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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Monday, May 15, 2023  
88th Legislature, Number 64  
The House convenes at 1 p.m.  
Part One

Three bills are on the Major State Calendar, one resolution is on the Constitutional Amendments Calendar, and 28 bills are on the General State Calendar for second reading consideration today. The table of contents for Part One of today's *Daily Floor Report* appears on the following page.

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Gary VanDeaver  
Chairman  
88(R) - 64

## HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Monday, May 15, 2023

88th Legislature, Number 64

Part 1

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SUBJECT: Establishing grant programs for rural sheriff's and prosecutor's offices

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal,  
Schatzline, Tinderholt

0 nays

SENATE VOTE: On final passage (March 28) — 30 - 0

WITNESSES: For — Shane Deel, Callahan County Attorney's Office; Jennifer Tharp, Comal County Criminal District Attorney's Office; David Holmes, County Attorney, Hill County; Carlos Lopez, Justices of the Peace and Constables Association of Texas; Brian Hawthorne, Sheriffs Association of Texas (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Adam Sibley, Damon Kersh, 220th Judicial District Attorney's Office; Carlos Garcia, 79th Judicial District for Jim Wells County and Brooks County; Chris Jones, Combined Law Enforcement Associations of Texas; Rick Thompson, County Judges and Commissioners Association of Texas; Jennifer Henderson, County Treasurers' Association of Texas, Schleicher County; James Parnell, Dallas Police Association; James Stainton, District Attorney- 271st District; Joe Morris, Game Warden Peace Officers Association; David Batton, Harris County Deputies Organization FOP 39; Ray Hunt, Houston Police Officers' Union; Anthony Kivela, Houston Police Retired Officers Association; Jama Pantel, Justices of the Peace and Constables Association of Texas; Thomas Wilson, Smith County Criminal District Attorney's Office; Dallas Reed, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Brien Casey, Williamson County Deputies Association; Noel Johnson, Williamson County Deputies Association; and nine individuals)

Against — None

On — Adam Haynes, Conference of Urban Counties; Robert Kepple, Texas District and County Attorney's Association (*Registered, but did not*

*testify*: Shawn Hall Lecuona, Kri'ah b'shalom; Will Counihan, Texas Comptroller of Public Accounts)

**BACKGROUND:** Some have suggested that a grant program to provide salary assistance to rural sheriff's and prosecutor's offices would improve productivity and ensure professional law enforcement and legal representation throughout Texas.

**DIGEST:** CSSB 22 would establish rural sheriff's office and rural prosecutor's office salary assistance grant programs.

**Rural sheriff's office salary assistance grant program.** CSSB 22 would require the comptroller to establish and administer the rural sheriff's office salary assistance grant program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to sheriff's offices and constable's offices in qualified counties.

A qualified county could apply for a grant to the comptroller not later than 30 days after the first day of its fiscal year. A county could submit only one application each fiscal year.

The comptroller would be required to award a grant to a qualified county using money appropriated to the comptroller for that purpose. The grant would be provided in the following applicable amounts:

- \$250,000 if the county had a population of less than 10,000;
- \$350,000 if the county had a population of 10,000 or more and less than 50,000; or
- \$500,000 if the county had a population of 50,000 or more and 300,000 or less.

A county that was awarded a grant could use the grant money only to provide a minimum annual salary of at least:

- \$75,000 for the county sheriff;
- \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties; and

- \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county.

After using the grant money to satisfy the minimum salary requirements, a county could then use grant money to:

- increase the salary of a county sheriff, deputy, or jailer;
- hire additional deputies or staff for the sheriff's office;
- purchase vehicles, firearms, and safety equipment for the sheriff's office; or
- provide an aggregated maximum of \$25,000 to the constable's offices in the county for the purchase of vehicles, firearms, and safety equipment.

**Rural prosecutor's office salary assistance grant program.** CSSB 22 would require the comptroller to establish and administer the rural prosecutor's office salary assistance grant program to support the state purpose of ensuring professional legal representation of the people's interests throughout the state by providing financial assistance to qualified prosecutor's offices.

