, he's taken some pretty obscure amendments. This would be an easy one to add to the list. And I think it's probably how everyone on this house floor feels about the people who stormed the Capitol on January 6. I'd be surprised if anybody held a different perspective. So members, I ask that we adopt this amendment.

[Amendment No. 22 failed of adoption by Record No. 935.]

[Amendment No. 23 by Burns and Collier was laid before the house.]

REPRESENTATIVE BURNS: This amendment basically cuts out a reference to *The Federalist Papers* that includes Essays 10 and 51. It includes all of *The Federalist Papers* in the bill.

[Amendment No. 23 was adopted.]

[Amendment No. 24 by M. González was laid before the house.]

M. GONZÁLEZ: This amendment just strikes language which prohibits the inclusion of certain concepts in social studies and other courses. If you believe in free speech and you believe that teachers should be able to teach, then you should support this amendment. The legal scholars have already examined similar laws that have been struck down. So if we don't want the OAG to have to go fight for this and spend lots of our taxpayer dollars, then we should support this amendment.

TOTH: Again, members, I respectfully decline to take this amendment. Please vote no.

M. GONZÁLEZ: If you believe in freedom, free speech, and don't want to waste taxpayer dollars, then you should vote for this amendment.

[Amendment No. 24 failed of adoption by Record No. 936.]

[Amendment No. 25 by Anchia was laid before the house.]

ANCHIA: This is a really simple amendment which strikes Section (h-4). Now, I'll direct your attention to that section because it prohibits school districts from receiving private funding for social studies materials, including training and other sources, books. You know, I think there is a legitimate problem with ending existing contracts that school districts may be in with private entities that could force districts into lawsuits. This is really impacting their freedom of contract. And this section also contradicts other provisions of the Texas Education Code that give power to school districts to contract with private entities for educational services and also to receive donations.

You know, while we did pass **HB 3** last session and we gave districts a lot more funding, they still rely heavily, in many cases, on private funding to support all sorts of programs, whether it's athletics, the arts, training, curriculum development. And this amendment would allow schools to continue to receive private funding for their social studies, history, civics, and government programs. If we surveyed school districts across the state, we would find that they've already made investments and they have partnerships with private donors and foundations. I mean, I sit on the board of a philanthropic foundation, and we do

funding for curriculum programs all the time. And this would certainly disrupt those existing contracts, partnerships, and revenue streams. The power to make contracts and to receive donations lies with the school board of trustees, and we should not be taking away this control from our elected boards of trustees.

TOTH: Respectfully, I'd ask that you decline this. This does not create an issue with districts, as we've run this by the attorney general's office and the solicitor general. Please vote no.

ANCHIA: Did you have a chance to talk to school districts about whether this would infringe on their existing contracts to receive—first, to have third-party service providers help with social studies curriculum?

TOTH: I have not, sir.

ANCHIA: So what was the substance of your opposition to the amendment?

TOTH: We want to make sure that dark money is not coming in.

ANCHIA: Do you have evidence of dark money coming in? And I don't know where "in" is, but I assume it's the school districts.

TOTH: I don't know. I actually was using that expression from the 83rd Legislative Session when you used it pretty effectively.

ANCHIA: I think it was related to campaign finance but certainly not to private foundations who may be funding curriculum in local school districts. Are you aware of any, sort of, nefarious plot to channel money to school districts for curriculum development?

TOTH: I can't speak to that this late at night specifically to draw on. When we put this piece of legislation together and we went to work on it, we did want to make sure that the curriculum was developed locally and that there was not influence from the outside.

ANCHIA: And that would include a private philanthropic foundation? In Dallas, for example, the Communities Foundation of Dallas could not give money to a school district to help them fund curriculum development in social studies?

TOTH: I'd be happy, honestly—I honestly would be happy once we're done tonight to sit down with you and talk more about this and to see if we can come to an understanding. I'd be more than willing to talk with you more about it, sincerely.

ANCHIA: Let's do this. If you just want to accept the amendment, we can sleep on it, and then tomorrow, if you have an issue with it, we can take it off if you'd like. The reality is that school districts like Dallas do work with private philanthropic foundations and school boards have existing contracts with third-party service providers that I think your bill adversely impacts. And I would just ask for that consideration.

TOTH: So we're on the floor tomorrow at 10 o'clock. If you'd like to meet at 9 o'clock, maybe you and I and Senator Creighton could sit down and we can work toward an agreement. Vote no, please.

ANCHIA: I appreciate Representative Toth's willingness to discuss this further. I'd love for this to go on the bill in case that those discussions don't bear fruit. The bottom line, members, is that you have local school boards throughout your districts. They are likely in third-party contracts related to curriculum, especially the larger ones. And they also have boards of trustees that you know very well who engage or oftentimes receive donations into the school district for the development of curriculum. This not only prevents third-party contracts but it also prevents third-party donations. And I think we should defer to school boards in that curriculum development and the receipt of money to help them develop their social studies curriculum. It's that straightforward.

[Amendment No. 25 failed of adoption by Record No. 937.]

[Amendment No. 26 by Talarico was laid before the house.]

TALARICO: This amendment would just ensure that students are not punished if they ask questions, start conversations, or engage in discussions about the concepts prohibited by the bill. And I believe it's acceptable to the author.

[Amendment No. 26 was adopted.]

J.D. JOHNSON: Members, I know we're all ready to go home. I'm ready to go home, but I have to—anything that is this important, we certainly have to give it attention. This is tyranny. No matter how you look at it, this is tyranny. We have come to this body and have made the decision to tell our teachers how and what to teach. For those of you who don't know what tyrannical behavior is, it is defined as an unrestrained exercise of power. Now, this is what this is. The author has brought this bill because he says teachers shall not be compelled to teach certain things, which is critical race theory. But there is not one agency in this state that has compelled a teacher to teach critical race theory. So this author literally is legislating nothing.

It's an overreach of power. We are simply saying to our teachers there is no freedom and there is no liberty. The freedom and liberty caucus has said we're going to oppress our teachers. We're going to teach you what to teach and how to teach. The teachers are now afraid to teach. We sit in this body all day long and legislate and regulate about TAKS and TEKS and TAAS and all the other standardized testing. Now, they have to be concerned whether or not they did something that was wrong because some kid went back and told their parent that the teacher taught about a current event. But we don't really know or define what current events are. When is current events? Is a current event now or is a current event last year? What is a current event?

The hypocrisy runs so deep that the author has convinced himself that this is enhancing education and teachers are free to teach what they want as long as it's not critical race theory. The author himself has even demonstrated that he does not know what critical race theory is. He did "me-search" instead of research when it came to learning about critical race theory. Theory, not Shawn Thierry—theory is what it is. It's simply an idea. A theory is an idea. Critical race

theory is the idea to evaluate how race has impacted parts of society, including police, medicine, religion. That's what critical race theory is. It does not say one race is better than another or one race is badder than another. It doesn't say that.

Now, the author and many authors of this—and I've heard many of you around in this house that have said, "Oh, we're Christians. I'm a Christian. I love the Lord." As we all do. There isn't just one way to interpret the Bible. There are thousands of churches preaching from one Bible. Thousands of churches are preaching from one Bible about one God, about one Jesus Christ, but we all have different opinions and ideas about what it is. Kenneth Copeland teaches differently than Joel Osteen, that teaches differently than T.D. Jakes, that teaches differently than Paula White, that teaches differently than Benny Hinn. They're teaching from one Bible, but it's all different. Are we going to start now regulating whether or not Christians have to teach one particular way? All they're going to be able to teach is one. Are we going to start regulating religions now? Are we going to start telling our pastors how and what they're supposed to do? Because this is what we're doing. We're overreaching.

We're telling teachers don't teach no more. Be done with it. We're going to make Manchurian candidates. We're only going to teach one thing and one thing only and this is how you have to think. We will stagnate the creativity and the thoughtfulness of our children, which will stunt their mental growth. We don't teach one theory or one history in America. There are so many different aspects about what we should be teaching to uncover and to be studied—the good, the bad, and the ugly. We continue to only want to talk about the good, and as long as we only talk about the good, that means that we will never grow as a society or as a state. We need to make sure that we address all aspects of who we are so that we can grow and become a better society.

We always talk about being free, but freedom ain't free, and it certainly is not for me. You guys have to be mindful that we cannot oppress our teachers. We cannot stagnate their ability to teach our children. This is not about critical race theory. There's not one body, again, that is talking about teaching this. The State Board of Education has not placed it in a curriculum. Why are we legislating something that is not there?

[Representative Rose raised a point of order against further consideration of **CSHB 3979** under Rule 4, Section 32(c), of the House Rules on the grounds that the bill analysis is materially misleading. The point of order was withdrawn.]

TOTH: I want to thank the house for your patience tonight in this hearty debate.

[**CSHB 3979**, as amended, was passed to engrossment by Record No. 938.]

FORTY-FIFTH DAY — TUESDAY, MAY 11, 2021

HB 3979 DEBATE - THIRD READING
(by Toth, Leach, Metcalf, Bonnen, Parker, et al.)

CSHB 3979, A bill to be entitled An Act relating to the social studies curriculum in public schools.

REPRESENTATIVE TOTH: I think we have some amendments.

[Amendment No. 1 by Toth was laid before the house.]

TOTH: Members, this is an amendment that Mr. Huberty and Mr. Anchia and I spoke about last night that restores funding for our schools for the training of our teachers.

[Amendment No. 1 was adopted.]

[Amendment No. 2 by VanDeaver and Shaheen was laid before the house.]

REPRESENTATIVE VANDEAVER: Members, this amendment really should have gone on last night, and we just missed it. What this does is it strikes on page 2, lines 19 through 23, to make it so that our students can work in work-study programs with no kind of penalty.

[Amendment No. 2 was adopted.]

REPRESENTATIVE RAMOS: I want to thank, first of all, Representative Toth for accepting my amendments yesterday and many of our amendments. We really, really do appreciate that. Many of you may not know, but I am also, in addition to being a family lawyer, I also teach government at our local community college, El Centro, and this bill is especially consequential for me. Most of my students, the students that attend my Texas and federal government class, are students of color and immigrants, inner-city students. And I work hard to ensure that they learn about the Constitution, about this beautiful American dream that we all live and strive to live and aspire to make into a better country. Every semester, I give my students a pocket Constitution, and I explain to them whether you're black, brown, or white, citizen or immigrant, this is your Constitution. This Constitution belongs to you, and it's up to you to learn it, to fight for it, and to share with others what you've learned in the Constitution.

And I'd like to share with you one of my, I guess, most successful lectures in my class, which is why this bill, I think, is very consequential for government professors and teachers. You have to work really hard as a professor—especially government, right?—to make sure that your students understand what they're learning, that they embrace it, that they own it. So one of my lectures is about the First Amendment, and we talk about controversial things. And when we do the First Amendment, we talk about the five rights within the First Amendment, one of them being freedom of speech. And for semesters, for years, I banged my head, "How can I get them to understand the value of the First Amendment?" So I decided through music, right? All young students—18-, 20-, 25-year-olds—they love music. So I played them a protest song. I introduced them to Bruce Springsteen's "Born in the U.S.A." Now, many of you may or may not know that

song is a protest song. It's a controversial song about protesting the Vietnam War. Unfortunately, many of my students never heard of Bruce Springsteen. They had no idea who Bruce Springsteen was.

But after that song—and we studied what it meant and the Vietnam War during that time and what the song says—I also introduced them to a rap song by 2 Live Crew called "Banned in the U.S.A." Yes, and it's the same beat as "Born in the U.S.A.," but it's about protecting First Amendment rights. And my students get it. And I tell them, "Okay, now your job is to bring your protest song." And that's where the magic happens. They go home, and they study music, and they learn about their First Amendment right to freedom of speech. They bring me songs—rap songs, country songs. Many of these immigrant students, they bring songs from their country to talk about what's going on in India and Bangladesh and Korea, and Mexico. They bring songs from Los Tigres Del Norte. They embrace the First Amendment through music. And that is why I am against this bill. Because I provide them the tool. We have to be creative. Let them talk and let them—we have to meet them where they're at through any tool that a teacher can find to make sure you find that connection. And that's where my students learn and begin embracing the value of their U.S. Constitution, of their First Amendment right.

And so I just want to remind everybody that the controversy is important and our history is important. And unfortunately, yesterday—and part of this bill is to not bring those conversations, those topics—and unfortunately, we voted down an amendment that talked about the insurrection and the stain on American democracy. But I want to close with this, because although we voted against that insurrection amendment yesterday and people showed up during the insurrection with Confederate flags, I'd like to share with you the Confederate Vice President Alexander Stephens' "Cornerstone Speech." And what he said is, "Our new government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth." And that is why we need to know the history of the people that were there in the beginning and how we are aspiring to be better every day and share this beautiful document—the living, breathing document that's called the U.S. Constitution. Thank you, members. I ask that you vote down on this bill.

REPRESENTATIVE ANCHIA: Representative Ramos, thank you for your impassioned speech. You really did touch my heart. In the back, I was thinking about the days when I was an adjunct professor at both UT and Texas Tech law school, and you pointed out how hard it is sometimes to get students involved in subject matters. And I was thinking to myself, gosh, we wrote a really terrible U.S. history curriculum on the house floor last night. We shouldn't be writing curriculum on the house floor. But I was thinking to myself, who would ever take that class and stay interested in that class to want to learn the things that we actually want to convey? And I was struck by your use of music, current events, and history, some of the—at least in the case of current events—something that

would be curtailed, potentially, in this bill. And talk about how creative you need to be to get young people to get engaged with some of this. You know, requiring them to read all of *The Federalist Papers*—look, I've read "Federalist No. 10," and I've spent about two days at a workshop on "Federalist No. 10." We're going to have high school students reading all of *The Federalist Papers* and tell them that we are conveying to them something that they absolutely need to know? Maybe an elective course in college but in the core curriculum? Give me your thoughts on that.

RAMOS: I think it's unfortunate because this bill really takes away—it tells our instructors, our professionals, our educators that we don't trust in their ability to be nonpartisan and to educate their students and to make those connections however they need to make those connections to get that across. And by forcing and mandating and prohibiting and banning and all of that—all of those terms that are included in this bill—it takes away our freedom of speech but also our freedom of creativity to really connect with those students and get them to own their own federal government and to really increase their participation and civic engagement.

ANCHIA: And I'm sure you've found this as a professor, that when you force feed a student something, they learn far less, if they learn anything at all, than when you allow them to take ownership of the learning experience and have it be experiential, right? Would you agree with that?

RAMOS: Absolutely. The beauty of being a government professor or instructor is you're able to meet the students where they're at. And our students are talking about controversial issues. They want to know what's going on in the news. They have it on their feeds. They come to us, the educators, to learn more and to find out where they can learn more. And that's where our job is, to direct that growth and let them take it from there and really grow in their critical thinking.

ANCHIA: And it makes sense. When I taught law school, I used the Socratic method, and that was designed to challenge students to consider even something that the professor might not have believed but to posit to them something provocative, controversial, difficult to argue the other side of. Do you feel like this bill inhibits those teaching styles and maybe gives teachers less freedom in the way they convey information to students?

RAMOS: Thank you, Representative, and absolutely. That's one of my other lectures that we talk about. We talk about the Second Amendment and we read the *Heller* case. And I have students, whether they're for or against gun legislation, I require them to take the opposite side and create those own arguments, in groups, of why, if you inherently are against gun legislation or whatever, talk about for it, put on that other hat, think like the other person on the other side, and debate against the issue that you think you're for. And it's controversial, but it forces them to grow. And that's how they're learning because they're talking about these issues, putting on a different hat, and becoming better citizens through the process.

ANCHIA: Well, you bring the passion of a professor and a teacher, someone who's engaged in pedagogy, to the house floor. And I'm grateful for your perspective and for walking us through that.

REPRESENTATIVE BERNAL: I don't normally come up here. It's only been once before that I was up here talking against a bill. Otherwise, I don't give speeches. You may feel differently, because I often accost you at your desks asking for a vote or a favor. But as the members of Calendars Committee know, I'm here very infrequently. Now, I'm not the speech guy. I'm the Columbo, Seinfeld, Gilbert Gottfried in committee, "tell me what this means like I'm a kid" guy. But to that end, I think that we've gotten so wrapped up in the symbolism of what this bill does and in the emotion of what this bill does that we haven't considered, even with Gary VanDeaver's amendment, what the bill actually does, the kind of schools that we are creating, and what it looks like for those kids. So if you want to know what the bill does and how it affects children—which, by the way, was mentioned almost zero yesterday—let's go through that for a second.

Imagine if a student wanted to get credit for working for your office doing constituent services to learn about state agencies. They couldn't get a grade, class credit, or extra credit for that under this bill. They can't get credit for coming here, visiting your district office, testifying, writing e-mails or letters for something they believe in—**HB 3**, medical marihuana to treat epilepsy, David's Law on cyberbullying. There are students here today advocating on dyslexia, and this bill takes away their ability to get credit or extra credit for that work. Students couldn't do a signature drive for a dog park or, as we heard a bill earlier this session, accessible or inclusive playgrounds. They could not get credit or extra credit for that work. By the way, this is true at both the city and the school board level. If they do any of that advocacy, this bill takes that ability to get credit or extra credit away. They couldn't get credit for an internship or volunteering at a place like Communities in Schools, the food bank, the local homeless shelter, the Boys & Girls Club, or countless others, if any of that work involves advocating for, let's say, an appropriation, the creation of a program, the continuation of a program. Even at the city or local level, this bill takes away that ability for them to get credit or even extra credit. So if you're a student who's almost failing and you're trying to pass or if you're college bound and you're trying to go from a B to an A and you need extra credit, you can't do any of this because we have taken that away. And for what? For what? What are we getting for that? What is the big prize? Is coming back here just self-perpetuating the price that we pay for taking these opportunities away from kids? Is this place and this job that special that we'll do something that all of you privately will admit you don't like and don't want to do but will take that away from children? Because we need to come back. And by the way, even though this bill is about critical race theory, it's not defined in the bill at all. In other words, it's about race, but it's not about race, but it's about race.