A prosecutor's office could apply for a grant to the comptroller within 30 days after the first day of its fiscal year. An office could submit only one application each fiscal year.

The comptroller would be required to award a grant to a qualified office that using money appropriated to the comptroller for that purpose. The grant would be provided in the following applicable amounts:

- \$100,000 if the office's jurisdiction had a population of less than 10,000;
- \$175,000 if the office's jurisdiction had a population of 10,000 or more and less than 50,000; or
- \$275,000 if the office's jurisdiction had a population of 50,000 or more and 300,000 or less.

An office that was awarded a grant could use the grant money only to:

- supplement the salary of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties, as applicable to the county, in addition to any other supplement authorized by law;
- increase the salary of an assistant attorney, an investigator, or a victim assistance coordinator employed at the office; or
- hire additional staff for the office.

**Other provisions.** The bill would prohibit a county from reducing the amount of funds provided to a sheriff's office, a constable's office, or a prosecutor's office because of grant funds provided under the bill.

The comptroller would be required to adopt rules necessary to implement the bill, including rules that established a grant application process, deadlines, and procedures for monitoring grant compliance and returning unused funds.

A qualified county or prosecutor's office could not apply for a rural sheriff's office salary assistance grant or a rural prosecutor's office salary assistance grant before January 1, 2024. The comptroller would be required to comply with the requirements of the bill by January 1, 2024.

The bill would take effect September 1, 2023.

**NOTES:**

According to the Legislative Budget Board, the fiscal implications of CSSB 22 cannot be determined, as the cost would be dependent on the number of counties applying for the grant and appropriations by the Legislature.

SUBJECT: Creating the Fifteenth Court of Appeals District

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Leach, Murr, Schofield, Slawson, Vasut

4 nays — Julie Johnson, Davis, Flores, Moody

SENATE VOTE: On final passage, (March 30) — 25 - 6

WITNESSES: None

BACKGROUND: Some have suggested that creating a Fifteenth Court of Appeals with statewide jurisdiction of civil cases brought by or against a state agency, state employee, or officer would allow judges to apply specialized experience in subjects including sovereign immunity, administrative law, and constitutional law and could help ensure consistency of decisions on such legal issues across the state.

DIGEST: CSSB 1045 would create the Fifteenth Court of Appeals District composed of all counties in the state. The court would be held in the City of Austin and could transact its business in any county in the district that the court deemed necessary and convenient. The court would consist of a chief justice and four justices holding places numbered consecutively, beginning with Place 2.

The court would have exclusive intermediate appellate jurisdiction over:

- certain matters brought by or against the state or other designated state agency, including a university system or institution of higher education, or brought by or against an officer or employee of the state or other designated state agency, including a university system or institution of higher education arising out of the employee or officer's conduct;
- matters in which a party filed a petition, motion, or other pleading challenging the constitutionality or validity of a state statute or rule and the attorney general was a party to the case; and

- any other matter as provided by law.

CSSB 1045 would revise provisions related to issuing writs of mandamus and limit the Fifteenth Court of Appeals' ability to issue writs to only those matters over which the court had exclusive intermediate appellate jurisdiction.

The supreme court would be prohibited from transferring any a case or a proceeding that had been properly filed with the Fifteenth Court of Appeals to another court of appeals for the purpose of equalizing dockets. The supreme court further would be required to adopt rules related to the transfer of an appeal inappropriately filed with the Fifteenth Court of Appeals, and the process for transfer to the Fifteenth Court of Appeals of appeals filed in other courts that would be the exclusive intermediate appellate jurisdiction of the Fifteenth Court of Appeals.

The bill would make conforming changes to establish and limit the court's exclusive intermediate appellate jurisdiction to matters brought by or against the state or brought by or against a state officer or employee as set forth in the bill.

Authority for judicial review of proceedings related to a final order, rule, decision, or other final action of the board of the Texas Department of Motor Vehicles would be transferred from the Third Court of Appeals District to the Fifteenth Court of Appeals District. Judicial review of rules of competition developed by the Public Utility Commission of Texas also would be transferred from the Third Court of Appeals District to the Fifteenth Court of Appeals District.