Let's talk about what it means for curriculum because it is a bill about curriculum. And by the way, I've run this through several lawyers. You might think I'm blowing hot air, but you are welcome to verify this for yourself. I'm going to read directly from the bill. Listen up, this is your law: A "teacher who

chooses to discuss" a particular current event or widely debated and currently controversial issue, "shall, to the best of the teacher's ability, strive to explore those topics from diverse and contending perspectives without giving deference to one perspective." What does that mean? I will tell you, whether you like it or not. In Charlottesville, there were men chanting at a rally, among other things, "The Jews will not replace us." They were saying at a rally, "The Jews will not replace us." I'm not sure who I'm replacing, but they said I was. Then there was a clash. And then the sitting president said that there "were very fine people, on both sides." Which means we now have a debate or a controversy. So we're saying in this bill that the next day, a teacher would have to strive to explore those topics from diverse and contending perspectives without giving deference to any one perspective. What does that mean? It means I have to send my Mexican American Jewish daughter to school and have her teacher equivocate on what it means to have grown men saying, "The Jews will not replace us." That's what this bill does. Imagine you're a science teacher wanting to talk about the coronavirus and all of a sudden, for a variety of reasons, there's a debate as to whether or not it's real or it's a hoax. Under this bill, that teacher would have to equivocate. They could not land on a perspective. They have to argue both perspectives with equal vigor in order to not run afoul of this bill. And by the way, their other option is not to talk about it at all, which is censorship.

And then let's talk about my city of San Antonio, on paper the poorest city in the country. There's a history there of racially restrictive covenants. The first house I bought had one. I'm paraphrasing, but it said, no black folks, no Mexicans, and no Jews. Double whammy for me—Mexican and Jewish, if you're confused. The covenants are responsible, along with racial redlining, for the formation of all the neighborhoods in the city and the school districts and the attendance zones. If we're going to have a conversation about the formation of that city and addressing poverty and the history of racism in our city, we can't do that without talking about racially restrictive covenants and racial redlining. If you're having that conversation in a school, the teacher will have to equivocate. They'll have to provide both sides, both ends, under this bill.

And so we're coming to contending perspectives and giving deference. How do they know when they get there? What if they're wrong? Who decides? And the safest thing to do is just to not talk about it. And that's censorship. Think about the schools we're creating. Stop thinking about your seat. Stop thinking about this place. Stop thinking about the personalities. And think about the schools you're creating. And by the way, this is every school. There is no school choice here. Every school will have to do this. This is the kind of social order that you only see in science fiction. You are remaking schools. And for what?

You shouldn't make me send my daughter to one of these schools. There's no reason to do this. And look, so many of you privately have said to me—and I'm going to say this and you're not going to like it—so many of you have said to me privately that you don't like this bill. You don't want to vote on it. You wish it didn't come to the floor. But if you do, what's going to happen? You're going to

get primaried. It's a verb now. And somehow, in your place will be someone worse. And today, if you vote for this bill, my question to you is what's the difference?

REPRESENTATIVE WU: Representative Bernal, let me see if I understand you correctly. I know this bill looks very innocuous on its face. But part of what we're trying to do here is making sure that our own children, when they go to school, one of the objectives of this bill is to teach our children about civics, right?

BERNAL: Yes.

WU: To teach our children how to be good Americans, is that correct?

BERNAL: Yes.

WU: And to teach the fundamental values of our country, is that correct?

BERNAL: Sure.

WU: And one of the fundamental values of this country is democracy. Would you agree with that?

BERNAL: I do.

WU: A democratic representation of our people. And of one the most fundamental—fundamental—aspects of democracy is the right to petition your government. Would you agree with that?

BERNAL: I would.

WU: The ability to go to your government, no matter at what level—at city council, at your MUD board, at your state legislature, in Congress—to go to them and say, "I don't like something" or "I want this to happen." Would you agree that that is a fundamental aspect of democracy?

BERNAL: It is.

WU: And so this bill is saying, on one hand, we want kids to learn about American democracy, but on the other hand, slaps it out of their hand.

BERNAL: Well, that's partially true. Yes, it slaps it out of their hand because it's not a tool they have available to them in public school. Private school kids can still do it.

WU: So we're telling our public school kids, "You're an American, but we are discouraging you from doing one of the most fundamentally American things there is." Would you agree with that?

BERNAL: I would agree with that. I'd also say with all the things that they have to do—school, extracurriculars, preparing for and trying to defeat the STAAR—they have opportunity to do a two-for-one, to get credit or even extra credit for this kind of work. And we're saying this, that petitioning your government, engaging in government, engaging in advocacy—you are ineligible for credit or extra credit for doing that work if you're a public school student. If you're a private school student, have at it.

WU: And I'm concerned that this discouragement would discourage a kid who could potentially be the next state representative, who could potentially be the next mayor, who could potentially be the next congressman, but they never got that experience. They never got to feel what it was like to have that power to go petition their own government, and they don't believe in the process.

BERNAL: Look, there's no question that this bill removes opportunities from students. And again, I would ask you to think about the student who's trying to go up a grade—from B to A, from D to C—looking for extra credit. We have removed all of this from the options that they have to get extra credit. And for what? What is the purpose? Someone come and tell me how that's good government, how that's good for them. Go home and explain to your constituents how this is what they want and is in the best interest for them and their kids. I challenge you. I'll go with you. Because it might make sense in this room. It doesn't make sense one step outside that door.

WU: And I think maybe—I'm not sure if it was you that used the term earlier—but I think this bill is Orwellian. I agree with that.

BERNAL: Well, I said science fiction. That's more eloquent.

WU: I think maybe we narrow it down a little bit more that this is Orwellian, that this is reshaping our society by changing the way people think and limiting the way they can think about things and the way they can talk about things.

BERNAL: Right. Look, you may be under the guise that this is about critical race theory, whatever that means, and keeping it out of classrooms. But I have just gone through a laundry list of opportunities that we are removing from students. You can go through the bill yourself. Take a break. Ask your lawyers. It removes opportunity from students on a variety of fronts. It has nothing to do with whatever you think or were told critical race theory is. It does not. It removes opportunities from students. It is unforgivable that we would do this.

REPRESENTATIVE M. GONZÁLEZ: Multiple times, Representative Toth said yesterday in his reasons of why we had to pass this bill, "because," he said, "this is not who we are". That is the fundamental question of the decision we are going to make today. Who are we? Are we a body that trusts and supports our teachers? Are we a body that practices what we preach when we say "let teachers teach"? Are we a body that wants to ensure that the next generation of Texans are prepared to engage in our local communities and support the growth of our state? Are we a body that makes informed and independent decisions regardless of what outside groups are encouraging us to do? That puts policy over politics? Are we a body that is trying to make Texas better? Are we a body that wants to punish teachers for trying to facilitate holistic growth and understanding? Are we a body that limits free speech?

Multiple times yesterday in the debate, a lot of you all stopped me because you could see my passion on the topic and asked me, what is critical race theory? Well, members, as someone who has been working on this, researching and reading this topic for over a decade—and let me just say, racking up student loans—this topic is critically important to me. Why? Because critical race theory

is more than a subject of academic theory. It is literally the books that transformed and formed me into the individual you love and respect today. Well, at least I hope you love and respect today—looking at you, Jared Patterson. How did it transform me? Coming from El Paso in a border community and coming and seeing the differences between the lives of my people and the lives that existed in Austin, I searched for the answers as to why those differences exist. And finding those answers helped me heal and helped me grow as a human being. And when you're healing and growing as a human being, then I can come to the table as your equal and as somebody who wants to work together to make change. Critical race theory helps students understand the world, understand their place in the world, with the ultimate goal—and this is what's critically important because Representative Toth has misrepresented the work and the writings of critical theorists—to make the world more socially just and humane. Please, members, tell me what is wrong with that?

What kind of Texas do we want to live in? One of my favorite quotes by Paulo Freire, one of the philosophers who writes in critical theory and critical race theory says, "The world is not finished. It is still becoming." Do we not want to give hope to our young people who are trying to make the world a better place? Do we not want them to practice that hope through community engagement? And ultimately, do we not want our state to be better? To you all, this bill might just be politics. But to me, this bill has serious implications for who we are as a body, how we decide interest groups make decisions for us, if we are independent beings with full understanding of knowledge. Members, you can vote for this bill, but you should only vote for this bill if you have actually read the books. But if you have not ever once read any of these books from front to back cover and you're just making a decision for politics, then that challenges who we are as a body. Because we should make decisions based on accurate information. Members, I'm asking us to take control of our house, of our chamber, and not to let outside groups or forces make decisions for us. So put politics aside for policy. I urge you to vote no on this bill.

REPRESENTATIVE CANALES: Mr. Toth, we've spent a lot of time—I mean a lot of time—on your bill talking about what we want to ban and what we don't want to teach children. And so I just want to clear some things up with you about other things that you might think we should ban. So I know you're a pretty conservative fellow. And so do you think we should ban books that talk overtly about sex for our children?

TOTH: Representative, where do you see the word "ban" anywhere in this bill?

CANALES: I'm asking you a question. I didn't talk. I was asking you a question about what you think.

TOTH: I don't think we should ban things. In fact, this bill encourages to discuss things. So again, where do you see the word "ban"?

CANALES: Would you be all right with books that discuss overt acts, sexual acts, in our schools?

TOTH: I think that should be left up to parents to decide that with school districts as to what level of sexuality should be discussed in the classroom. Don't you? Shouldn't that be left up to a parent? Shouldn't that be left up to you?

CANALES: I think you've been in the legislature long enough to know the questions come from this side that way. Okay? So in your idea, in school districts, it's not the school district but the parents get to decide what the children learn?

TOTH: Is there a question?

CANALES: That is the question. With respect to this bill, what is it you want to keep out of our schools?

TOTH: I don't see anything in this bill that says we should keep things out of the school.

CANALES: Well, you sent all of our offices books, children's books, and I think that you're trying to accomplish something with this bill.

TOTH: This book [*Not My Idea: A Book About Whiteness* by Anastasia Higginbotham] came from Highland Park and it was sent to me by a parent in Highland Park. This is the book that I sent into each of your offices. This book teaches critical race theory to little kids.

CANALES: And you would like that book removed from those schools?

TOTH: I think it should be left up to the parents as to whether or not this should be taught in the school and this should be told to your child that they are racist. Do you believe that all the white people in this room are racist, Mr. Canales?

CANALES: Like I said, Representative Toth, I think that you've been here long enough to know that the questions come from this podium that way.

TOTH: If you don't want to answer, that's okay.

CANALES: But since you seem to be uncooperative and unable to explain yourself, I'll go ahead and leave you alone.

REPRESENTATIVE COLLIER: Representative Toth, I just want to get some clarifying information from you in regard to this bill. The bill—as originally presented to this house or as amended—does that bill have any impact on the teachings of the course of ethnic studies that is currently in place under the State Board of Education? Let me ask it again, Representative Toth.

TOTH: Sure.

COLLIER: The bill **HB 3979**, as originally presented to us and then as amended, does it have any impact on the teachings of the social studies course under ethnic studies in Texas?

TOTH: No, it does not. It only asks that teachers teach it, if they decide to discuss this, to the best of their ability, they strive to explore these topics from a diverse—and diversity is not a bad word, is it—but they should strive to teach from a diverse, which means they're sharing both sides of it.

COLLIER: So that course of ethnic studies and social studies—and that has an African American studies program and it has a Mexican American studies program—those courses will not be impacted whatsoever?

TOTH: How would they be?

COLLIER: I'm asking. You filed this bill. I want to know the impact.

TOTH: This bill doesn't even discuss that, so how would they be impacted?

COLLIER: I'm just asking. I'm getting clarification.

TOTH: Yeah, I don't believe—I apologize. I don't think they would be, Madam Chair, based on what this bill says. It just asks teachers to discuss all these things from a diverse standpoint, a diverse and contending perspective, without giving deference to any one perspective.

COLLIER: So your bill deals with social studies curriculum, right?

TOTH: Say again? I'm sorry.

COLLIER: Your bill deals with social studies curriculum?

TOTH: Yes, ma'am.

COLLIER: So ethnic studies is under the social studies curriculum in Texas. And I want to make sure that the existing program, the course of ethnic studies, which includes African American studies and Mexican American studies right now, will not be impacted by this bill.

TOTH: I agree.

COLLIER: Okay. And then, we just passed **HB 1504**, which would turn that course into a foundation school program. So it would be part—you could take those courses to actually go toward your graduation credits. Remember that bill? We just passed that earlier today.

TOTH: I apologize, Madam Chair. I was focused on some other things and may not have been in here when that bill was laid out.

COLLIER: Well, it deals with the same courses, ethnic studies, of Mexican American studies, and—

TOTH: I was probably not in here when that bill was laid out. I apologize.

COLLIER: Well, I just want to make sure that bill is not impacted by this bill. Like, it's not going to wipe it out? It's still going to be able to go through? It doesn't have any adverse impact on **HB 1504**?

TOTH: Madam Chair, you know, it was distressing earlier to hear the word "ban"—b-a-n, ban.

COLLIER: I didn't say ban. I said would it have an adverse impact.

TOTH: I know. Earlier, that expression was used.

COLLIER: I didn't use it. I said is going to have an adverse—

TOTH: And I appreciate that, but this doesn't do anything to ban. It doesn't do anything to stop the free flow of discussion on current events or studies—any form of ethnic study.

COLLIER: Okay, so I just want to make sure that the existing program that is in place right now under the State Board of Education, which is a statewide course in ethnic studies, will not be impacted under the provisions of this bill. Is that correct?

TOTH: This bill very clearly says that we should explore these topics from a diverse and contending perspective without giving deference to any one perspective. I think we're all capable of doing that. I can think back to seventh grade when in a science class, a teacher laid out evolution and creation. And as a Christian, she laid out evolution. Even though she didn't agree with it, she still laid it out to the best of her understanding what it consisted of.

COLLIER: Okay, but these courses focus specifically on Mexican American studies and African American studies. I just want to make sure that's what they're going to be teaching about. And if you haven't had a chance, I hope you looked at the course, because the curriculum is already provided. And I want to make sure—

TOTH: I look forward to discussing it further with you.

COLLIER: Okay, but you just said that they're not impacted. They're not affected under the provisions of this bill. Those courses can move forward.

TOTH: This bill, again, if you want me to read this to you again, I will, what this bill says.

COLLIER: No, no. I'm just trying to figure out what your bill does. And right now you told me what it doesn't do. And so your bill does not impact the existing curriculum of ethnic studies in the social studies program.

TOTH: The bill simply asks that we do this—we talk about these issues from a diverse and contending perspective without giving deference to any one perspective.

COLLIER: Okay, again, these are going to be taught about those particular issues. So I appreciate you acknowledging that those courses and those programs will not be impacted under the provisions of this bill.

TOTH: I think I've answered the question.

REPRESENTATIVE DAVIS: So I've been trying to pay attention to what everyone's been saying the last few days and I know last night you took several amendments. So I want to start with the bill that's before us now as amended. What amendments—do you know what the bill looks like now with the amendments that you took?

TOTH: Is there an amendment that you want to speak about specifically, Representative?

DAVIS: No. I want you to tell me what this bill looks like.

TOTH: I'd be happy if you want to lay out what amendment you'd like to talk about. I'd be happy to talk about it.

DAVIS: I'd like to talk about the amendments that you took last evening. What did it do to the bill that was previously filed?

TOTH: Which one?

DAVIS: All of them. One through 20 or whatever you took.

TOTH: I'm not going to—I don't have one through 20 amendments in front of me.

DAVIS: Is it your intent—

TOTH: If you would like, we can take a moment and we can go pull all those amendments, if you'd like.

DAVIS: I think it's important for us to know what the bill looks like as amended. So if you could just speak—

TOTH: You actually have that on your Surface Pro. If you'd like to stop, we can stop and we can print all those out and go over that.

DAVIS: I know. But I get to actually ask the author that, too. What does your bill look like based on the amendments that you took last night? That's my question. Do you know what the bill looks like based on the amendments you took last night? In terms of the changes that were made to the bill.

TOTH: Ma'am, I looked at each individual amendment. I don't have all those amendments in front of me right now, as I'm sure—you've been here for several years. You understand that. Now if you'd like, we can—

DAVIS: No. But I also understand that when we have a bill and we accept many amendments we typically know what the bill ended up looking like.

TOTH: I know what the bill looks like. We took several amendments regarding a lot of different literature. We took an amendment that speaks to white supremacy being equated with the Ku Klux Klan. What else would you like to talk about? Which other amendment?

DAVIS: Well, you know, it's interesting that you—

TOTH: We took an amendment to make sure that civics would be more freely discussed. Which other amendment would you like to talk about?

DAVIS: Well, I'd like for you to tell me about the bill as amended—all of them, instead of you just kind of casually throwing out something. Because you have some specific things that this bill is doing, and I want to know if those things actually occur or were changed. Or did we change them because of some amendment.

TOTH: You were here last night and you voted on these amendments.

DAVIS: Okay. So the other question is, is it your intent to keep those amendments or is it your intent to not keep those amendments?

TOTH: Why? You know, I took these amendments. Why wouldn't I take these amendments?

DAVIS: Because you have the ability to take them off in the senate. So that's my question.

TOTH: I'm not in the senate, ma'am.

DAVIS: No. No, but you have the ability for those amendments to be removed.

TOTH: I can't speak for the senate or what the senate will or won't do.

DAVIS: I didn't ask you to speak for the senate.

TOTH: I can't speak for whether or not the senate will amend this.

DAVIS: I asked, is it your intent? Is it your intent to fight to keep those amendments on that were put on last night? That was my question. Not whether the senate does it. Not whether you can tell the senate to do it. My question is, do you plan to fight for the amendments that you accepted last night?

TOTH: I can tell you that—let me speak to one of the amendments, if I could. Representative González gave me an amendment that deals with women's suffrage and it speaks to Susan B. Anthony and Elizabeth Cady Stanton. And I was happy to take that amendment. These are two women suffragettes that are Christians. They were pro-life. I was really happy to take that amendment. And there are plenty of other amendments that had some great material.

DAVIS: And so that's why I was asking you, to what extent did you improve the bill? That was the point I started off with is tell me the amendments that you took so that I could determine whether or not the bill got better or it got worse.

TOTH: I'm sorry. Would you please restate the question, Representative?

DAVIS: And so the reason I started out my comment or my questions had to do with, did we put amendments on here that improve the bill, number one.

TOTH: Yes.

DAVIS: You don't remember any of the amendments, though, so you can't speak to that.

TOTH: I think I've spoken to four or five of them so far.

DAVIS: Other than the two—

TOTH: I think I've spoken to four.

DAVIS: And then the question was whether or not you intended to fight for those amendments so that they might stay on if we get into that situation with the conference.

TOTH: I'm happy with the bill as it's leaving the house, but I can't make any commitment for what the senate will do.

DAVIS: And I didn't ask you to make a commitment for the senate. I asked for you to tell me what your commitment would be to these amendments.

TOTH: I'm happy with the bill as it is, and I won't speak to what the senate will do.

DAVIS: And so—okay. And so in your effort to tell me why this is a good bill, could you tell me if your bill still allows government entities—one of the things you put in here is you want to teach the structure, function, and process of government institutions at the federal, state, and local levels. Is that still something in your bill?

TOTH: Yes, it is.

DAVIS: And so one of the challenges for me is that here in this body, we keep usurping the authority of local government. And so in this bill, we're now saying we need to teach about local and federal and state government? The functions of the different governments? I want to find where the consistency is, so that's why I'm asking this question.

TOTH: What's the question? I apologize. I'm not sure what the question is. I got a good statement out of you, and I understand the statement.

DAVIS: The question was, in your bill today, if you're still talking about the need to talk about the structure of our government and functions, including the processes of our government at the federal, state, and local levels?

TOTH: We never took that out of the bill.

DAVIS: You did not take it out of the bill?

TOTH: We did not.

DAVIS: And so I'm trying to understand then, have you been voting—and the reason this is important—against taking local authority away from local governments? I just want to make sure we're going to keep that in.

TOTH: Ma'am, this bill doesn't deal with the authority structure of local government, and I'd just as soon that we stay on the bill.

DAVIS: It does. Your committee substitute does speak—

TOTH: My bill does not do anything to change local government structure.

DAVIS: It speaks to the structure and function and processes of our government. So I was trying to make sure I understood that you left the notion that there are different levels of government and different functions and they have a role in the process.

TOTH: Yes, ma'am.

DAVIS: And so to the extent that we took amendments, we did not take that out, right?

TOTH: No, ma'am.

DAVIS: Okay. I had a question relative to the prohibition of employees of state agencies, district, and charter schools being able to engage in training and development. Are we taking that out?

TOTH: Why don't you—will you please refer to what line of the bill you're referring to?

DAVIS: I'm like you. I don't have the bill because you made amendments. That's why I'm asking you to tell me the things that you did.

TOTH: It's on your Surface Pro. Or if you give me just where in the bill you're talking about, then I'll refer to the bill.

DAVIS: In your bill that we did last night, that we amended last night, does it prohibit an employee of a state agency, district, or charter school from being required to engage in training? Do they have the ability—do school districts—I'm just trying to ask. Does your bill—I know last night you spent great deal of time talking about white supremacy and slavery, and I'm wondering if in any of the amendments, did they reinstitute either of those in the curriculum to discuss reinstituting slavery or reinstituting white supremacy? I'm just trying to understand this.

TOTH: Does my bill reinstitute slavery or white supremacy? I'm not sure I understand the question.

DAVIS: No, you had discussions. No, your bill is unclear to me because there were so many discussions about those topics. Amendments went back and forth and discussion was unclear. And so I'm trying to understand, did it deal with that or not? What are we doing with this bill? What is it trying to accomplish? It's unclear to me. And the 20-something amendments you took makes it even more unclear in terms of what your goals and objectives are for this legislation.

TOTH: That's why we have Surface Pros on our desks so that we can see what the bill consists of.

DAVIS: Yes, but I got you right here. I don't need to go to my Surface Pro. I got the author right here, so why can't I ask my questions?

TOTH: You can. Just you've got your Surface Pro.

DAVIS: Okay, so let me ask my questions. Quit referring me to the computer. This is your legislation. And as a member of this house, I can ask you—

TOTH: If you'd like, ma'am, we can go and print the bill out with all the amendments. I'd be happy to do that.

DAVIS: You can do whatever you need to do to know what you're presenting to us to ask us to vote on.

TOTH: Do you have a specific question about a specific amendment?

DAVIS: I just told you. I want to know, based on amendments that you took last night—

TOTH: And I could speak to any of them.

DAVIS: —how did the bill change? You know, if they're telling you what to tell me, tell them to go get you the bill and tell us how it changed.

TOTH: Again, I told you, I'd be more than happy to print the whole thing out and answer any questions if you'd like that.

DAVIS: I think that you ought to be able to tell us what changed in the bill so that we would know what's current that we're speaking on today.

TOTH: I'd be more than happy—I respect your position. I'd be more than happy to print the whole thing out and go through it line by line with you.

DAVIS: Well, that would be great. Now, when are we going to do that?

TOTH: We can do it right now if you'd like.

DAVIS: That's fine for me. That's why I'm asking you. You know the amendments you accepted. I don't know what all you accepted. I don't know how we got into talking about white supremacy and slavery but we did. And so I'm trying to understand, where did we go with this bill that started out being about people can't be involved. So let me ask you something. Is this something that we ought to ask the State Board of Education to be studied instead of the legislature trying to define criteria that has nothing to do with what we do from a policy standpoint?

TOTH: I think we as representatives need to represent our districts. And I had a parent in my district that sent a video to me about critical race theory being taught in the high school, my local high school. That video has had 200,000 or 300,000 views on TikTok. And the teacher in a language arts class is disparaging children for not adopting and not believing in critical race theory. So I think we all represent our districts, and I think it's our responsibility to represent our districts relative to what parents ask of us.

DAVIS: My question was, based on your attempt to represent your district and the need to figure out what it is that has this TikTok thing going so far, would you be amenable to a study to review this and have some intense study in this area instead of us trying to write curriculum on the house floor?

TOTH: No, ma'am.

DAVIS: You would not be willing to do that? We are going to mandate to the State Board of Education what they will and won't do. So my question is, are we telling the interns that work here at the Capitol that that has no value, their involvement here has no value, and therefore they can't get extra credit for that? The time they're spending here in the legislative process? Is that what we want to tell the young folks who are working here at the Capitol?

TOTH: Interns are still allowed. Practicums are still allowed.

DAVIS: It says that you prohibit them getting grades for that. Did that change in the bill yesterday from last night?

TOTH: As long as it's not lobbying, as long as it's not CRT-related, they can still do it.

DAVIS: Your bill says that they can't do that. So did we take an amendment to fix that?

TOTH: What line are you looking at?

DAVIS: Somewhere in your bill.

TOTH: Representative, what line are you looking at in the bill?

DAVIS: I don't have the bill back here with me, sir. But I would figure you would know where your bill is if it says it or if it doesn't say it, that students can't be—they can't get extra credit. So yes or no, is that still in the bill or not?

TOTH: If you could tell me where you're at in the bill, I'd be happy to answer your questions.

DAVIS: It's in your bill and I figured you know your bill better than I do and so you would be able to tell me whether you left that in there or if it was taken out last night.

TOTH: So let me read that. I found it for you. Do you want me to read it to you?

DAVIS: I'm sorry. I didn't hear what you said.

TOTH: I found—you're talking about page 2, (h-3)(3). Do you want me to read that to you?

DAVIS: You can read that to me and see if it was amended last night. I'm happy to listen to you read it to me.

TOTH: Okay, let me read that to you: "A school district, open-enrollment charter school, or teacher may not require, make part of a course, or award a grade or course credit, including extra credit, for a student's work for, affiliation with, or service learning association with any organization engaged in lobbying for legislation at the federal, state, or local level." So if someone wants to work here as an intern, they can do that and get credit for it, provided that they're not lobbying.

DAVIS: Does lobbying include advocating for a particular bill?

TOTH: It says, "political activism, lobbying, or effort to persuade members of the legislative or executive branch." I have interns in my office.

DAVIS: Did you take a VanDeaver amendment that maybe took that out?

TOTH: It brought clarity to it is what it did. It took (3) out. It took (3) out so that it would be more easy for them to do that.

DAVIS: Could they have—could they be advocates for a particular policy? Could they advocate for a particular policy?

TOTH: No.

DAVIS: So we don't want our interns that are here talking to us about what goes on at the various institutions they go to talking about what works and doesn't work and why there's a question about it. They can't ask that question of us?

TOTH: They can't be used for lobbying purposes, ma'am. Representative, if you'd like, after we—everyone in this room has access to the bill. If you'd like to sit down afterward, I'd love to discuss it with you.

M. GONZÁLEZ: First question, would you consider yourself a fiscal conservative?

TOTH: Yes.

M. GONZÁLEZ: Have you done a fiscal analysis of this bill after adding the multiple amendments and the money it will cost for the SBOE to review all of the new documents you added?

TOTH: We actually brought it to the attorney general's office because there was no fiscal note with it, and we wanted to make sure, extra sure, that there was no fiscal note.

M. GONZÁLEZ: What does the attorney general have to do with fiscal notes? Why does the attorney general have anything to do with fiscal notes?

TOTH: We wanted to make sure that it didn't change existing law which would cause a burden on any agencies or districts.

M. GONZÁLEZ: Do you know how the SBOE reviews documents and all the process it goes through and all that cost that goes into the reviewing of documents? Do you realize that the fiscal note for this bill is now gigantic? And as a fiscal conservative, I was wondering if you had an opinion to that. Are you okay with just spending millions of taxpayer dollars on your bill because we haven't analyzed it appropriately fiscally? Money that could be going toward other places?

TOTH: This bill does not impact the State of Texas that way. And if, in fact, anything, it will save the State of Texas millions of dollars by virtue of the fact—

[HB 3979, as amended, was passed by Record No. 982.]

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

SUPPLEMENT

FIFTY-FOURTH DAY — MONDAY, MAY 24, 2021

CSSB 23 DEBATE - SECOND READING (Oliverson and Harless - House Sponsors)

CSSB 23, A bill to be entitled An Act relating to an election to approve a reduction or reallocation of funding or resources for certain county law enforcement agencies.

[Amendment No. 2 by Israel was laid before the house.]

REPRESENTATIVE ISRAEL: Members, what my amendment does is say that if this is good enough for Bexar County, this is good enough for Kleberg County. It's good enough for every county. That's the essence of what I'm trying to do here. The fact that we are targeting five counties—I respectfully disagree with Chair Oliverson. If we're going to put these mandates on five counties, let's put these expectations on every county, whether there's a million people or 500,000 people or 300,000 people or more cows than people.

REPRESENTATIVE OLIVERSON: Respectfully, I'm going to oppose this amendment. As I said in my layout, this bill is targeted in the areas of our state where this phenomenon seems to be an issue.

REPRESENTATIVE RAMOS: Representative, you mentioned that it seems to be the problem in counties with more than a million people. What is the data you all have or what research did you all do in creating that benchmark of a million and above? Are you saying, by introducing this bill, that no other county other than those a million and above reduced their law enforcement agency budget? Like no other county other than the five that you mentioned?

OLIVERSON: Representative, I think that the issue exists in our large, urban counties. I'm not aware of anything outside of that—

RAMOS: Urban counties? Is that what you said?

OLIVERSON: Yes, our larger counties where we have a higher population.

RAMOS: And we also have a more diverse population as well, right?

OLIVERSON: That's really not the purpose of this bill.

RAMOS: Yet it does target our more diverse, urban, right—"urban"—counties. But what facts or what data do you have to present to this body that this, in fact, has not happened in any other county other than our more "urban," diverse counties? What data do you have that there are no other smaller, maybe less diverse counties that reduced their law enforcement agency budget for their counties?

OLIVERSON: Representative, I'm trying to deal with a problem that I'm aware of. If there are issues that I'm not aware of, if it's outside of that, I'm sorry.

RAMOS: You said it seems to be the problem.

OLIVERSON: It is the problem.

RAMOS: So when you're exploring a problem, you want to figure out where it applies.

OLIVERSON: So what you want me to do is basically look into the crystal ball and tell you which of the other counties, essentially, has there been a problem in. What I'm saying to you is that I don't know that, and I doubt that there's any person in this body that knows that. I'm focused on the problem at hand.

RAMOS: So you're telling the body, essentially, that although we have 254 counties, you only researched four or five counties, but you really don't know. So in other words, Representative Israel's amendment should be approved by the author because, essentially, this could be something that affects our smaller counties as well and you just don't know. But we want to make sure that we know that we're doing the right thing. So we want to make sure that this applies throughout the whole State of Texas because you didn't do the homework to figure out if our smaller counties are doing the same thing. So we really should support Representative Israel's amendment, correct?

OLIVERSON: I will not be supporting her amendment, but you're free to vote however you choose.

RAMOS: Well, I encourage everybody, if we want to make sure we address the problem when we don't know that this affects our smaller counties or not, we would definitely support this amendment.

REPRESENTATIVE CROCKETT: You said "the problem." Can you tell me when this "problem" began occurring?

OLIVERSON: You know, honestly, Representative Crockett, I don't know exactly when it began occurring.

CROCKETT: Okay. And when was that?

OLIVERSON: I just know that it's happening now.

CROCKETT: Okay, so you don't know when it started. Can you tell me when this problem came to your attention to the extent that you went so far as to engage in making sure that we change the law?

OLIVERSON: Well, I became aware of this problem before session began, but I think ultimately my role in this began while we were here this session when I was asked to sponsor this bill in the house.

CROCKETT: Okay. So let me ask you, because no one has defined what the "problem" is. Instead, we're talking about the word "defund." And do you—

OLIVERSON: Yeah, I think that's a good word.

CROCKETT: Okay. Do you understand the concept? Do you understand what it means?

OLIVERSON: I understand what it means to my community. I understand that it means taking law enforcement out of my community and making my community less safe.

CROCKETT: Okay. So let me ask you this. You said that you've not done all the research. If the delegations, say, within these five large counties tell you, because they live and they experience what goes on in our counties, that we want to opt out because we don't have this "problem" that you perceived from your area, would you be willing to accept an amendment from those that live in these counties that you've not researched?

OLIVERSON: No.

CROCKETT: And why is that—if you feel as if there's a problem but it's a problem that you've not researched and those that live in those counties, those representatives, say that we don't have a problem?

OLIVERSON: Well, Representative, I think it's pretty clear around our country that in our larger metropolitan areas, we do have a problem, and that's what I'm trying to address. You can disagree with me if you choose, and you can vote however you please, but I see it the way I see it.

CROCKETT: Okay. So I'm going to tell you—I'm going to be honest just to give you a little bit of an education. The problem in my community isn't the "defund" issue. The problem is policing in my community, number one. Number two, so that we understand the concept that we're trying to fix, defund is actually about making sure that law enforcement has the assets that they need so that they're not going out playing dog catcher instead. So that if someone is shot, they can respond to that. We have terrible response rates in so many of our large cities because they're now playing mental health professionals. And half the time—you're a doctor. You know that there are people—

OLIVERSON: Do you, Representative—

CROCKETT: —that should be specifically trained in this area.

OLIVERSON: Do you understand that this bill allows your community to make that decision? But it's a decision made by your community. It's not a decision made by a couple of folks sitting on a commissioners court. If your community wants to defund your police, your local law enforcement in the county, then they can vote to do so. That's what this bill does. That's what it allows. I thought we were all for letting the people decide.

CROCKETT: I thought we were, too. But when it comes down to it—

OLIVERSON: So that's what this bill does.

CROCKETT: But let me tell you something.

OLIVERSON: So are you telling me that you would not want the people in your community to be able to vote on that?

CROCKETT: Our people decide when they go and decide to elect us, and if they don't like the decisions that we make, then they vote us out. When we came to do our budget here in the State of Texas at the legislature, we didn't have to go out and get everybody in the State of Texas to vote on certain things. Because let me tell you something. There are people in my community that are not pleased with what we have done with our budget thus far, this session. So you want to handicap people—

OLIVERSON: Your premise is incorrect in that there are many times where we have to go back to the voters. Every week we're voting on something with a JR after it that requires the people—

CROCKETT: But we're talking about the budget.

OLIVERSON: —of the state to approve.

CROCKETT: We're talking about the budget that we voted on.

OLIVERSON: And we make and we require—

CROCKETT: We did not have to go to the—

OLIVERSON:—approval of bonds to be issued. We require the citizens to weigh in on a variety of issues. Why would we not want them to weigh in on something as critical as public safety?

CROCKETT: I'm not saying that. What I am saying—

OLIVERSON: You are saying that.

CROCKETT: No. What I am saying is that there are certain functions that we have to be able to perform. You would agree with me that one of the functions as a state representative is to make sure that we pass the state budget, correct?

OLIVERSON: And what I'm saying to you is that I believe that public safety is of such paramount importance that if you decide to defund public safety in your community, that you should put that to a vote of the people. And if the people will it to be so, then let it be so.

CROCKETT: So once again, you see it as defunding and making a community less safe.

OLIVERSON: I think it's pretty clear that's what it is.

CROCKETT: That's not what it is. Obviously, it's not clear because if it was clear, then we wouldn't have this bill. The issue isn't that. I can't tell you what goes on in your community, but you want to tell me what goes on in mine. Let me be clear. In my community, we decide that we want to reimagine policing. What we decide is—

OLIVERSON: Then vote to do so.

CROCKETT: No, listen.

OLIVERSON: Then do it.

CROCKETT: We don't need it. We don't need a vote on that. We vote when we elect people who say that this is what we are going to do with our budgets. Just like you were elected from your community and if your community doesn't like what you do down here, they can vote you out. It's the same thing.

OLIVERSON: Again, I think—

CROCKETT: What we're trying to do is we are trying to monopolize and we are trying to minimize local control because small cities and small towns want to tell the big cities and the big towns what we're going to do. That is a problem. I thought that republicans believed in local control.

OLIVERSON: Respectfully, Representative—

CROCKETT: But they only believe—

OLIVERSON: —do you have a question?

CROCKETT: —in local control—

OLIVERSON: Did you want to ask me a question?

CROCKETT: — when it is expedient for them. I'm done.

OLIVERSON: Members, I urge you to oppose this amendment.