The Fifteenth Court of Appeals could not be created unless the Legislature made a specific appropriation for that purpose. If the appropriation was made, the new court would be created on September 1, 2024. Initial vacancies in the offices of the chief justice and justices of the court would be filled by appointment.

A justice of the Fifteenth Court of Appeals other than the chief justice would be entitled to an annual base salary from the state in an amount

equal to \$5,000 less than 120 percent of the state base salary of a district judge as set by the General Appropriations Act.

If created, cases pending in other courts of appeal that were filed on or after September 1, 2023, that would be the exclusive intermediate appellate jurisdiction of the Fifteenth Court of Appeals would be transferred to the new court on September 1, 2024. For cases transferred:

- all processes, writs, bonds, recognizances, or other obligations issued from the other courts of appeal would be returnable to the Fifteenth Court of Appeals as if originally issued by the court; and
- the obligees on all bonds and recognizances taken in and for the other courts of appeal and all witnesses summoned to the other courts would be summoned to the Fifteenth Court of Appeals as if originally required to appear before the new court.

The Texas Supreme Court would have exclusive and original jurisdiction over a challenge to the constitutionality of the bill or any part of the bill and could issue injunctive or declaratory relief in connection to a challenge.

The bill would take effect September 1, 2023.

**NOTES:**

According to the Legislative Budget Board, CSSB 1045 would have a negative impact of about \$5.9 million on general revenue funds through the biennium ending August 31, 2025.

**SUBJECT:** Establishing the centennial parks conservation fund

**COMMITTEE:** Culture, Recreation & Tourism — favorable, without amendment

**VOTE:** 6 ayes — Ashby, Bailes, Flores, Holland, Morrison, Troxclair  
0 nays  
3 absent — Martinez, Collier, Garcia

**SENATE VOTE:** On final passage (April 20) — 26 - 3

**WITNESSES:** None (*considered in a formal meeting on May 2*)

**BACKGROUND:** Some have suggested that a dedicated state fund for purchasing new land to create state parks would help the Texas Parks and Wildlife Department make sustainable investments in new parks.

**DIGEST:** SB 1648 would establish the Centennial Parks Conservation Fund as a trust fund held outside the treasury by the Texas Treasury Safekeeping Trust Company and administered by the Texas Parks and Wildlife Department (TPWD) for the purpose of the creation and improvement of state parks. The bill would require the trust company to hold and invest the fund, taking into account the purposes for which the money in the fund could be used. The overall objective for the investment of the fund would be to maintain sufficient liquidity to meet the needs of the fund.

The expenses of managing the fund and its assets would be paid from the fund. Except as otherwise provided by the bill or the Texas Constitution, money in the fund could not be used for any other purpose. In managing the assets of the fund, the trust company could acquire, exchange, sell, supervise, manage, or retain any kind of investment that a prudent investor, exercising reasonable care and skill would acquire in light of the purposes and circumstances of the fund and taking into consideration the investment of all the fund assets rather than a single investment. The fund could be invested with the state treasury pool and could be pooled with other state assets for purposes of investment.

The bill would require TPWD to provide the trust company with a cash flow forecast at least annually, and more frequently as appropriate, to ensure the trust company could satisfy its objectives as specified by the bill. TPWD could request a distribution from the fund from the trust company for the purpose of acquiring real property in Texas for the creation and improvement of publicly accessible state parks.

TPWD would be required to submit a request for approval of a proposed acquisition of real property to the Legislative Budget Board before the property was acquired. The request would be considered approved on the 30<sup>th</sup> day after the date the request was submitted unless it was approved or disapproved before that date.

Money in the fund could not be used to pay salaries, employee benefits, costs associated with employee benefits, or administration, operating, or program costs for TPWD. The money also could not be used for the maintenance or operation of state parks.

All expenditures by TPWD under the bill would be subject to audit by the state auditor. The bill would require TPWD to include a report on each acquisition funded by money in the fund during the previous two-year period in each biennial strategic plan required from a state agency by law.

The bill would take effect January 1, 2024, but only if the constitutional amendment proposed by the 88<sup>th</sup> Legislature was approved by the voters.

**NOTES:**

SB 1648 is the enabling legislation for SJR 74 by Parker, which is also on the calendar for second reading consideration today.