ISRAEL: Thank you, Dr. Oliverston, for allowing me to make this point. If you live in Del Rio in Val Verde County, if you live in Tyler in Smith County, if you live in Kingsville in Kleberg County, if you live in Round Rock in Williamson County, if you truly believe that there is a viable role for the State of Texas to be doing this kind of intrusive management of how our local authorities are doing their job, then you should support this amendment.

REPRESENTATIVE WU: Representative Israel, would it be fair to say that you're filing this amendment right now because the bill sponsor's statement of the intent of this legislation does not actually match up with the bill itself?

ISRAEL: Correct.

WU: And that if the intent is to protect communities, that if the intent is to make sure that communities have a say about their law enforcement budget, that this should apply to all communities?

ISRAEL: All communities at all times, in all situations, in all economic difficulties, in good times and in bad times.

WU: And because, as we discussed in **HB 1900**, there is no difference in civilians and citizens across the state, that they all have an equal right to be protected. Is that correct?

ISRAEL: That's correct. And I think we all recognize, Representative, that at the local level—our local officials at the city and the county—a big chunk of those budgets go to public safety. So this is not something that any of us is dismissing or overlooking, and I'm simply trying to make a statement that what's good for one county should be good for all counties regardless of their situation.

WU: And if you remember from our conversations on **HB 1900**, that, in fact, it's the smaller jurisdictions that actually have a higher per capita violent crime rate. Do you remember that?

ISRAEL: Yes.

WU: And the point of this amendment is to make this legislation rationally match up with the stated intent of the bill author and the bill sponsor. Is that correct?

ISRAEL: Yes. Thank you, Representative. The point that we're also trying to make is that some of these very large counties are also very safe and if you truly believe this is about safety, you should be concerned about safety regardless of which county it is in the State of Texas.

WU: And so without this amendment, this bill would just be paying lip service to its stated intent, that its actions are rather arbitrary and capricious in the way it's trying to carry out this legislation. Would that be fair?

ISRAEL: Yes.

WU: And you're trying to give it some rational basis of how this is being carried out.

ISRAEL: In my view, it's pandering to a topic that became an issue in the last political cycle, not truly providing relief. It's giving our locals yet one more mandate that they have to adhere to as they work through the ins and outs of a budget.

WU: And just like **HB 1900**, it seems like that the bracket of where this is limited to seems just being pulled out of thin air, just out of their whim.

ISRAEL: Correct.

[Amendment No. 2 failed of adoption by Record No. 1403.]

[Amendment No. 3 by J.D. Johnson was laid before the house.]

REPRESENTATIVE J.D. JOHNSON: Members, this is the same thing we've heard when it came to the cities and now this is the counties. This is a little different, though. Let me just explain to you how constables and sheriffs work. In Harris County, there are eight constable offices that receive \$124 million a year from the county's general fund. That's approximately 70 percent of their budget. And \$43 million comes from contracts. That's approximately 30 percent of their budget. Now, what this means is that those are contracts that the constables have to go out to get. Now, in the event that the constables lose their contract, it does not mean that the county reduced their budget. That meant that they lost a contract because a community has chosen to maybe tighten their belts or did not have enough money in their budget to hire the constables to do the patrol. That also includes evictions. During this pandemic, there were no evictions. So therefore, the constables and sheriff lost a lot of money. The county did not reduce. The county commissioners did not reduce the budgets. It's because they did not have the contracts.

My amendment, as we talked last time, takes into account the fact of non-police officers. These are civilian positions that have nothing to do with public safety. Once again, we're talking custodians. We're talking yard maintenance people. We're talking building maintenance people. These are not—these are not—police officers. So as we say, as my colleague has constantly said, this is not defunding the police. What they're doing is having to reduce a budget. So that meant that the county may have had to pull that line item out of the constable's budget to move it someplace else. That is a reduction in the budget for that particular constable but not in the amount of officers, patrol routes, or anything like that. This is simply saying that if in fact the constables lose some of their contracts, which meant some of their budget goes down, that they can't be held accountable for that. The counties can't be held accountable for that. Again, I simply want to appeal to your common sense. It's right here in black and white. I'm not making this up. You can research it yourself. Seventy percent comes from the general fund of the county. Thirty percent comes from contracts. If in fact those contracts go down, it does not mean the county commissioners reduce their budget. It just simply says that they lost some of their contracts.

RAMOS: Representative, so in the county law enforcement, which is what this bill addresses, we are not talking, for example, about our regular—like for example, I'm from Dallas—our Dallas Police Department. We're talking about sheriffs and constables, correct?

J.D. JOHNSON: Yes.

RAMOS: And the sheriffs and constables, what is the extent of their main priorities or responsibilities? I understand that at the county level it's a little different than what we see in our neighborhood policing, correct?

J.D. JOHNSON: Well, it's—I'm not going to take that away and make any differences about it. It's law enforcement. At the end of the day, it's law enforcement. So if you're outside the city limits, that's where the sheriffs come in. That's their jurisdiction. That's where the constables come in. They can actually be hired by our neighborhoods—affluent neighborhoods that have the money for patrol. And if there is some additional time, they can go into some of the less affluent neighborhoods. But generally, they are hired—hired guns. I'm not trying to be flippant about it.

RAMOS: No, absolutely.

J.D. JOHNSON: But at the end of the day—but the constables also serve, you know, they serve papers. They do a lot of different—

RAMOS: And that's where I'm getting at. They enforce criminal laws in Texas, but they also, in addition to, issue traffic citations. They issue warrants, civil papers, subpoenas, serve as bailiffs of our courts as well. But they also operate in the county jails, correct?

J.D. JOHNSON: Yes.

RAMOS: And that's really not typically what you have of our local city municipalities. It's the county law enforcement officers that are part of our county jail. They protect us in our county jails. What happens if we reduce the number of people in our county jails, where we don't need law enforcement? Or like you said, we had a lot of evictions, and now we're lowering it down. Is a lot of that part of the contractual work that they do or is it a mixture? Because you said some of it comes from the county.

J.D. JOHNSON: Well, it's a mixture, and I believe the bill addresses detention officers but it does not address the patrol officers on the streets. And again, 70 percent of their budget comes from the county general fund. Thirty percent comes from money that they go out and hustle to get. Now—

RAMOS: Who do they get that from? That other 30 percent? Those contracts aren't guaranteed.

J.D. JOHNSON: They're not guaranteed. They get them from the communities. As a new community comes up, they'll go out, they'll make a plea, and those communities will hire those constables.

RAMOS: And if my community decided I wanted constables just for two years till we fix this situation but we only had a two-year plan to hire these constables, this bill would punish my county for making those adjustments, and we never even planned to keep them there indefinitely.

J.D. JOHNSON: One neighborhood—one neighborhood—decides to not re-up on the contract for a constable? One neighborhood can then trigger the entire county to then have to go to the voters and put a referendum out, which is going to cost millions of dollars, simply because one neighborhood decided that it did not want to rehire a constable to patrol their community. And that's not what this bill should be about. This bill should be about public safety, making sure that we don't lose the number of officers, patrol routes, or patrol units. And if we do what the author is trying to do, we're going to punish communities for simply doing what's in the best interest of their own particular budget.

OLIVERSON: I truly appreciate my colleague and friend Representative Johnson. But as I was conversing with him about this this morning and yesterday, in the bill the comptroller already has the authority to exclude extraordinary expenses, so that thought process is already contemplated in the bill for some of these unusual circumstances that might occur. And so respectfully, I'm going to oppose the amendment and ask you to vote no.

J.D. JOHNSON: The comptroller has the authority to look and decide whether or not there was one particular unusual movement in the budget. But they also have the right to say, well, no. That same comptroller has the right to say, no, we're going to still punish you even though—even though—you lost several contracts. Your budget was reduced by \$6 million because you lost contracts. The entire county—the entire county—there are eight constables in Harris County—eight. Eight. If one particular constable reduced or loses a contract, that means four

million residents of Harris County have to now go to the ballot and vote because one particular constable reduced their budget. That's going to cost taxpayers of Harris County millions because one neighborhood refused to hire a constable.

This is simple common sense. Ladies and gentlemen, please. Listen to what I am saying. One neighborhood that refuses to rehire a constable should not punish—or the county should not be held accountable because of one particular neighborhood. I'm simply asking, let's not punish them. If they need to make adjustments because they don't have the money coming in from the contracts, then they can move personnel that are noncommissioned non-police officers who are civilians. That's the only thing my amendment says. They can move them to another agency of the county, but don't punish four million people because a neighborhood of 10,000 has chosen to not rehire a constable.

[Amendment No. 3 failed of adoption by Record No. 1404.]

[Amendment No. 4 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: We're going to have to run down the list of things that are wrong with this particular bill because what we're looking at is, how do we address the elephant in the room? How do we address some of the problems that exist? Some of the problems that exist, since my colleague wants to continue to talk about defunding the police, is some of the police brutality that has taken place in our city and in our counties and in our state and in this country. States, cities, and counties all across this country have had to spend hundreds of millions of dollars for police brutality cases. Last year alone, the United States spent over \$400 million in paying out to families who were victims of police brutality—\$400 million—because jurors, juries who are made up of citizens just like you, got into a courtroom, got together, and made the decision that yes, in fact, this officer violated the civil rights of another human being, and they awarded families.

For those of you who may not know, there's a case going on right now by a gentleman by the name of Ronald Greene. The police department told the family that Ronald Greene was killed in a car accident and he died at the hospital. This happened two years ago. Last week, someone leaked body cam footage of Ronald Greene being beaten and dragged and kicked and tased by those police officers who said that he died in a car accident at the hospital. Had it not been for the body cam footage that was leaked, the family would've simply thought that their son, brother, cousin, husband died in a car accident. But to find out—because someone got a conscience and took the body cam footage and leaked it to show that these officers murdered this man and pretended like it was just a car accident. Now, we all know. And of course, that family has filed a lawsuit, and absolutely that family is going to be rewarded or awarded—I can't say rewarded but awarded—punitive damages because the police officers lied.

Now, in the event that these officers who are bad actors have come to make cities and counties and states pay money, the question has to be where does that money come from? Where does that money come from? It comes from taxpayers just like you. But we have to hold police departments accountable the same way we hold individuals accountable. You do a crime, you do the time. Police

brutality cases are not uncommon in this big state, in these municipalities of "urban" communities. As my colleagues have so eloquently pointed out, that's where the problem lies, only in urban communities, when, in fact, it's the entire state. Not just in Tarrant, Dallas, Bexar, and Travis—it's all over the state.

My amendment simply says that if there's a case of police brutality, that that comes from the budget. And if there's a budget reduction, that the police department will have to handle it. Now, here's why I'm saying do that. Because I always hear everyone say there are good cops and bad cops. Well, it's time that we started making the good cops hold the bad cops accountable because you can say, no, we're not going to let you do that. Just like we're all responsible, we're all our brother's keeper. So again, I'm asking you to be honest and open-minded when it comes to looking at what the issue is. Police brutality cases are not uncommon in this state and they're not going to go away because my brothers and sisters on the other side of the aisle have just now decided to say, no, we're just going to deal with defunding. And that's not what our issue is about. Our issue is about holding police officers accountable for their actions because this state alone has spent over \$20 million in handing out money to families who were brutalized by police officers.

OLIVERSON: So members, again, respectfully, I'd like to oppose this amendment and ask you to vote against it. Again, I'm not really aware of situations where a civil judgment would end up coming out of the police budget but even if it did or if that was the policy, under this bill, the comptroller already has the authority to examine and set aside these what are called one-time unusual occurrences. So I think that's covered. I would also argue that I think the unintended consequence of further defunding a police department where there are allegations of police misconduct, it may be that that's a department that's in need of better training. It may be exactly the wrong time to defund that department, and so respectfully, I'm going to oppose this amendment.

DAVIS: Dr. Oliverson, I'm trying to understand what your bill is fixing. What happened, what's the incident, what are we addressing that says that the state legislature needs to be deciding what we do with county government and sheriff and constable offices? What occurred that would give you the thought that the state needs to be in control of their budget?

OLIVERSON: So I would say that I think not just here locally but around the country we have seen an epidemic of situations where local elected officials have decided the best way for their communities to move forward is to defund law enforcement, which I believe that makes my community and your community unsafe. And so that's the issue that we're trying to address here is to preserve law enforcement.

DAVIS: I want to understand if something happened here in Texas or in the urban centers that's unique to any other place that would make you think that we in the legislature need to control the budgets of county governments in the top cities of the state but yet we don't feel the need to protect those communities in the other parts of the state. What makes it unique for it to be just in our communities?

OLIVERSON: Sure. So again, I think the bill is designed to address the areas where the problem seems to be occurring. I'm not aware of any situations—

DAVIS: What problem? Wait, stop right there. What problem are you talking about? I'm trying to get to that problem.

OLIVERSON: I'm talking about situations where counties would be defunding local law enforcement.

DAVIS: Okay. So have there been any indications—

OLIVERSON: Yes.

DAVIS: —or has there been a county that has defunded or reduced the budget to prevent the security of a community? Can you identify any county that may have done—

OLIVERSON: Well, I'm not sure what their rationale was, but I can certainly say that in my home county that is currently happening, yes.

DAVIS: Okay, you don't know what the rationale is, but you're assuming it's so that it would create a vulnerability for the community it represents?

OLIVERSON: Well, it does. It does create a vulnerability for the community, Ms. Davis. Respectfully, when you have a situation where you have less resources available to law enforcement, I think that's pretty easy to see how that would mean less officers on patrol and less safe communities. I don't want to wait when I call 9-1-1 for somebody to come tomorrow. I want them to come right away.

DAVIS: And I respect that. I understand and respect that you don't want to call 9-1-1 and there's no answer. But I want to make sure that we're not saying there's an issue where there is no issue. And it appears to me—

OLIVERSON: No, I think we're aware that that's an issue.

DAVIS: Just hold on a minute. So my question is, based on what you're saying, your bill is to preempt any future concerns that might happen as it relates to a reduction. Is that what you're trying to fix in case it happens?

OLIVERSON: I think—well, it is happening, right? So it's not a—

DAVIS: Where did it happen again?

OLIVERSON: As I just said, it's happening in Harris County right now. So it is happening.

DAVIS: So what did Harris County do that supports the need to have this bill? That's what I'm asking.

OLIVERSON: So as I said in my layout, we have experienced defunding in several of our local law enforcement departments literally within the last couple of months.

DAVIS: And—but it's not to destabilize the security of the community.

OLIVERSON: Well, I don't know what the rationale is.

DAVIS: But you're not sure what it's for, right?

OLIVERSON: But I'm not really interested in what the rationale is. What I'm interested in is the unintended consequences of the actions.

DAVIS: And so back to an earlier—

OLIVERSON: Or maybe the intended consequences. I don't know.

DAVIS: Okay, back to an earlier question, then. Have we evaluated every county in the state to determine whether or not any of these kinds of concerns exist in other communities? Has there been any discussions about this happening in other communities?

OLIVERSON: So I have not heard of that. In other words, no one has come to me and told me that. I'm focusing on the problems that I'm aware of.

DAVIS: And I appreciate that. I just want to make sure we don't lose the opportunity to suggest that we care about the entire state.

OLIVERSON: Well, and I appreciate you. And I know that we had an amendment that did that very thing. And the body heard debate for and against and contemplated it and voted it down. So the body has already decided that they didn't want to expand it beyond the counties that are in the bill. So we've kind of already had that conversation.

DAVIS: And I understand that you voted it down. I'm just trying to understand what the differences are because I find it difficult to treat urban centers different from other parts of the state, because we care about the safety across the state. And the notion that something's good for one and not the other continues to be a problem with how we're approaching our policing. If this is about policing, then we're continuing to treat certain communities differently than the others. And it would appear to me that we would want our policing to be uniform. And so that's why I'm having a problem understanding what it is you're fixing because if it exists in one place, it probably exists everywhere. So my last question, and I know that there are other questions, but—so we're going to force these communities to have elections, right?

OLIVERSON: Yes, ma'am.

DAVIS: So what if the election is lost? Do you make them have a second election?

OLIVERSON: No, then the decision is made. And they can either not move forward with their proposed budget cuts and defunding of law enforcement or they can do that and there are consequences that are implemented by the comptroller's office.

DAVIS: So are there consequences if they—if the election doesn't pass, and so they will not have to adhere to this measure you're putting forth—

OLIVERSON: So respectfully—

DAVIS: —what then happens to the community?

OLIVERSON: So respectfully, I would submit to you that if they go through the process of having an election and ask for permission to reduce law enforcement defunding—or I mean, sorry, reduce law enforcement funding—and the response from the community is no, we don't want you to do that, then I think they've gotten a clear message from the community of what they should and shouldn't do.

DAVIS: No, but what if the community says, we like it the way it is. We don't agree with this election. And therefore, the proponents trying to force an election would lose. What happens then?

OLIVERSON: So the election—

DAVIS: Does the community still have control—I'm sorry?

OLIVERSON: I'm sorry. So the election would be—the opponents wouldn't force an election. I guess I'm not fully understanding what you're saying, but let me just try to explain what I think you're saying and how I think it would work, and then correct me if I'm wrong. So the way this process would unfold is a county would decide that they wish to reduce law enforcement funding beyond a proportional decrease, in whatever their revenues are, across the board for that budget cycle. They say, we are specifically targeting law enforcement; we want to decrease funding. They are allowed, then, to go to the people. They can explain their rationale. It actually lists on the ballot propositions some things that have to be explained: who's being cut, what the amount of the cut is, where is the money going, are there any tax implications involved, and how long do you anticipate this cut being enforced. Those things have to be put on the ballot initiative. When they make that decision that that's what they're going to do, they can call for the election within 30 days. They have the election. One of two things will happen. Either it will pass, in which case they can proceed as planned, or it doesn't pass. And if it doesn't pass, they can either say, well, we tried. I guess we're not going to decrease the funding. Or they can say, no, we're going to go ahead and do it anyway. And in that point, that's when the penalty consequences kick in from the comptroller's office. So if it's with the will of the people, there is no issue. It's only when it is without the will and consent of the people that the problem arises.