According to the Legislative Budget Board, fiscal implications of the bill cannot be determined because the timing, availability, land value, and amount of acreage of suitable property that could be acquired are unknown. The total available balances of the fund and the timing and amount of funds that would be requested and approved for the creation and improvement of state parks are also unknown.

**SUBJECT:** Establishing the centennial parks conservation fund

**COMMITTEE:** Culture, Recreation & Tourism — committee substitute recommended

**VOTE:** 6 ayes — Ashby, Bailes, Flores, Holland, Morrison, Troxclair  
0 nays  
3 absent — Martinez, Collier, Garcia

**SENATE VOTE:** On final passage (April 18) — 26 - 3

**WITNESSES:** None (*considered in a formal meeting on May 2*)

**BACKGROUND:** Some have suggested that a dedicated state fund for purchasing new land to create state parks would help the Texas Parks and Wildlife Department make sustainable investments in new parks.

**DIGEST:** CSSJR 74 would amend the Texas Constitution to allow for the establishment of the centennial parks conservation fund as a trust fund outside the treasury. The fund could be used only for the creation and improvement of state parks. The fund would consist of:

- money appropriated to the fund;
- money transferred or deposited to the credit of the fund by general law;
- investment earnings and interest earned on amount credited to the fund; and
- gifts grants and donations received for the fund.

The Legislature could appropriate money from the centennial parks conservation fund to the Texas Parks and Wildlife Department or the department's successor in function for the purposes prescribed for the fund by this resolution and general law.

For purposes of the constitutional restriction on the rate of growth of appropriations, money in the fund would be dedicated by the Texas

Constitution and an appropriation of state tax revenues to the fund would be treated as if it were an appropriation of revenues dedicated by the Texas Constitution.

The bill would require the comptroller to transfer \$1 billion of the unencumbered balance of the general revenue fund that existed on that date to the centennial parks conservation fund on January 1, 2023. This requirement would expire December 31, 2024.

The ballot proposal would be presented to voters at an election on November 7, 2023, and would read: "The constitutional amendment providing for the creation of the centennial parks conservation fund to be used for the creation and improvement of state parks.

NOTES:

SB 1648 by Parker, the enabling legislation for CSSJR 74, is also on the calendar for second reading consideration today.

SUBJECT: Establishing law enforcement accreditation requirement and grant program

COMMITTEE: Homeland Security & Public Safety — committee substitute recommended

VOTE: 7 ayes — Guillen, Jarvis Johnson, Bowers, Dorazio, Harless, Holland, Troxclair

0 nays

2 absent — Canales, Goodwin

SENATE VOTE: On final passage (April 19) — 30 - 1

WITNESSES: None (*Considered in formal meeting on April 26*)

BACKGROUND: Some have suggested that requiring more law enforcement agencies to become accredited could improve professionalism and performance in law enforcement statewide.

DIGEST: CSSB 267 would establish an accreditation requirement for law enforcement agencies and a grant program that provided financial assistance to agencies in meeting the requirement.

**Accreditation rules.** CSSB 267 would require the Texas Commission on Law Enforcement (TCOLE) to adopt rules requiring each law enforcement agency to become accredited and maintain accreditation through certain designated and approved accrediting entities. The rules would require a law enforcement agency that was not already accredited to execute a contract with an approved accrediting entity by September 1, 2027, and become accredited by September 1, 2029. The rules also would require TCOLE to implement a program to assist law enforcement agencies in becoming accredited.

The bill would require TCOLE to periodically review associations and organizations that established standards of practice for law enforcement agencies and that offered accreditation to agencies that met those

standards. On a majority vote of TCOLE that accreditation of law enforcement agencies in the state by an association or organization would benefit public safety, TCOLE could designate the association or organization as an accrediting entity.

A law enforcement agency would be required to annually report to TCOLE the agency's accreditation status, including the applicable accrediting entity. TCOLE would post on its website a list of all law enforcement agencies that were accredited or under contract with an accrediting entity at the time.

TCOLE would be required to adopt provisions relating to accreditation rules by December 1, 2023.