J.D. JOHNSON: All over this country and all over this state, there has been case after case after case of police brutality by what we all call those bad apples, those bad actors. Tamir Rice was an 11-year-old boy that was shot—11 years old, playing cops and robbers by himself in the park—was shot and killed. His family was awarded \$6 million. You've got case after case. Philando Castile, a card-carrying, legal gun owner simply sitting in his car told the police officer, "I have a weapon. It's in the glove box. Here is my license. Here is everything." And it was all caught on dash cam. He was murdered by the cops, and his family was awarded \$8 million. There is case after case after case that I know many of you don't know about because it doesn't come across your network. But at the end of the day, these things are happening. And we're going to have to start holding them accountable. No one wants to reduce anyone's budget. No one wants to take police off the street. No one wants to use that rhetoric and

terminology that we want to take police—no, we don't. We all know good cops, and we all appreciate the job that they do. But at some point or another, we have to hold them accountable. And I'm asking each and every one of you to do that today before there's another victim, before there's another Ronald Greene, before there's another Tamir Rice. Please, this is our opportunity to do what is right.

REPRESENTATIVE REYNOLDS: Representative Johnson, I appreciate the amendment that you filed. I wanted to ask you a few questions so that I can make sure that there's crystal clarity with what you're trying to do. Now, what your amendment simply does is to hold those police officers that are committing misconduct, violating someone's civil rights—it simply holds them accountable, correct?

J.D. JOHNSON: That's all it does.

REYNOLDS: And so we aren't even going where we probably should go and that is to implement qualified immunity. You would agree that it is far time to stop shielding bad police officers and it is time to move toward qualified immunity. Wouldn't you agree with that—ending qualified immunity?

J.D. JOHNSON: Well, I think that's certainly where it can go so that the cities and counties don't have to be held accountable every time. It has to go to some of these police officers that are doing these—who have been the murderers and the bullies and creating this brutality.

REYNOLDS: And just like all of the examples that you cite, these were real examples where they were law enforcement officers that violated the civil rights of citizens in communities, correct?

J.D. JOHNSON: Yes.

REYNOLDS: And we all should agree that no one should be above the law, correct?

J.D. JOHNSON: No one.

REYNOLDS: Not even the president, not lawmakers, not doctors, not anybody. And that includes police officers, correct?

J.D. JOHNSON: Matter of fact, we should be held to a higher standard.

REYNOLDS: A higher standard because if you took an oath to serve and protect, you should be held to a higher standard, correct?

J.D. JOHNSON: Absolutely.

REYNOLDS: And so when it comes to defunding the police, which you tried to explain, that is a false narrative that really started when many of the activists from the Black Lives Matter movement were disappointed with the treatment of some unarmed black men that were killed by police, correct?

J.D. JOHNSON: Absolutely.

REYNOLDS: And they wanted to reimagine how funding was allocated in police departments, correct?

J.D. JOHNSON: Absolutely.

REYNOLDS: It was not an attempt to eliminate funding for police, was it?

J.D. JOHNSON: It was a reallocation of funds that simply says we don't need you to be mental health police. We don't need you to do these things. We need to put money into these other budgets to make sure that we're reducing. These are crime reduction moves that some of these cities have made. It's not defunding. It's been a narrative that was placed by certain individuals, certain hateful individuals, that wanted to continue to say this is "defunding" when it wasn't defunding. It was a reallocation.

REYNOLDS: Representative Johnson, let's just break it down and make it crystal clear. Defund the police is a false narrative that is really politically motivated, correct?

J.D. JOHNSON: Yep.

REYNOLDS: Is that correct?

J.D. JOHNSON: Yes, it is.

REYNOLDS: So finally, your amendment simply makes it where those officers—who we both overwhelmingly agree most officers are good, law-abiding citizens—but for those bad actors, those ones who are committing these heinous actions among people in the community, violating civil rights, that they will be held personally responsible for their actions. Correct?

J.D. JOHNSON: Yes, sir.

REYNOLDS: And if they are, that would be more of a deterrent for other officers if they know that if they commit these actions that they will be held personally responsible. And therefore, it will likely reduce their likelihood of committing those actions. Wouldn't you agree?

J.D. JOHNSON: That's right.

REYNOLDS: I think you have a great amendment.

[Amendment No. 4 failed of adoption by Record No. 1405.]

[Amendment No. 5 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: As I have already pointed out—this is going to sound like a broken record at this point—Harris County has eight constables within Harris County. Eight—eight constables. My amendment simply says that if one of those departments—because they're all subdepartments of Harris County—if one of those precincts loses a contract and the budget goes down, four million Harris County residents potentially will have to go to a referendum which is going to cost millions of dollars because, again, of one particular precinct on the other side of town. My amendment simply says that the state will reimburse the county. The state will reimburse the county because the county should not have to be held accountable because one precinct and one neighborhood triggered this. So again,

the amendment simply says that the state shall reimburse the county for the cost of the election. These elections for these large metropolitan communities cost millions of dollars.

RAMOS: Representative Jarvis, Representative Johnson—

J.D. JOHNSON: I'm just glad you got my name right, though. You usually mess that up, but that's a good job.

RAMOS: I know, I know. I'll just say representative. We'll keep it simple. So you just said that the election costs about a million dollars or would be that much in the counties if you were to do an election like this?

J.D. JOHNSON: Yes.

RAMOS: Now, I imagine the counties could be—taxpayers would probably want to spend their million dollars some other way, correct?

J.D. JOHNSON: They could be making sure that they keep police officers on the streets. They can make sure that they shore up these budgets simply because one particular precinct lost a contract.

RAMOS: Yes, so I can imagine a million dollars—in, for example, Harris County, police officers need additional training equipment. I know in Dallas their training facilities in many areas, they could benefit from better technology so that we don't have police brutality cases. But essentially, we're using money, taxpayer money, to say, hey, you made a decision on your county commissioner. We don't like that you made that decision. Make another decision. We're taking money away that we could probably use for better training equipment for our officers, correct?

J.D. JOHNSON: That's right.

RAMOS: And we're saying, we don't like the decisions you've made so we're going to make you continue to come back here, but forget about better ways to do progressive policing. Correct?

J.D. JOHNSON: That's right.

RAMOS: And your amendment will say, you know what? Keep taxpayer dollars in their counties. If this is what the state wants via this bill, then let the state pay for it. Correct?

J.D. JOHNSON: That's right.

RAMOS: I think it's a great amendment.

J.D. JOHNSON: Let me give you some context. For those that are right on the cusp because this bill says for counties of a million or above, there's some of you who are voting on this that are not a million. So this doesn't affect you yet. But let me give you some context. Because Fort Bend County, you're coming up on a million. So this is going to affect you, and it's going to cost you anywhere between \$475,000 to \$600,000. Cameron County, it's going to cost you \$653,000 if, in fact, one particular budget is reduced. It's going to affect you. And if the state wants to now work into local government, then let the state

handle that and make sure that we're sending a clear message. There are elections that happen every single day. If this bill happens, I don't understand why constituents who are upset with their county commissioners or county judges can't simply just vote them out in the next election. Why should this bill trigger a referendum simply for one budget item? Just doesn't make sense to me.

OLIVERSON: And again, with all due respect to my friend and colleague, I'm going to oppose this. The business of having the election and paying for the election is not unique to this bill, but it's definitely something that the county would have to contemplate as part of whether or not they wanted to move forward in making this kind of change. And so respectfully, I ask you to vote no.

J.D. JOHNSON: It's what we all know as an unfunded mandate. We're putting unfunded mandates on our counties unnecessarily. So be mindful of that when you go back because those same county people that you are going to impact are also your voters. And I don't think that they're going to like the fact that you just triggered a million dollar—oh, that's my bad. Most of you are not from Harris, Travis, and Bexar. That's probably why it's not going to affect you. But at some point it may, and if it does, be mindful that your constituents are going to be upset that you just triggered a million-dollar election unnecessarily when you simply could've just voted out the county commissioners who decided to "cut" or reallocate a budget. It's an unfunded mandate.

[Amendment No. 5 failed of adoption by Record No. 1406.]

[Amendment No. 6 by J.D. Johnson was laid before the house.]

J.D. JOHNSON: Members, this is my last amendment. We see how it goes. We see how it goes. It's all right. I heard you there, Cyrier. I hear you. It's okay. Let me point this amendment out to you real quick. In the bill, it says that you can take into consideration disasters. But the bill ironically and strategically says but not a pandemic or an epidemic. I'm certainly—I am so confused by this. We know that this pandemic that we are coming out of has been the destroyer of America's economy. Why did the author decide to specifically say that we will take into consideration—and look at your bill—it says, we will take into consideration disasters, hurricanes, floods, but we're not going to take into consideration a pandemic that has almost crippled our economies. And we're saying to these five counties if the pandemic happens again that you are not going to readjust or reallocate any money. And we're going to punish you for it.

I'm just confused as to why the author did not put pandemic in here when we know the pandemic has been the worst economic destroyer we've probably ever seen. My amendment simply says put the pandemic in. If a pandemic happens again, that this would be justifiable. I hope something becomes acceptable to the author because these are just simple, commonsense things. I'm not asking for a lot. I hope the author simply says, you know what, I get it. The pandemic was bad, and I don't know why we didn't put it in there, but I'm going to take the pandemic and we're going to make sure that if the pandemic happens again that we're going to make sure that counties are not going to be punished because a pandemic hit.

OLIVERSON: This amendment concerns an exception provision for changes in revenue as a result of certain natural disasters which are high intensity and also short in duration. The problem with this particular amendment is that it essentially would invalidate this bill entirely if it goes on because essentially it would say that because we're under a governor's executive order right now, that this doesn't get implemented and we wouldn't be accountable. So I'm going to respectfully oppose this amendment as well.

ISRAEL: Dr. Oliverson, I don't—it's hard for me to understand how just putting pandemic in does harm to the bill. But to back up a little bit, why wouldn't pandemic be covered? Do you know why pandemic was not in the bill in the first place?

OLIVERSON: Yes, so pandemic is sort of a different type of disaster. It's different in terms of its time course. It's also different in terms of its intensity and the involvement of law enforcement in the mitigation and recovery from the immediate aftermath of an event. So it's kind of in a category on its own. Unless, of course, you're sending police officers door to door to make sure people aren't leaving their houses.

ISRAEL: It seems as though during a pandemic is when you need everybody hands on deck—uniform, nonuniform—doing creative things with those who are in the line of the public service.

OLIVERSON: Well, I hear what you're saying, but if you remember, when we were sort of siloed in our houses during this pandemic, the number of traffic accidents and fatalities resulting from motor vehicle collisions and things went down dramatically. People just weren't out and about. So that would be—if you think about how a pandemic would be different in nature from, say, a tornado that tore through an urban, densely populated area and the immediate aftermath of that and what the law enforcement response might need to be, you can see how they would be very different.

ISRAEL: But Representative Johnson's amendment doesn't invalidate the rest of the bill just because it puts pandemic back in.

OLIVERSON: But it actually does because of the language.

ISRAEL: Could you explain that again? I don't know if I'm following your logic.

OLIVERSON: So it does because the language in the amendment, what it essentially does is in addition to pandemic, it actually would remove any situation where an area, an affected area of a county, might be under a disaster declaration under Chapter 418. So it would effectively gut the bill, and so that's why I'm respectfully opposing it.

J.D. JOHNSON: I'm not quite sure why the author said, Dr. Oliverson said, a pandemic because we would be under a governor's order. But Hurricane Harvey—we were under a governor's order. So how—I'm confused. We're under the governor's—whenever there's a natural disaster, it becomes an emergency. It becomes a state emergency. So he simply said that this would gut the bill because we would be under the governor's order and that's not what we're—?

We're under the governor's order. And in his bill, if you look at the bill, it says natural disasters and floods. Every time there is a natural disaster or flood, it becomes a state of emergency. The pandemic was a state of emergency. It's the same. So I don't understand how the author is simply saying that, oh, but that's different. It's not different. It's the same. Let's just stop playing games and let's stop digging in. This is Texans that we're affecting. I'm pointing it out to you. You heard the author say because of the governor's order, but we're always under governor's order under natural disasters.

[Amendment No. 6 failed of adoption by Record No. 1407.]

J.D. JOHNSON: Members, the partisanship in this room is sickening. I'm being honest with you. But that's okay, because I get it. I've heard you all say that you have to vote your district, and I get that, too. But unfortunately, there are many of you in this room that are not voting your district because you're from Harris County, Bexar County, Tarrant County, Travis County. This is affecting your constituents. I've put up four commonsense amendments that all of you could have voted for and still could have voted for the bill. It would not have changed the bill. It would not have destroyed or someone would have sent a mailer to your constituents because they said you defunded the police—because that's not what you did. What you did was simply say, I did commonsense legislation. I didn't want to punish an entire county because one precinct decided that it had to reduce its budget because it lost a contract. I didn't want to hurt four million people because 10,000 people didn't want to rehire the constables.

This is overreaching. As I have said it about **HB 1900**, I'll say it about this. This is tyranny. This is an overreach in government. We as a state have decided that we're only going to pick on five counties, but we keep saying this is about public safety. But do you know what this bill does not address? It doesn't address the 10 most dangerous counties in this state. The 10 most dangerous counties in this state are not affected by this bill. And if the sheriff of that town wants to reduce the budget, they can, and they won't have repercussions. Oh, we're not worried about them. Hidalgo, some—I don't want to call it out because then everybody will be mad at me, which they already are. But—I know, Ms. T. It's on my desk. I'll show you later.

But the fact is that if this is about public safety, then let's let it truly be about public safety. But what we have decided to do is we have decided to take a couple of buzzwords and catchphrases to make partisanship and to divide this state and this country. No one wants to defund police—no one. I want to call the police if I have to and know that they're going to be there—so no one. I have four cousins, first cousins, that are police officers. My fraternal brothers, many of them—police officers. Friends—police officers. My cousin married a police officer. I've mentored many police officers. So no, I don't want to defund them. So why are we constantly seeing this catchphrase and buzzwords about defunding? Then we say it's about public safety, but we only want to legislate for five counties. We're going to leave 249 counties alone. And then we have a whole body of 149 that are voting, 150 that are voting, to legislate for five counties.

This body is supposed to legislate fairly and equally. We want everyone to have the right to vote. We want everyone to have the right, their God-given right, to carry a gun. We want everyone to have parental rights over what their children do and think. We want everyone—but now we come down here and we only legislate for a few? And ironically, the few happen to be democratic? Those five counties are democratically run counties. We've gotten to the point where y'all are not even embarrassed about how obvious it is what we're doing here. This has gotten out of hand. And then we say we're legislating? This is not legislation. This is downright bullying and tyranny. There were 16 counts of alleged voter fraud, and we made some of the most oppressive laws that this country has ever seen when it comes to voting. There were 3,600 deaths in Texas last year alone, and we just voted to make guns more freely available for everyone.

And now here we are saying we don't want to defund the police when no one has asked to defund the police. No one has said so. And the only evidence that has been brought forth is because someone said, "I heard it." I heard it. I heard it on the network I listen to. I heard it from a commentary. I heard it. But you haven't seen it in a budget. Not one budget have you seen it where budgets were reduced in these counties—not one. Because Harris County increased its budget. The City of Houston increased their police budget. And in 2017, the State of Texas, a republican-led State of Texas, reduced its DPS budget by \$50 million—\$50 million. We reduced DPS's budget and yet I don't hear the outcry. I don't hear the defunding. I don't hear the catchphrase that we defunded DPS. But \$50 million—and it's written. Go look it up. None of you are going to say we defunded DPS. But you're going to use these catchphrases and buzzwords to continually divide this state that we all are supposed to be so proud of. And you're going to go back to your constituents and you're going to have to explain to your constituents the idiocy that we have begun to do in this body—raising taxes, making elections mandatory because the elected officials in that city or county decided to do what was in the best interest of that city or that county. And they are accountable to their—to their—constituents.

But you know what it is? Because it's democratic run cities. And those, you know you can't—the republicans know you can't win in those democratically run cities, so we're going to legislate it from here. We're going to legislate it from here down to the cities. But lo and behold, let the federal government come down here and tell us what to do. Oh no, we're not going to let the federal government tell us about our PUC. We're not going to let the federal government take away our independence. We're not going to let the federal government come and come after us. But we here as a state body are going down into the cities and counties that already have a constituency, that already have an elected official. They are responsible for them. Why are we going down there? If they reduce their budget, that's their business. How are you going to explain that to your constituents? I don't trust your mayor?

Thirty percent of my district is republican. I don't legislate for only democrats. I legislate for all constituents of District 139. I hope at some point or another you guys do the same. This will then be a better state and a better country. I love being in this body, but right now it's sickening how this is going. I

hope we can do better. I certainly hope we can do better, and I know we can. But we just have to start listening to one another and stop simply going party line. Commonsense approach to many things is what I've heard come out of many of your mouths. It's a commonsense bill. It's common sense. It's the right thing to do. And time and time again, I vote for republican bills all the time, even when it's not advantageous for me, because I know it's the right thing to do. We will become the greatest state in this country when we decide to start listening to one another and working collectively to do what's in the best interest of all of our constituents.

REPRESENTATIVE GERVIN-HAWKINS: You know, Dr. Oliverson, you've always for me appeared to be a real rational man and representative. I appreciate that. One of the things, as our Representative Johnson shared very passionately, is of great concern. So I hope as the author of this piece of legislation, you realize that the concern is real. When I look at Bexar County that I represent, we increased our budget by \$8 million. So we didn't defund or decrease or any of that. And also, what I wanted to share was that even the crook calls the police when they get in trouble. So I don't think anyone wants to defund the police. Let's be perfectly clear on that and get away from clichés. My question to you is this. As Representative Moody laid out, one of the things that happens is we put forward a piece of legislation, but then when the rulemaking happens and the intent comes, that's when the devil's in the details. And I'm concerned about that. So wouldn't you agree that there's some clarity that needs to be made?

And I'd like to ask some pointed questions. Not a whole lot of dialogue, but just to be clear so that my county understands what it's up against. Number one, once there's a decision to decrease the law enforcement budget and the documentation is submitted to the comptroller—who has the overall responsibility is what I'm hearing—what is the time set in which the comptroller needs to respond to that county to say that they're in compliance or not? Because as you well know, time is sensitive when you develop large budgets like our cities and our counties. What's the time frame that the comptroller must get back with that city or county?

OLIVERSON: So Representative, looking at the bill here—and I appreciate you coming to me, and we talked about this already. It does not specifically state a timeline with respect to how quickly the comptroller has to return that decision.