**Grant program.** CSSB 267 would require the comptroller to establish and administer the Law Enforcement Agency Accreditation Grant Program to provide financial assistance to each law enforcement agency that employed fewer than 250 peace officers for purposes of becoming accredited as required by the adopted TCOLE rules.

To be eligible to receive a grant, a law enforcement agency would be required to have executed a contract with and completed an initial assessment by the accrediting entity. Based on the results of the assessment, a law enforcement agency could request grant funds for reimbursement of an accreditation fee, staff overtime, or temporary staffing necessary to become accredited. A law enforcement agency could not receive more than one grant, the amount of which could not exceed \$30,000. Grant money provided under the bill could only be used by a law enforcement agency for the purposes of becoming accredited.

The bill would require the comptroller to establish eligibility criteria for grant applicants, grant amount guidelines, grant application procedures, and procedures for revoking and monitoring the use of a grant. The procedures for evaluating grant applications would include prioritizing applications from law enforcement agencies employing fewer than 100 peace officers.

By December 1 of each year, the comptroller would be required to submit to the Legislative Budget Board a report that provided certain information regarding grant applicants and recipients for the preceding state fiscal year. The comptroller could use any revenue available for these purposes.

Beginning September 1, 2029, a law enforcement agency would have to be accredited as provided by TCOLE's rules to be eligible to receive any grant supporting law enforcement operations or equipment acquisition administered by the comptroller other than a grant under the accreditation grant program. The comptroller would be required to establish the grant program by January 1, 2024.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

**NOTES:**

According to the Legislative Budget Board, CSSB 267 would have a negative impact of \$28,620,000 on general revenue related funds during fiscal 2024-25.

- SUBJECT:** Requiring DFPS and TJJD to report certain offenses
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 9 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos, Shaheen  
0 nays
- SENATE VOTE:** On final passage (April 3) — 31 - 0
- WITNESSES:** For — (*Registered, but did not testify:* Linda Litzinger, Texas Parent to Parent)  
Against — None  
On — (*Registered, but did not testify:* James Yocum, DFPS)
- BACKGROUND:** Concerns have been raised that there is not currently a requirement for employees or contractors of the Department of Family and Protective Services (DFPS) or the Texas Juvenile Justice Department (TJJD) to report criminal offenses committed by another employee against a recipient of DFPS or TJJD services.
- DIGEST:** SB 182 would require each employee of the Department of Family and Protective Services (DFPS) or the Texas Juvenile Justice Department (TJJD), including a DFPS or TJJD contractor, who became aware that another employee or contractor engaged in conduct constituting a criminal offense against a person who received services from DFPS or TJJD or a department contractor to report the conduct to the Department of Public Safety.  
  
The bill would create a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) offense for a person who was required to make a report and knowingly failed to make it. The penalty for such an offense would be enhanced to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if it was shown on trial

that the actor intended to hinder an investigation or conceal the criminal conduct.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, the component of the bill related to reporting an offense to the Texas Department of Public Safety (DPS) cannot be determined because it is unknown how many reports DPS would need to respond to.

- SUBJECT:** Transferring regulatory authority of closed-loop geothermal injection wells
- COMMITTEE:** Energy Resources — favorable, without amendment
- VOTE:** 8 ayes — Goldman, Anchía, Anderson, Bailes, Craddick, Darby, Gerdes, Thierry  
0 nays  
3 absent — E. Morales, Guerra, Zwiener
- SENATE VOTE:** On final passage (April 13) — 30 - 0
- WITNESSES:** None (*considered in a formal meeting on April 18*)
- BACKGROUND:** Some have suggested that transferring regulatory authority of closed-loop geothermal injection wells to the Railroad Commission would establish more regulatory consistency for the development and regulation of geothermal energy.
- DIGEST:** SB 786 would establish that the Railroad Commission of Texas (RRC) would have jurisdiction over closed-loop geothermal injection wells and would be authorized to issue permits for such injection wells. A person could not begin drilling a closed-loop geothermal injection well without a valid permit issued by RRC. The bill would define a closed-loop geothermal injection well as a closed system geothermal well used to circulate water, other fluids, or gasses through the earth as a heat source or heat sink to generate power or heat or cool a structure.
- For the purposes of regulation, a closed-loop geothermal injection well would be designated as a Class 5 well under the underground injection control program administered by RRC. RRC would be required to adopt rules as necessary to administer this section and regulate closed-loop geothermal injection wells.
- On the effective date of the bill, all functions and activities performed by the Texas Commission on Environmental Quality (TCEQ) would be

transferred to RRC. All rules, regulations, money, contracts, leases, property, and other obligations would be transferred to RRC and would remain in effect unchanged until changed by RRC.