GERVIN-HAWKINS: Would you be open for a time frame in this regard? Because what if it takes three to five years and a municipality is in limbo of knowing if they're in compliance or they're out of compliance?

OLIVERSON: So respectfully, I would submit that because budgets are calculated annually, it would have to be performed more quickly than that. I think you raise an interesting concern. It's not something that we talked about during the committee layout process, and I have not had the benefit to reach out to the comptroller's office to figure out exactly how they would anticipate that timeline going. So I'm reticent to change the bill in some way to establish a timeline that becomes statutory and also unrealistic one way or another. But I would agree with you for the purposes of legislative intent that we wish for that decision to be

rendered timely, providing that they get the information that they request from the county in order to verify assertions that they're making timely, that the comptroller would return a decision timely.

GERVIN-HAWKINS: So would you say that timeliness is 90 days, 180 days?

OLIVERSON: Again, it's difficult for me to put an exact number of days without having had a chance to sit down with the comptroller's office and sort of go through this process. But that is what rulemaking does.

GERVIN-HAWKINS: But for legislative intent, you—

OLIVERSON: For legislative intent, I would say it would be timely. I would also use the word expeditiously, because obviously, these budgets can't be approved until after those decisions are made.

GERVIN-HAWKINS: Also, Representative Oliverson, to ensure, again, that the unintentional consequences don't hurt our municipalities, we want to make sure that they understand clearly the formula that's involved as it relates to if they indeed are guilty—and I'm going to say the word "guilty"—of reducing the law enforcement budget and then are penalized. And so would those formulas be immensely clear and laid out in the final piece of legislation?

OLIVERSON: So I think those are actually expressly stated throughout the bill, both in the exceptions and the exemptions sections, as well as in the very first part I showed you where it sort of activates the chapter where it lays out a series of conditions that would need to be met. Now, I don't like to use the term "guilty." You were talking about terms, so I'm going to kind of say the same thing to you. This bill is really about the will of the people. This is not a bill that essentially takes that power away from the voters. In fact, it empowers the voters to make sure their voices are heard on issues of public safety.

GERVIN-HAWKINS: And I'm with that, Representative Oliverson. I hear you. Let's hear the people speak. The other issue that I think is at hand is that it costs money for elections. So let's take a municipality that has had a special election, that's had a primary, a special, a general, a school board election—and I can go on and on and on—and we're looking at resources. Can there be a grant program where something's set aside that they can apply, since this is state law, that will help the local municipality bear some of the burden of that cost?

OLIVERSON: So respectfully, I would just tell you that I think that the legislation envisions and contemplates that that cost of running that election would be something that the county would have to take into account as part of their decision-making process of whether the proposed change was really worth it. Now, I will also point out that there is a section in the bill that specifically prohibits the county from spending taxpayer dollars as far as promotional campaigns or advertising or things like that. So the idea here was essentially to just have a straight up or down vote without a whole lot of expense on behalf of the taxpayer with respect to—

GERVIN-HAWKINS: Well, you know elections are expensive. You've got to engage the legal minds to develop the language and make sure that everything is done properly.

OLIVERSON: Well, the language is very clearly spelled out in the bill as to what the language has to say, and so there's not a whole lot of necessary thought process that needs to go on. I mean, it is very specific, and there's a list of criteria, as you and I were discussing, of things that have to be stated. And that's essentially it. And then the ballot initiative goes out before the people, and the people will come on Election Day and they'll have their voice heard.

GERVIN-HAWKINS: Thank you, Representative Oliverson. And I want to say the voice of the people is important to me. But I want to make sure, and this is a question that I think, if you give it some consideration, have you really fleshed out all the potential unintentional consequences that can occur within a municipality?

OLIVERSON: Well, Representative, that's one of those questions that's sort of difficult to answer. I would tell you that to the best of my knowledge and to the best of my ability, we have. And but you well know—this isn't your first session here and it's not my first session either—that there are certainly occasions where we come back and we revisit things. So I'm not going to sit here and tell you that I think that any legislation we've considered, no matter what it was all session long, is free—completely 100 percent guaranteed to be free—from unintentional consequences. But to the best of my ability and the best of my knowledge and to the group that has worked on this, we have intended and we have worked very diligently to free it of unintended consequences.

GERVIN-HAWKINS: So on the record, Representative Oliverson, this is my final question. So I have your commitment that when I come to you with a list of unintentional consequences, then you're going to be the first one to make the fixes for next legislative session, correct?

OLIVERSON: Representative, I'm always happy to work with you. And so if there's something that crops up that we were like, oh, well, we didn't think of that, and it's something we can agree on and it's reasonable, then let's do it together.

GERVIN-HAWKINS: I thought that was my last question, but this is my last question. Are you clear on the defunding the police slogan now, of what that really means?

OLIVERSON: I think so. Yes, ma'am.

GERVIN-HAWKINS: So could you articulate it so that I could tell my colleagues that Dr. Oliverson truly understands that terminology?

OLIVERSON: So I think that's essentially the purpose of this bill, Representative. What we're talking about here has to do with shifting funding away from law enforcement, and that's obviously a highly sensitive, politically charged issue. People have strong opinions about that, one side or the other, and I

think what we're focused on here is public safety. I think we can fairly linearly expound upon the idea that if one decreases funding to public safety that the result is going to be less public safety.

GERVIN-HAWKINS: And so decreasing public funding in a negative way versus an efficiency way, would you say those things are different?

OLIVERSON: So I would just say that I believe in my heart that this bill is a fair-minded, balanced, and actually community-driven approach to weighing in on these issues. I think it contemplates that there may be situations where a community is united in changing the way that they provide public safety. And if that's the case, then so be it. And so I think it's a very fair-minded approach to dealing with this very complex issue.

GERVIN-HAWKINS: Thank you, Dr. Oliverson, for answering my questions. I want to say again, Bexar County put \$8 million additional in our budget for law enforcement.

[CSSB 23, as amended, was passed to third reading by Record No. 1408.]

HOUSE JOURNAL

EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION

SUPPLEMENT

SIXTIETH DAY — SUNDAY, MAY 30, 2021

HR 2007 DEBATE - PRIVILEGED RESOLUTION **(by Cain)**

HR 2007, suspending limitations on conference committee jurisdiction, **SB 7**.

[Representative Zwiener raised a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g), of the House Rules on the grounds that the resolution suspending limitations on the conference committee does not specify in detail the reasons that the suspension of the limitations is being requested. The point of order was withdrawn.]

REPRESENTATIVE CLARDY: Thank you for the opportunity to lay out the resolution to go outside the bounds with **SB 7**. **SB 7** is a comprehensive election bill that is the result of reconciling two significantly different bills the house and senate brought to conference. We worked hard to come up with language that would resolve substantive differences, would eliminate duplication, and conform the bill with existing election law. The result is this conference committee report—out of bounds in some places but yet an earnest attempt to address the issues the committees in both chambers heard and to update the election in the most technically accurate and lawful manner. This bill expands mandatory early voting polling hours from nine to 12 hours for all counties over 30,000 people. It expands civil remedies for real-time election enforcement. It provides for poll watcher rights and regulations, creates stronger penalties for vote harvesters, and ensures registrars and clerks will maintain accurate and current voter rolls, something that we all want to see. We've provided updated election security with forms to track and cover chain of custody of ballots and cameras in the central counting station, in the early voting ballot board, and the signature verification rooms in all of our largest counties.

We're also asking our election officials to reconcile the number of voters and votes in writing at the close of tabulation. We also ask the secretary of state in this bill to create forms to help our election judges know what they need to fill out when they close the polls by giving them a checklist to ensure fairness, avoid uncertainty, and make sure all votes are cast timely. We also reform for the illegal voting statute and make sure that everyone who is convicted in a Texas court for an offense that affects their voting rights will be advised that they cannot vote and provides paperwork so they won't be mistaken about whether they can or cannot vote. In short, this bill makes it easier for Texans to vote, but for those determined to break the law, it makes it harder to cheat.

I would like at this time to go over some of the specific sections for which we found it necessary to go out of bounds. Looking at Section 2.04 of the bill adding 31.006 to the code, we require the secretary of state, after receiving or discovering information indicating that criminal conduct in connection with an election has occurred, to refer that information to the attorney general. Previously, the law required the same thing but only when an official complaint from a member of the public was filed with the SOS. Now, the secretary of state, when in the course of its duties comes across information that might indicate criminal conduct, can take that action independently. Those complaints go to the Office of the Attorney General. So as long as the secretary of state has reasonable cause to suspect a criminal conduct has occurred, this standard has not changed.

Moving forward to Section 2.505 of the bill concerning the enforcement of voter roll maintenance, it says that the secretary of state shall monitor each county's list of registered voters to ensure that no county has a number of registered voters in the county equal to or greater than the number of people eligible to register to vote in that county. If the secretary of state determines that a county has a number of registered voters equal to or greater than that number, the secretary of state shall notify the voter registrar in writing. Then, the actions of the secretary of state are very clear. First, the voter registrar has the opportunity to explain or provide a remediation plan once they're notified of a violation of this measure. It's a measure of quantifiable standard. And upon that, there is an opportunity to cure. That seems very reasonable. Following that and failing to take corrective action, it requires that the training, as developed by our secretary of state, be implemented and that the county who has failed to meet this standard be required to take it. And finally, if that is not corrected, then the secretary of state can withhold funding to that county and assess other similar penalties.

Moving back, if we look at Section 3.05 of the bill, this amends the Election Code to include spoiled ballots from a direct recording electronic voting machine and include it on the list of spoiled ballots tracked by election officials. The reason this is considered to be out of bounds is in conference we added that the secretary of state needed to prepare the forms in an appropriate manner so that we could track that listing of canceled ballots. It does not substantially change the purpose of this section. It just makes it clear that the secretary of state is going to be responsible to promulgate these forms.

Next, in Section 3.07 of the bill, we created a provision of the Election Code that orders the secretary of state to create a checklist or guidelines for election judges to help them when they close the polls. Conversations with our conferees were clear that we needed guidance from the secretary of state related to the closing of the polls—that those people who showed up to vote toward the ending of the deadline would have time to vote.

REPRESENTATIVE J. GONZÁLEZ: Will the gentleman yield before time runs out so I can ask a few questions on the resolution?

CLARDY: Not at this time. Thank you for your question, but no. It's important that I move through these amendments. There were significant portions where we went out of bounds. I feel obligated to the membership and to the body to explain these. Thank you, but not at this time.

J. GONZÁLEZ: So I would like the opportunity to ask questions because there are significant changes. I think there's 22 substantive additions, and so I think that it's important that the body hear that debate back and forth. So I would like the opportunity before time runs out to be able to ask my questions.

CLARDY: Thank you, Mr. Speaker, but not at this time. I want all the body to hear these explanations before we take questions.

SPEAKER PHELAN: Not at this time, Ms. González.

CLARDY: So moving forward to Section 3.07 of the bill, we created a provision within the Election Code that orders the secretary of state to create a checklist or guidelines for election judges. In these conversations, it became clear that we needed this to address these issues, as I said a moment ago, about the closing of the polls—that we protect the chain of custody of the ballots but we allow those people who show up who may not have voted at that exact moment and time to be able to vote. And we ask the secretary of state to provide those forms that would be necessary to do that.

Next, in Section 3.10, this was not in **SB 7** from the senate. What we did here is that the bill eliminates polling times to the hours that a county clerk's office is open but it mandates the hours between 6 a.m. and 9 p.m. with a minimum of 12 hours of voting. So instead of a 7 a.m. to 7 p.m., we allow 6 a.m. to 9 p.m.—additional time hours for voting.

In Section 4.06 of the bill, we add a provision—it's not new but it's a resolution. But it tweaks language that was in both bills. There's reconciliation of who can apply for the relief. But also, the senate version included that this concerns poll watchers and the authority who appointed them and the house version included only the watcher. It became clear in conversations with conferees that both sides intended for the watcher and the authority who appointed them to be able to seek relief, so we incorporated that into our final revisions. Also, there's a reconciliation of the type of relief requested. The senate version included only injunctions. The house version included injunctions and writs under the Election Code. So in this reconciliation, we included both the injunctions and the writs.

Moving forward next to Section 4.16, again, this is not new. It's a reconciliation of house and senate positions. The senate version provision provided an automatic recount of the number of votes cast when that exceeds the number of voters in a precinct. The house did not have that provision. The issue that arose and will be looked at is that we would've triggered recounts repeatedly over how we process military overseas ballots, which was not the intent. This cures that. We made inquiries with the secretary of state's office and were told we could not currently create a new precinct for those overseas ballots.

We move to Section 5.01. That clarified the definition of disability and reconciled the eligibility for early voting by mail. The other portions of Section 5 likewise harmonize existing Election Code regarding the application for and the casting of ballots by mail. Section 5.15 was the part of the section of the code that allowed the early voter ballot board and the senior check members to take notes, which previously they were unable to do. This will allow them to take notes as

they compare signatures from those who have voted early by mail and compare those with the information available to see if they conform and it appears that that ballot should be counted because it was signed by the same person.

In Section 8.04 of the bill, we amended 232.008 of the Election Code, and that changes the deadlines for election contest. This was an important change we made to the law. It changes the deadlines by which a contestant can file their challenge. A contestant has five more days if they're challenging a primary—

REPRESENTATIVE C. TURNER: Members, and those watching—because I think there's probably more eyes on this body tonight than there normally are—I want to explain what's going on here. This relates to **SB 7**, the voter suppression bill, but we are not on that bill yet. This is a privileged resolution. The resolution, under our rules, is necessary because the conference committee for **SB 7**, the five senate conferees and the five house conferees, met—well, some of them met—and wrote language that was neither in the house-passed version of **SB 7** nor in the senate-passed version of **SB 7**. It's entirely new language that has never been debated on the floor of this house, never been debated on the floor of the senate, and was written and agreed upon not by all the conferees but by the republican conferees behind closed doors with no notice to this body or much less to the public. And now, as the sun sets and we are less than four hours from our deadline to pass bills in this legislative session, bringing this resolution to the floor of this house, asking this body to take this already horrific bill and make it even worse, that's what an out of bounds resolution does—is adding language in that's not in either version of the bill.

Now, I think this entire bill is out of bounds to begin with, but let's talk about what this so-called out of bounds resolution does. First of all, it's 20 pages. This is not just a simple sentence here or there or a tweak here and there. It's 20 pages of new language intended to make it harder to vote in the State of Texas. So the first major thing it does is it provides the Texas secretary of state new powers to conduct so-called voter roll maintenance. Well, what does that mean? Does this body remember two and a half years ago when the previous secretary of state was caught trying to conduct a voter purge of voters—Texas voters—and remove them from the voting rolls and plaintiffs had to go to federal court to stop him and they did because they won? This bill, in spite of the secretary of state's office having a terrible track record when it comes to voter rolls, gives the secretary of state more power over your local county voter registrars. It's your local county officials who get to make these decisions right now. They no longer do. They're subservient to the republican-appointed secretary of state under this out of bounds resolution.

There's a lot of egregious things in this resolution. I'm going to go through them chronologically. I think this is the most egregious. Many of us are familiar during the early voting period with "souls to the polls." What that means, for anyone who's not aware, is that there is a great tradition in the African American church in this country that after services on the Sunday of early voting, voters leave the service and go to the nearest early voting polling place to cast their votes to make their voices heard, to follow in the example and the footsteps and the leadership provided by Dr. King and so many others, John Lewis, who fought

and bled for the right to vote. It's a way to honor their sacrifice by casting those ballots however they choose to cast them but doing that as a community after worship on Sunday. So what this resolution says is that all of a sudden now, you can't have early voting begin on Sunday until 1 p.m. So if you are at that early 7 a.m. service or you're at the 9:30 a.m. service or the 11:15 a.m. service, you're not going to be able to go vote right after church. You're going to have to wait. And when you do get there, guess what? There's going to be a line. There's going to be a line to be able to cast your vote on the only Sunday of early voting. That's the point. You make it harder to vote by changing the hours and you make it harder to vote by creating a line when people get there to vote. It's shameful.

The next egregious provision is on poll watchers. We've talked on this floor before about partisan poll watchers being sent into predominantly African American and Hispanic communities to intimidate and to harass the voters and in some cases the election officials. I told my story on this floor before from my time in Tarrant County many years ago. Well, that's exactly what the Republican Party did, and they admitted to it. They were sending them into southeast Fort Worth into the African American part of town. They described them as "problem areas." We saw a leaked video a few months ago from Harris County where the Harris County Republican Party said, we are trying to recruit brave people who will go into these really scary areas in Houston to make sure that the integrity of the election is upheld. Please. They're looking for people who are willing to go and intimidate black and brown voters, and this resolution makes it easier for them to do that.

On vote by mail, it's not easy to vote by mail in this state to begin with. We know that. But this bill's going to make it more difficult if this resolution is adopted because it's changing the definition of disability. So right now, you have to be 65 years of age or older or disabled. This is going to make it very specific how you can be qualified to vote by mail on the basis of disability. The Texas Supreme Court ruled last year, when many people were trying to vote by mail during COVID because they didn't want to get sick, that a voter's word is good enough. If the voter believes they can't go vote because of a threat to their health or to their safety, that's good enough under the law. This resolution says that's no longer good enough. We're going to make people when they return a ballot by mail to include their driver's license number or the last four digits of their social security number on it. Why? I don't know why. I've never heard of a problem before that we couldn't determine if a vote was valid because we didn't have someone's driver's license number. It's another intimidation tactic.

And then there's this one—overturning the election. This is on page 15, members, of the resolution. So now, we're going to have a provision that says, and I'll read from the resolution, "If the number of votes illegally cast in the election is equal to or greater than the number of votes necessary to change the outcome of an election, the court may declare the election void without attempting to determine how individual voters voted." So members, are you okay with that? Are you okay with a judge being able to overturn an election, perhaps your own election, simply because the math says that well, you know, we think that there's some illegal votes, and the margin was kind of close, and I don't have

to prove how people voted, but you can overturn the election—are y'all really okay with that? That's what this resolution would allow for. So members, this resolution is far afield from either the house-passed bill or the senate-passed bill. That bill is bad and egregious enough as it is. We don't need to make it more egregious by going outside the bounds here at literally almost the eleventh hour on the second-to-last day of the legislative session. I ask you to vote no on this resolution.