The validity of permits would remain unchanged with the transfer of duties and obligations to RRC. By the 90<sup>th</sup> day after the effective date, RRC would be required to issue substitute permits to each individual who held a permit issued by TCEQ and transmit all pending applications submitted to TCEQ to RRC.

The bill would take effect September 1, 2023.

**SUBJECT:** Establishing a timeline for constitutional amendment election contests

**COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment

**VOTE:** 5 ayes — Leach, Flores, Schofield, Slawson, Vasut  
0 nays  
4 absent — Julie Johnson, Davis, Moody, Murr

**SENATE VOTE:** On final passage (April 12) — 30 - 0

**WITNESSES:** None

**BACKGROUND:** Some have suggested that establishing a timeline by which a court must resolve a challenge to a constitutional amendment election could ensure that the decisions of Texas voters were protected from unending litigation.

**DIGEST:** SB 1054 would amend the Election Code to establish that a trial for contest could not be later than 180 days after a contested constitutional amendment election. If the contestant filed an appeal of the contest, the appellate court would be required to ensure that the action was brought to final disposition no later than 180 days after the final judgement.

The bill would take effect September 1, 2023.

SUBJECT: Requiring health benefit plan coverage for certain biomarker testing

COMMITTEE: Insurance — favorable, without amendment

VOTE: 8 ayes — Oliverson, A. Johnson, Cortez, Caroline Harris, Hull, Julie Johnson, Paul, Perez

1 nay — Cain

SENATE VOTE: On final passage (April 12) — 26-4

WITNESSES: None (*considered in a formal meeting on April 27*)

BACKGROUND: Concerns have been raised that health insurance coverage for biomarker testing, which can inform the diagnosis, prognosis, and therapy decisions for patients with cancer or rare diseases, is inconsistent among health plans.

DIGEST: SB 989 would require that health benefit plans provide coverage for certain biomarker testing for the purpose of diagnosis, treatment, appropriate management, or ongoing monitoring of an enrollee's disease or condition in order to guide treatment when use of the test was supported by specified medical and scientific evidence.

Coverage would be required only when use of biomarker testing provided clinical utility as defined in the bill and was provided in a manner that limited disruption in care, including limiting the number of biopsies and biospecimen samples.

The coverage requirement would apply to a health benefit plan that provided benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket or franchise insurance policy or insurance agreement, a group hospital service contract or an individual or group evidence of coverage as identified in the bill, including the state's Medicaid and children's health insurance programs, certain multiple employer welfare arrangements, and self-funded health benefit plans.

If a state agency determined a waiver or authorization from a federal agency was required to implement provisions of the bill, the affected agency would be required to request the waiver or authorization and could delay implementation of the provision until such is granted.

The bill would take effect September 1, 2023 and would apply only to a health benefit plan that would be delivered, issued for delivery, or renewed after January 1, 2024.

**NOTES:**

According to the Legislative Budget Board, SB 989 would have a negative impact of \$2,687,068 on general revenue funds through the biennium ending August 31, 2025.

**SUBJECT:** Extending rights of certain crime victims

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline  
0 nays

**SENATE VOTE:** On final passage (April 13) — 30 – 0

**WITNESSES:** None (*considered in a formal meeting on April 21*)

**BACKGROUND:** Concerns have been raised that some victims of sexual offenses may not be adequately informed about the status of their cases or consulted when the case is pled to a lower offense, which could negatively impact a survivor’s engagement in the case.