REPRESENTATIVE BECKLEY: That last section where you were talking about the judge overturning elections, we never heard that in committee—not a version of that. That has not been vetted by the people of Texas. That is just magically here. Were you aware of that?

C. TURNER: Well, I was aware that it had never been discussed in the Elections Committee, which I know you have served and worked hard on all session. It's really never been discussed on the floor of this house. I don't believe it had been discussed in the senate, although I'm less sure of that. But I know for certain it was not in either version of **SB 7** passed by either this house or that senate earlier this session. And it should absolutely not be on this floor today.

BECKLEY: Do you feel like that is fair to the people of Texas that this has not been vetted by the people of Texas in the processes that we uphold in this body?

C. TURNER: It's absolutely unfair, Representative Beckley, to the people of Texas, to the voters of Texas. We have election contests provided for under our laws today. And there are members of this house who have gone through election contests—in rare circumstances, but it does happen. The laws provide for an election contest so both parties—both candidates, as the case may be—can make their case and a judge can make an ultimate determination. This language is completely unnecessary and extraordinary in its breadth of how an election could be overturned.

BECKLEY: Do you think that was based on the big lie?

C. TURNER: I do. I think—you know, I've talked about that before on this bill, and I'll probably be talking about that again this evening on this bill. But the reality is people have promoted the big lie that somehow Donald Trump actually won the election that we know that he lost last year.

REPRESENTATIVE BUCY: I want to first thank Chairman Turner who just walked us through so many terrible things in this resolution that's before us. I want to really sink down into one section that he closed with. That's how important it is. I see everyone's on their cell phones and reading other things, and I think it's important that we think about what we're about to vote on. This is a section that was added. We're going outside of the bounds. That means that we never had this in either the senate bill or the house bill. There's 150 of us on this floor, but it's not 150 people that we represent. We represent 29 million Texans. When we walk around, we walk around with the impact of almost 200,000 people for each of us here, 29 million Texans whose voices are about to be hindered at the ballot box if we pass this resolution.

Section 232.063 on page 15, it says, "Overturning Election. If the number of votes illegally cast in the election is equal to or greater than the number of votes necessary to change the outcome of an election, the court may declare the election void without attempting to determine how individual voters voted." What does that mean? This adds an entirely new section that makes it easier to overturn an election. Previously, though, seeking to overturn an election required to show that the alleged fraud actually resulted in a fraudulent win. The new provision lowers the threshold to simply require evidence that alleged fraud could have resulted in a fraudulent win, meaning you no longer have to prove it. So all of you out there, as myself, we all have political enemies. They could use this to overthrow the voice of the people, to overthrow the voice of Texans.

You're not one person when you're here. You're almost 200,000 people. You're the voice of Texas. Do we want to throw out our ability to let the voices be heard through elections? Because if we pass this resolution, we no longer have to prove voter fraud to throw out an election result. We can simply do it.

J. GONZÁLEZ: Representative Bucy, there were some amendments when **SB 7** got voted out on the house floor that were agreed upon, right, and voted out of this body?

BUCY: That's correct.

J. GONZÁLEZ: And were these amendments stripped out in the final version of the bill?

BUCY: I think many of them were.

J. GONZÁLEZ: Do you know why that was?

BUCY: No idea.

J. GONZÁLEZ: In fact, would you agree with me that the bill came back worse?

BUCY: Not only did the bill come back worse, and I think this is what's so important as we talk about this resolution. It's not that the bill is just worse. It's not just that our side versus your side doesn't agree with it. It's that this resolution is adding stuff that we never heard, that we never debated, that we never got to have our constituents come and testify on. This resolution goes outside the bounds of what we dealt with. That means the voices of Texans were not heard in this debate.

J. GONZÁLEZ: And so would you agree that the process circumvented the opportunity for people to be able to give their testimony in committee?

BUCY: You know, absolutely. Going outside the bounds may be within the rules, but it's our job, I think, to do this in the clear of day where our constituents can have their voices heard. And this resolution did not give that opportunity to our constituents.

J. GONZÁLEZ: So the people deserve to have a public hearing on this and we deserve to have that before it getting put into this final piece of legislation that was done behind doors, right?

BUCY: Absolutely.

J. GONZÁLEZ: Did you have an opportunity to review, have time to review?

BUCY: I mean, I think the senate got this late last night, if I remember, based on what I was hearing over there. This is a 20-page outside the bounds resolution. We heard Chairman Turner talk. I don't know when we've seen something that big. To really process it, for the 150 of us to have the time to process that, I think the time has been short. I think I can speak for the whole body of the house that this isn't the bill the house sent over. This resolution takes it way beyond that. And I don't think that was the intent of republicans or democrats on this floor to have this resolution here.

REPRESENTATIVE ANCHIA: So the provision—particularly among all of the offensive provisions of **SB 7**—one of them that we are now seeing for the first time is changing the evidentiary standard and the process for overturning elections, which a judge can do over the will of the people. And you talked about that in your layout. Is that right?

BUCY: That's correct, sir.

ANCHIA: And so I just want to highlight for you, and you're probably aware of this since you've followed this process for a while, that we have multiple members whom at least I've served with that have been seated in this body after special masters have heard their cases. And if I can walk some of those through with you, I'm sure you're familiar with the names.

BUCY: I'd love to know more.

ANCHIA: Hubert Vo, who's in my class, won by 16 votes out of 50,000 votes, and there were rampant—rampant—allegations by his opponent of voter fraud in the Vietnamese community. And a special master was convened in this body, and the evidentiary standard was not only that they had to prove that there were votes that exceeded the margin of victory that had been called into question—and they said there were about 450 or 500 fraudulent votes—but they also had to prove that those votes would have been for Representative Vo. And do you know what the outcome of that special masters convening was?

BUCY: I don't and I think we all need to be reminded.

ANCHIA: So the outcome is that Hubert Vo is here today as a member of the legislature because there was one fraudulent vote that was found by Special Master Hartnett, who's a republican from Dallas County. And do you know what that vote showed?

BUCY: What did it show?

ANCHIA: It showed that a noncitizen had voted, but he wasn't Vietnamese. He was Norwegian, and that person had voted straight ticket republican. And so despite all of the allegations, in this bill we're changing the evidentiary standard for that and suddenly saying a judge can overturn an election just by the allegations of votes in excess of the margin of victory. And I find that troubling, and I hope you do, too.

BUCY: And to understand what you're saying, you're saying under this new standard, Hubert Vo—elected by his constituents to be here and to fight for them—may have been thrown out.

ANCHIA: Exactly right. Exactly right. Same thing happened in the case of Donna Howard, who won an election by four votes over 50,000 cast. And there were widespread allegations of voter fraud there as well. And when they convened a special master, you know how many votes they found that were fraudulent?

BUCY: How many?

ANCHIA: Zero.

BUCY: Zero. But—

ANCHIA: But according to this evidentiary standard—

BUCY: —under this new standard, crying and making accusations could get us thrown out of office that we were elected to.

ANCHIA: And I received a text from my longtime deskmate, Mark Strama of Austin, who had beaten Jack Stick in 2004. We all came in together. And the evidentiary standard that was used by this special master—also Will Hartnett in that case—was that they had to show not only that the margin of victory, those 500 votes that Mark Strama won by, were fraudulent, but they actually also had to show that those votes were for him. And Mark Strama, who served with distinction in this body for 10 years, would not have been seated had we used the evidentiary standard in this bill. Is that right?

BUCY: That's correct.

ANCHIA: And that's a big problem. That subverts democracy. Wouldn't you agree?

BUCY: Absolutely. Members, this resolution will take away the people's voice. It will allow your elections to be overturned because of political enemies. Please vote no on this resolution.

REPRESENTATIVE REYNOLDS: Mr. Bucy, you served on the Elections Committee, correct?

BUCY: That's correct.

REYNOLDS: And you've served on the Elections Committee prior to this session, correct?

BUCY: Yes, that's correct.

REYNOLDS: Okay, and you understand that the out of bounds resolution changes the timeline on when people can vote the Sunday before Election Day. Is that correct?

BUCY: That's correct, and it's disappointing. It's going to be detrimental and it's going to really impact "souls to the polls."

REYNOLDS: And when you talk about the "souls to the polls"—well, first of all, was that even discussed earlier or when did we first see this new change of the time period on Sunday voting that you couldn't vote before 1 p.m.? When did you first see that?

BUCY: I think it was in the last 24 hours or so that we first saw this.

REYNOLDS: Right, so there was no vetting of that. Is that not correct?

BUCY: That's correct. There was no vetting. There was no constituent input.

REYNOLDS: And in fact, it is clear, based upon prior election cycles, that African Americans tend to utilize the "souls to the polls." Is that your understanding?

BUCY: That's correct.

REYNOLDS: And it is your understanding that this would have a likely disparate impact among black, Latino, voters of color in the State of Texas. Is that your understanding?

BUCY: Absolutely.

REYNOLDS: And is it also your understanding that Texas increased significantly in the 2020 election cycle for early voting in person, through mail, and that the "souls to the polls" was a big factor in the African American turnout?

BUCY: That's correct. Please vote no.

REPRESENTATIVE J.E. JOHNSON: Members, I rise in vehement opposition to this resolution allowing the out of bounds on this bill. Governor Abbott's appointed secretary of state herself said several times that the 2020 election in Texas was safe, successful, and secure. Despite that, national figures perpetuated the big lie about the recent election, causing a flurry of pandering actions. A desperate search by our attorney general, coupled with a bounty of a million dollars by our lieutenant governor, produced no founded cases of election fraud in the 2020 election. This bill and the accompanying abuse of process that came with creating this discriminatory legislation has been highly irregular. And that's putting it mildly.

The conference committee has added a provision regarding overturning an election that is truly undemocratic and offensive to the rule of law. It says that the court may declare the election void without attempting to determine how individuals actually voted. This provision allows a lawsuit to overturn an election without having to prove that the fraud actually occurred. Just think about that. Your election can be overturned without the other side being required to prove actual voter fraud. Additionally, the provision lowers the burden of proof to overturn an election. In other words, the election challenger's no longer required to show that fraudulent votes actually resulted in a win. The implications of this are unthinkable. To make matters worse, the provision was not in either the senate or the house version of the bill. This provision has not been subject to review and debate by the public. This provision has not been subject to review

and debate by this body. And the provision has not seen the light of day until the last hours of yesterday. The purpose of the legislative process has been completely subverted by adding a terrible provision under the cover of darkness.

What has happened to process? What has happened to the rules that this body is supposed to care about? We have rules and processes in order to have a just society so that people can have faith and confidence in the laws that govern them. Democracies are based on the rule of law whose formations are based on an open debate and participation and whose enforcement is based on true facts and fairness. When these principles fail, our foundation crumbles into autocracy, dictatorship, and tyranny. Why are we here if we're not going to insist that we have an opportunity to debate and be heard on important legislation?

Make no mistake. The State of Texas will go to court again for this bill. We will waste millions of taxpayer dollars again defending this awful piece of legislation that seeks to disenfranchise so many Texas voters. This state has decided again to forego protecting voter rights and straight to restricting them. And this is truly a sad day for the rule of law and the very foundations upon which our democracy rests.

REPRESENTATIVE J. TURNER: You know, as I look at this resolution before us—and I know we've all been incredibly busy over the last several days considering bill after bill and conference committee report after conference committee report, and I find it sometimes difficult to keep up with everything—yet as you have pointed out, we are all confronted here with a very lengthy report and a very lengthy resolution that, frankly, has been difficult for me to fully digest in the time we've had. You've mentioned several provisions already and others have, too. Do you feel that you have been able to adequately understand all of this new material that's being presented to us on very nearly the last day of the session?

J.E. JOHNSON: No, it's been very difficult. When you get—the bill is what, 60-something pages long—and when you get at the very last hour an additional resolution that's 20 pages long of new provisions and new materials that has never been before presented to this body, the Texas House of Representatives, to debate on behalf of all of our constituents, it's unconscionable. And it's unconscionable that we are actually sitting here doing this as opposed to rejecting this move by the senate, saying no, we the house deserve to debate and we're going to honor those rules.

J. TURNER: You know, as I read the resolution, I'm seeing things that I guess are really going to affect large numbers of Texans in the voting and electoral process. There are brand new requirements for anyone who wants to vote by mail, for instance, that are in this resolution before us. And if I understand all this correctly, these are new provisions that have not been a part of this bill during the duration of its passage through the legislature—through the house, the senate, the committee process—up until now. Is that your understanding as well?

J.E. JOHNSON: That is exactly my understanding, sir.

J. TURNER: I see, for instance, that there are going to be new requirements that a person is going to have to place on the outside of an application to vote early. There are new requirements related to what kind of disability is going to qualify for a person that wants to vote by mail on the basis of disability. Would you agree with me that those are exactly the kinds of things that really deserve some detailed scrutiny in our legislative process and not the kind of thing that should be added at the last minute?

J.E. JOHNSON: Well, exactly. You know, the right to vote is the most fundamental piece of our democracy. And this body should be looking for ways to expand everyone's opportunity to vote. We should be having online voter registration. We should have all kinds of opportunities. I do not understand for the life of me why we want to restrict people from mail-in ballot voting. This affects our seniors. This affects our disabled. This affects pregnant women. This affects women with young kids who may not be able to take their children to go vote with them. And I just do not understand why this body and this legislature is trying to make it so hard for these families to go and cast their God-given right to vote in this country.

J. TURNER: I feel, Representative Johnson, as I read some of these provisions, some of them I just don't fully understand exactly what they mean. And, you know, maybe I have time to ask a question or two here briefly in the few remaining hours or minutes that we have, but it's definitely the sort of thing where I'd like to have had the opportunity to really study and consult with others that have read this carefully and can give me an opinion. And one example, here on page 9 of this resolution, it talks about an application to vote by mail. I believe this refers to an application to vote by mail. On line 20 it says, it "must be submitted in writing and signed by the applicant using ink on paper." It's no longer possible to use an "electronic signature or photocopied signature." But as I read that, I actually don't understand if that means only the signature must be in ink or the entire application must be in ink. Do you know the answer to that?

J.E. JOHNSON: I do not. It's a vague question. You're right. Do you have the ability to fill in the blanks and print the application and just hand sign it or are you required to handwrite in the entire application? It's vague on this piece of paper. You and I are both attorneys. We also understand that words matter and precision matters, and this is the kind of thing that's vague. It causes confusion. If you're at home and you're trying to figure out what to do and you're trying to print a ballot, and if somebody thinks they're being great so it can be legible and not confusing based on your handwriting and they print it, is their ballot going to be thrown out? It's hard to tell based on this bill.

J. TURNER: Well, it's just one example and one small provision. But I guess the point that I'm trying to make is there are many of those in this resolution and many of those in the conference committee report that went outside the bounds. And that's what we have in front of us explicitly—material that goes outside of anything else considered in this legislative session so far. So I appreciate your comments about this, Representative Johnson.

BECKLEY: Unlike you, I am not a lawyer, but I am highly offended that we are going to make laws without completely vetting them. How is this going to play out in the courtrooms, do you think?

J.E. JOHNSON: Well, like I said, there's going to be a lot of aspects of this bill that are litigated. There's a lot of issues that are, in my opinion, discriminatory and unconstitutional and then there's vague and ambiguous languages. There's multiple bases by which this bill is going to be challenged in court, and that's going to be at the cost of taxpayers. And unfortunately, we're not going to be able to fund really key programs that the people of Texas want like health care and many other issues because those monies are being spent on wasteful litigation because we are passing a terrible bill.

BECKLEY: And maybe a history class or two about elections and maybe the 1965 voter protection?

J.E. JOHNSON: And maybe a history class or two about elections, that's correct.

BECKLEY: I think that everybody should be concerned, but I'm also concerned that we're just going to vote on this on party lines and there are people in this body who are not paying attention and don't seem to care. Would you agree?

J.E. JOHNSON: I think—you know, I think people in this body care. But it's disheartening how many people will come up to you privately and say, "This is a bad bill for my constituents," but yet won't come to the mic and say so.

[Representative Zwiener raised a point of order against further consideration of **HR 2007** under Rule 13, Section 9(g)(4), of the House Rules on the grounds that the explanation of reasons that suspension of the limitations is being requested lacks the required detail. The point of order was overruled.]

CLARDY: I appreciate the opportunity to close on this important out of bounds resolution. I do want to make a couple of observations just generally about the bill. First, this is a very important bill. This has been worked on for hours and hours—literally dozens of hours—from the conferees on both sides of this building with the senate and with the house. And I do want to thank those conferees, including Representative Collier and Representative Canales. I know that we spent dozens of hours going through this bill, a lot of give and exchange. So I know Representative González wants to ask questions, but this is such an important bill. And when I look at this, there's nearly 20 full pages of out of bounds provisions in this bill that are in this resolution. But that's really less than the total of a 67-page omnibus election bill. So a lot of this was done late. I don't get to control the clock, but I can assure you that the members of the committee did their absolute dead level best to make sure we provided information to all members, including Representative Rose, and that we did everything that we could to make sure this was transparent, that we put all of the copies out at the same time. We went through these things, and we went through these items very, very thoroughly. But again, for those members that weren't on the conference committee, that didn't serve on Elections, that didn't hear some of these same bills in our committee to hear those exact provisions, I think it's important to take my time and work my way through it.

So if I return back to where we were a moment ago—and I'm looking at Section 8.04 of the bill where we amend Section 232.008(b) of the Election Code—we were discussing how this affects election contests in the State of Texas, not just for general elections but for primary elections as well. We changed these deadlines because it became obvious that there are problems in this state where contestants who want to challenge an election don't have ample time to build their case, gather the facts, and present those in a court of law. And so when you look at this, this gives you five more days to challenge in a primary where runoff would occur in 15 more days. So now instead of just 10 days, you have 15 days on a primary, and you have 45 days instead of 30 on that election.

Moving to Section 8.05, we create a special category of election contest based upon fraud. It makes the standard—under Section 232.002—makes the standard for this review of preponderance of the evidence standard. But then what the 232.063 does in Section 8.05 is it codifies that you do not have to have a vote harvester testify how they voted each ballot that was cast so long as you can prove that they cast more illegal ballots than the number by which the contested lost. So you still have to prove fraud in all of those elements.