**DIGEST:** SB 409 would extend the rights of a victim, guardian of a victim, or close relative of a deceased victim of sexual assault to a victim, guardian of a victim, or close relative of a deceased victim of:

- continuous sexual abuse of a young child or disabled individual;
- indecency with a child;
- indecent assault;
- aggravated sexual assault; or
- stalking.

The bill also would add to such rights the right to, if requested, be informed about and confer with the attorney representing the state regarding the disposition of the offense, including sharing the victim’s, guardian’s, or relative’s views regarding a decision not to file charges, the dismissal of charges, the use of a pretrial intervention program or a plea bargain agreement.

The bill also would extend the requirement for a victim, guardian, or relative who requested to be notified about certain requests and results

regarding the analysis of evidence in the case to provide contact information to a victim, guardian, or relative who requested to receive information regarding certain evidence collected during the investigation or a disposition in the case.

SB 409 would specify that a victim, guardian, or relative could assert their rights either orally or in writing.

The bill would take effect September 1, 2023.

**SUBJECT:** Allowing TDLR to approve motorcycle operator instructor training

**COMMITTEE:** Licensing & Administrative Procedures — favorable, without amendment

**VOTE:** 6 ayes — K. King, Goldman, Harless, Patterson, Schaefer, S. Thompson  
0 nays  
5 absent — Walle, Hernandez, Herrero, T. King, Shaheen

**SENATE VOTE:** On final passage (April 3) — 31 - 0

**WITNESSES:** None (*considered in a formal meeting on May 2*)

**BACKGROUND:** Some have suggested that allowing the Texas Department of Licensing and Regulation to approve motorcycle operator instructor training courses would increase the number of motorcycle instructors and enable more potential motorcyclists to take training and safety classes.

**DIGEST:** SB 478 would specify that the Texas Commission of Licensing and Regulation (TCLR) could set certain fees for the issuance and renewal of motorcycle school, instructor, and instructor training provider licenses and the approval of motorcycle operation and safety and instructor training courses.

The bill would remove license requirements for members to serve on the Motorcycle Safety Advisory Board. Additionally, a representative of the Texas A&M Engineering Extension Service would no longer be required to serve on the board.

The bill would remove stipulations for the purposes in which the Texas Department of Licensing and Regulation (TDLR) could contract with other entities to instead allow TDLR to contract with qualified entities as necessary to achieve the purposes of the bill.

TDLR could not issue an instructor or instructor training provider license to an individual who had been convicted of:

- during the preceding three years, three or more moving violations or a comparable offense committed in another state, including violations that resulted in an accident, or two or more moving violations or a comparable offense committed in another state that resulted in an accident; or
- during the preceding seven years, an intoxication and alcoholic beverage offense, other than a public intoxication or possession of alcohol in a motor vehicle offense, or a comparable offense committed in another state.

TCLR could adopt additional requirements for renewal of an instructor license. To be eligible for the issuance or renewal of an instructor training provider license, an applicant would have to:

- have held a valid driver's license that entitled the applicant to operate a motorcycle on a public road for the two years preceding application submission; and
- have met any additional requirement adopted by TCLR, including a requirement to hold a license or certification or pass an examination.

TDLR would have to require that an applicant for an instructor or instructor training provider license submit a complete and legible set of fingerprints to TDLR or to the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI). TDLR could not issue an instructor or instructor training provider license to a person who did not submit the required set of fingerprints. TDLR would be required to conduct a criminal history record information check of each applicant for an instructor or instructor training provide license using information provided by the individual and made available to TDLR by DPS, the FBI, and any other criminal justice agency. TDLR could enter into an agreement with DPS to administer a required criminal history record information check and authorize DPS to collect from each applicant the costs incurred by DPS in conducting the criminal history record information check.

An individual could not offer or conduct an instructor training course unless the individual held an instructor training provider license issued by TDLR. An instructor training course would have to be TDLR-approved, offered and conducted in accordance with TCLR rules, and conducted at a motorcycle school. TCLR would be required to establish minimum curriculum standards for instructor training courses to be offered to meet requirements.

TDLR's executive director or TCLR could deny the renewal of certain motorcycle-related licenses and would add instructor training provider licenses to the list of licenses that could be suspended, revoked, or denied. Related proceedings would be contested cases.