Now, if we move to Section 8.06, this is something that was discussed to be codified in **HB 6**, but it didn't make it onto the floor. But it is here in the conference report. What it does is in the Election Code, the writs go to the court of criminal appeals as opposed to those that go to the Supreme Court of Texas. And then moving toward the end of those matters that are out of bounds, in Section 8.09 of the bill, it cleans up the expedited docketing for election procedures. And then finally, in Section 9.02, there's a clarification of intent that we think cleans up a provision that was in the senate version, and it requires standardization of the forms concerning felony judgments and the affirmative finding in instructions to the convicted defendant.

J. GONZÁLEZ: Representative Clardy, would you agree with me that **HR 2007** has 22 substantive additions that it adds to **SB 7** that were not either in the senate or the house engrossed versions of **SB 7**?

CLARDY: Let me check one thing. In my count, I had 23, not 22. But I would disagree with your characterization. Many of these had been included as either parts of the house bill—but these were provisions that had been talked about and had been discussed. But there were a number, yes.

J. GONZÁLEZ: And of these 23 substantive changes, do you know which ones of these we actually heard in the House Elections Committee?

CLARDY: You and I were privileged to serve on that committee, and I appreciate you being our vice chairman of that committee. I would have to go through—I'd hate to try to guess. I could probably go one by one and get pretty close. But if you have a number and could suggest how many there were?

J. GONZÁLEZ: Well, I don't have a number, but I do know that they certainly all weren't heard in our Elections Committee. So you probably wouldn't know how many of these we actually voted out of committee?

CLARDY: It is my recollection we voted nearly everything out of the Elections Committee.

J. GONZÁLEZ: Do you know how many of them never saw the light of day in the House Elections Committee? That never even received a hearing?

CLARDY: That number I do not know. I know that there were some times we met and there was no light of day. We were there in the morning when it was dark. But if there's provisions here or sections of these 23 that we didn't hear, I'm unaware of that.

J. GONZÁLEZ: What would you say is the purpose of the committee process?

CLARDY: That's a very fair question. The purpose of the committee process is to allow the members of the committee to get more familiar with the Election Code and to look at those areas that need to be addressed and to make the laws of the State of Texas better. But most importantly, it's an opportunity for members to hear from not just us in this room who have opinions and ideas about the laws but importantly to hear from the citizens of the State of Texas who take the time to come and testify in our committees and express their opinions. And some of those opinions we agree with, and some of those we don't. There's some that you agree with and I agree with and vice versa. But the opportunity of being in a committee, the reason we do that—the reason we have this exchange in public televised for the world to see—is so we can exchange ideas about how we can make elections in Texas fairer, more open, more transparent, but also more secure and preserve the integrity which is vital for a democratic republic to continue to exist.

J. GONZÁLEZ: And I agree with you with the purpose of the committee process. But if some of these bills were never actually heard in committee, then the public never got the opportunity, nor did the committee members get the opportunity, to hear these changes or these substantive changes in this, in **HR 2007**, that never even came before our committee but yet were added to this final version of the bill. So people aren't having the opportunity to give testimony. We didn't have the opportunity to ask questions, to hear from witnesses, to ask questions from the AG to see how certain provisions would be enforced.

CLARDY: Right, and that's a fair point. But I would also say there were a lot of times we had the opportunity as individual members to visit with those witnesses and those stakeholders and those people who are elections professionals throughout the state and are the folks that serve the secretary of state's office or in the Office of the Attorney General. Yes, we've obtained that testimony from witnesses at the hearing, but we also obtained information from people outside of the hearing. And oftentimes, I would challenge any member in this house to say that there were times they served in a committee when, well into the process, they realized this was an idea we should have thought of. I mean, I would like to think we're deliberate and we want to think through. We try to be diligent and capture the ideas early, but sometimes part of the process is to make us think of things that we should have thought of before. And so I certainly don't think it's

appropriate for us to turn a blind eye or a blind ear to ideas that have been brought forward that are appropriate to belong in a bill like this, an omnibus bill that's designed to protect elections in Texas and be fair to all Texans.

J. GONZÁLEZ: Besides the budget and your service here—and I can't recall how many terms you've served, but I know you've been here for quite a few terms, correct?

CLARDY: This is my fifth term we're two days away from completing.

J. GONZÁLEZ: So in your five terms of serving, besides the budget, can you ever recall an outside the bounds resolution that was 20 pages long and made 23 changes to a bill?

CLARDY: Actually, I can beat that. I don't see him on the floor, but I remember Representative Kuempel at one time amended a bill with about 20 pages with about an 80-page amendment where we were going outside of the bounds. But now, I'm sure that was entirely appropriate, and like this bill, was designed to—

J. GONZÁLEZ: So you remember one other time. It doesn't happen very often, right?

CLARDY: You know, I don't want to pick on Representative Capriglione, who's prone to bringing third reading amendments, but the procedures allow what we're doing here to come forth with out of bounds amendments, and that's why we lay this out. We publish it to the members, and it's available for everyone to look at. One of the things I was wanting to address that we just got in last night, which I was unaware of, was the fiscal note on this bill that we've not been able to talk about. And that is a concern, but I think it's not an irreconcilable concern. But we've pushed this information out in a very public and open way. And we have through the start of this process.

J. GONZÁLEZ: Do you recall any elections bills in the past that utilized this many outside the bounds changes?

CLARDY: I don't have a specific recollection. Of course, like you, this was my first time to serve on the Elections Committee. But in prior sessions, I don't remember that. But that's why I wanted to serve on this committee, and I was honored that the speaker allowed me to serve. This is an important issue for all Texans. And so the honor, the opportunity to be here, work with you, work with others, go through the process—I really do feel like we've made good changes here both out of bounds and in the bill itself. I think that we in the house stood firm on the agreements that were made with our colleagues across the aisle before we voted on **HB 6**. And I think the bill as it stands is a very, very good piece of legislation. I believe it will serve the people of Texas well.

[**HR 2007** was adopted by Record No. 1794.]

**SB 7 DEBATE - CONFERENCE COMMITTEE REPORT
(Cain, Schofield, Jetton, Klick, and Oliverson - House Sponsors)**

[Representative Cain submitted the conference committee report on **SB 7**.]

SB 7, A bill to be entitled An Act relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.

REPRESENTATIVE CAIN: First, I want to publicly apologize to Representative Beckley. On May 7, this body unanimously adopted Floor Amendment No. 20 by Representative Beckley, which contained her bill, **HB 661**. The language would have allowed counties like Denton and Liberty to participate in the countywide polling place program. While the policy of the amendment can hardly be said to be a priority of my party, the amendment was in every draft of the conference committee report. The final legislative council version was delivered very late on May 27. Reviewing the final version, I noticed several things that were supposed to be there were missing. One of those things was her amendment. I gave my word to my former deskmate that I would fight to keep her amendment in the report. I still don't know what happened or why it disappeared. I'm sorry. If the governor calls us back for a special session, I'm committed to hearing and voting on your bill first.

This conference committee report is the product of many meetings and calls between members of both parties and both chambers. The bill contained in this conference committee report seeks to make it easy to vote and hard to cheat. It protects every single Texas voter. Much of the provisions contained herein are designated to clarify existing law and to prevent honest mistakes from being criminalized. Article I, Section 2, of the Texas Constitution provides that, "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit." To this end, in making our state Constitution, the sovereign people of Texas delegated their lawmaking power to the legislature in relation to election laws. The legislature finds this therein in Article VI, Section 4. **SB 7**, also known as The Election Integrity Protection Act of 2021, is made in furtherance of this constitutional authority.

Section 1.03 contains legislative findings that reflect Floor Amendment No. 2 by Johnson of Harris; as well as Amendment No. 6, Subsections (2) through (4), by Murr, the omnibus amendment crafted by several members of both parties; and parts of Amendment No. 4 by myself and Representative Schofield in response to requests made by the NAACP. Section 1.05 mandates that election officials and public officials strictly construe the Election Code to affect the intent of the legislature, which is found in Section 1.04, which provides that the application of this code and the conduct of elections be uniform and consistent throughout the state to reduce the likelihood of fraud in the conduct of elections, to protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted.

I see Representative Bucy there. Due to time restrictions, I'm going to jump to Article 9 of the bill, which begins on page 61. These sections were drafted to give effect to the intent of Floor Amendment No. 7 by Representative Bucy. Sections 9.01 and 9.02 are made to ensure that persons 18 years of age or older who are convicted of a felony are fully informed of the conviction's effect on

their rights of suffrage. Section 9.03 also contains a new code provision from the house version of this bill found under Subsection (a)(5), which outlaws voting in a federal election held on the same date in this state and another state.

Subsection (c) was intentionally and specifically added to clarify what some courts and local prosecutors have gotten wrong. The crime of illegal voting is intended to target those individuals who intentionally try to commit fraud in our elections by voting when they know they are not eligible to vote. It is not intended to target people who make innocent mistakes about their eligibility and that are facilitated solely by being provided a provisional ballot by a judge, since federal law requires judges to give someone who isn't registered and requests to vote a ballot. To this end, this provision in the conference committee report says that filling out a provisional ballot affidavit is not enough to show that a person knew they were ineligible to vote. For the purpose of legislative intent, this does not actually change existing law, but rather it makes crystal clear that under current law, when an individual fills out a provisional ballot like tens of thousands of Texans do every year, the mere fact that they filled out and signed a provisional ballot affidavit is not enough to show that an ineligible voter knew they were ineligible to vote or that their signature on it is enough. That has always been the case. Again, no one should be prosecuted solely on the basis of filling out a provisional ballot affidavit.

We also, as part of the conference committee report, discussed recommending to the secretary of state that these disclaimers about whether or not a person should fill this out be printed larger and more clearly on provisional ballots, since we can't put our election judges in the position of asking voters questions about their status and making legal decisions. Thus, for purposes of legislative intent, we asked that the secretary of state make the relevant text on the provisional ballot affidavit larger and more conspicuous. In total, these provisions strike a balance between allowing the prosecution of people that intentionally vote illegally while ensuring that people who in good faith cast a provisional ballot but turn out to be mistaken cannot and should not be prosecuted. Such a prosecution, should one occur in the future or have occurred in the past, would, in my opinion, be a grave error. Thus, a reliance on the majority *VanDyke* opinion, issued by the court of criminal appeals. I know the members of the conference committee believe this applies to all cases that have not yet then had a final order. Again, it is our intent to make that clear for everyone.

Before moving on to Article 2 of the bill, which relates to the registration of voters, it should be noted that several provisions that were found in either the house or senate versions were omitted from this report because the provisions have since passed both chambers in order and other bills await the governor's signature. For example, former Section 2.01 of the house version, which ensures that all voter rolls are accurate by requiring the abstract of deceased voters be sent to the appropriate authority within seven days of being created, was passed by Representative Keith Bell in **HB 1264**.

Article 3 relates to the conduct and security of elections. Sections 3.01, 3.02, and 3.04 contain a floor amendment. It was Amendment No. 10 by Representative Minjarez, which contains **HB 752** by Representative Israel. These provisions will save tax dollars by keeping municipalities from spending money on elections when candidates are unopposed. Sections 3.03, 3.12, and 3.13 prevent drive-thru voting, which was already not a type of voting which is the law in Texas. While it's lawful for curbside and that still is under Section 64.009, to be clear, unlike the language used by the senate, the conference language does not outlaw the use of mobile homes or trailers for voting. Moreover, this does not outlaw things such like "souls to the polls."

REPRESENTATIVE COLLIER: I appreciate you being willing to take these questions. I want to go to page 5, line 16. So I was a member of the conference committee and—

CAIN: What page, ma'am?

COLLIER: I'm on page 5, line 16, of the legislative draft ending in 396. Is that the one that you have?

CAIN: Yes, ma'am—page 5, line 16.

COLLIER: I know that we didn't have as much interaction on the conference committee because there were times where I met with Representative Clardy and your lawyer, Elizabeth Bingham or Alvarez. I think that's her name.

CAIN: Yes.

COLLIER: And then I met with Jetton and then sometimes I met with you. But I wanted to be able to make sure that we clear up some questions about the provisions and then also establish the intent, the legislative intent, in these provisions. So if you go to page 5, line 16, you talk about enforcement of voter roll maintenance. So this is requiring the secretary of state to take a proactive step to ensure that the voter rolls match those who are eligible to vote. Is that correct?

CAIN: I believe that's the intent. Yes, ma'am.

COLLIER: Okay, so how would they do that? What does that look like?

CAIN: Well, the bill shows us that. And depending on what part of the code requires certain registrars to do acts, that's exactly what they'll be looking at—for example, a provision we just went over that requires them to report things to the secretary of state within seven days regarding the registry of deceased voters. This would ensure that they did exactly what the secretary of state told them to do.

COLLIER: So that means that the registrar would report to the secretary of state?

CAIN: Well, yes. They would need to. The secretary of state would review those things. And in fact, one of the really, really important provisions of this section is to require that the secretary of state adopt rules and prescribe procedures for the implementation of this section. That way, there's rules to be followed and everyone kind of understands what their duties are. It would prevent the secretary of state from just making things up.

COLLIER: Okay. So if someone has moved in the transition period that they're no longer in that one county—

CAIN: We actually helped fix that by an amendment by Representative John Turner. It's a great amendment. Yes, ma'am.

COLLIER: Okay. So I just want to make sure that there's an opportunity to cure. If there is a transition period that the person has moved, that the secretary doesn't completely drop them off. Rather, the secretary of state will ensure they are registered in the county where they actually live now. Is that right?

CAIN: Under the code—Section 2.02 contains Representative John Turner's floor amendment. That would be Amendment No. 17 which would do that. It would amend Section 15.021 of the Election Code to require that when a registered voter moves to a new county—you know, you might change your license or say no to a jury duty summons by indicating that you moved—the registrar in the old county may not cancel that voter's registration until they've forwarded that registration to the voter's new county of residence.

COLLIER: So if there's a discrepancy between what the secretary of state's records show and the local registrar, who trumps? Which one of them prevails? Which record prevails?

CAIN: Under this exact section, I'm not sure of that, but I would expect that they would look and see which one's accurate and make the determination there. I'm not sure of someone trumping, but I think the goal should be accuracy.

COLLIER: Would they contact the voter to verify?

CAIN: I hope they would contact the voter. They should.

COLLIER: But that's your intent? Is that they would do that?

CAIN: If that's what's needed, yes. I certainly hope they do that.

COLLIER: All right. So if you go to page 6, line 24, here in this provision, this is Section (e): "If the secretary of state determines that a voter registrar has not performed any overt actions in pursuance of compliance with the provisions identified under Subsection (d)(4) . . ." Can you tell me what overt actions look like?

CAIN: Well, I think in determining the meaning of a word, we look to its context. And understanding that the goal of this is not to punish simple mistakes or honest errors but in realizing that an act that is overt, it is intentional. It is trying to get around the law or skirt the law or it is ignoring rules promulgated by the secretary of state in that event.

[Representative Beckley raised a point of order against further consideration of **SB 7** under Rule 13, Section 9(a)(2), of the House Rules on the grounds that the conferees exceeded their jurisdiction by omitting text that was not in disagreement. The point of order was overruled.]

REPRESENTATIVE JETTON: I'm here to speak in favor of **SB 7**. Over the last five months, we've spent countless hours going through a lot of the legislation that was filed, exploring a lot of the different issues that have come up over the

last decades when it comes to elections. We read through the Carter-Baker report of 2005. We heard the testimony from previous sessions dealing with voter ID, with mail-in ballots, with other issues that we've had with our elections over the last couple of decades. And we put together what I believe is a bill that addresses many of those issues.

One of the main issues that we found was issues with mail-in ballots—mail ballot harvesting—and we added legislation that would directly address that and allow the attorney general's office to investigate and prosecute those issues. We also looked at issues dealing with voter assistance fraud, which is a prevalent issue that targets especially those minority communities and communities where people are taken advantage of. And we made sure that there was legislation in there to crack down on that to make sure that we identify those people that were abusing the rights, stealing the votes away from individuals, to make sure that their votes counted.

We also made sure to address issues dealing with the mail-in ballots when it's turned into ballot harvesting or to ballot boards and signature verification committees to make sure that we're protecting those ballots that come back or that their signatures may not match completely, to make sure that there's a driver's license number or the last four of their social security number to also help to identify and ensure that those ballots are counted if those signatures don't match. In addition to that, we made sure that the DPS signatures that are shared with the secretary of state's office are sent down to the counties and that the ballot boards and the signature verification committees had more signatures to verify those mail-in ballots. This helps to ensure that those mail-in ballots, with both the application and the ballots, come from who they say they are. It protects people's votes.

In addition to that, we made sure that we had—we've included statutes dealing with the equipment that we use in our ballots in our polling locations. We made sure that there will be paper backups for every ballot to ensure that if there is a need for an audit, that there's a way to audit those machines, to audit those votes. So the electronic system tallies up those votes and then you have a paper ballot backup to make sure you have—as a voter—have the opportunity to look at that ballot, ensure that's who you want to vote for, and turn it into the machine. In addition to that, we also made sure that during early voting election days, we've extended the minimum hours that you could vote and made sure that those hours were between the hours of 6 a.m. to 9 p.m. on weekdays and expanded it on Sundays as well to make sure that—and also standardized it across the state. This is very important to make sure that people have equal opportunity no matter where they are in the state to go and vote. There should be consistency between the counties. So whether you live in Fort Bend County, Harris County, Montgomery County, Dallas County, there's predictability.

The secretary of state also has new authority to make sure that counties are able to both train and enforce through auditing process, and if the counties decide not to correct their voter rolls, that there is a mechanism for enforcement. This is important to make sure that our voter rolls are accurate. What currently happens is the secretary of state will receive information from the Department of Vital

Statistics dealing with where people live, where they move, and also death records, and this helps. And when you look at that information, if there's definite matches, then they are removed by the secretary of state. And where there's not clear matches, then it's sent down to the counties. This enforcement mechanism is important to ensuring that we have an opportunity to make sure our voter rolls are accurate and up to date. And so I would like to encourage everyone to vote in favor of **SB 7**.

[Representative Geren raised a point of order against further proceedings under Rule 5, Section 5, of the House Rules on the grounds that a quorum was not present on the last roll call. The point of order was sustained.]