The bill would remove requirements for TDLR to require each motorcycle school to report on the school's program in the form and manner prescribed by TDLR.

The bill would repeal provisions regarding required driver education and the motorcycle safety grant program. SB 478 would specify that provisions relating to motorcycle licenses and required driver education would not apply to a person who held a valid applicable license issued by another state.

The bill would take effect September 1, 2023, with certain provisions specified in the bill taking effect January 1, 2024.

SUBJECT: Revising criminal penalties for offenses related to catalytic converters

COMMITTEE: Homeland Security & Public Safety — favorable, without amendment

VOTE: 7 ayes — Guillen, Jarvis Johnson, Dorazio, Goodwin, Harless, Holland,  
Troxclair

0 nays

2 absent — Bowers, Canales

SENATE VOTE: On final passage (April 3) — 30 - 0

WITNESSES: None (*considered in formal meeting on May 4*)

BACKGROUND: Some have suggested that comprehensive regulation of catalytic converters, including adding or increasing criminal penalties for related offenses, would help to address increasing rates of catalytic converter theft.

DIGEST: CSSB 224, which could be cited as the Deputy Darren Almendarez Act, would revise provisions regarding the possession, theft, or removal of catalytic converters and establish regulations for transactions involving catalytic converters and the recycling of metals from such a source.

**Theft.** An actor who was in possession of one or more catalytic converters that were removed from a motor vehicle would be presumed to have unlawfully appropriated the property unless the actor was the owner of each vehicle from which the converters originated or the actor possessed the converters in the ordinary course of business.

The bill would establish that an offense of theft would be punishable as a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if:

- the amount of pecuniary loss was less than \$30,000 and the property was a motor vehicle that was damaged, destroyed, or

tampered with during the removal or attempted removal of a catalytic converter; or

- the cost of replacing the property stolen was less than \$30,000 and the property stolen was a catalytic converter.

The penalty for an offense involving the theft of a catalytic converter and the possession of a firearm during the offense would be increased to the next higher category of offense.

**Unauthorized possession.** CSSB 224 would create a state-jail felony offense for unauthorized possession of a catalytic converter by a person who intentionally or knowingly possessed a catalytic converter that had been removed from a motor vehicle and was not otherwise authorized to possess the converter. A person would be presumed to be authorized to possess a catalytic converter if the person was the owner of the vehicle from which the catalytic converter was removed or possessed the catalytic converter in the ordinary course of business, unless the person knew that the catalytic converter was unlawfully obtained.

An offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the person had previously been convicted of an offense under the bill's provisions, engaged in conduct constituting criminal conspiracy to commit theft or criminal mischief relating to a catalytic converter, or possessed a firearm during the commission of the offense. If conduct constituting an offense under this provision also constituted an offense under any other law, the actor could be prosecuted under these provisions, the other law, or both.

A person would commit an offense of engaging in organized criminal activity if the person committed certain offenses established in the bill with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang.

The provisions relating to these criminal offenses and penalties would apply only to an offense committed on or after the bill's effective date.

**Metal recycling advisory committee.** The bill would require the Department of Public Safety (DPS) to appoint at least one representative

who had substantial business experience with transactions involving the purchase or acquisition of catalytic converters to the advisory committee on matters related to the regulation of metal recycling entities. The provision would apply only to members whose terms expired after the effective date of the bill.

**Fixed location.** CSSB 224 would make revise the definition of a "fixed location" in relation to a metal recycling entity. Such an entity would have to maintain a fixed location and use the location at least partially to conduct a qualifying metal recycling activity.

**Certificate of registration.** By October 1, 2023, an applicant for a certificate of registration for the operation of a metal recycling entity would be required to submit certain additional information, including a declaration describing the extent to which the applicant intended to engage in transactions involving removed catalytic converters. The qualifications established by the Public Safety Commission for the holder of such a certificate could vary based on the extent to which the person engaged in transactions involving catalytic converters. This transaction information would have to be included in the DPS database of all registered metal recycling entities. To renew a certificate of registration, a person would be required to update the declaration regarding transactions involving catalytic converters.

**Transactions involving catalytic converters.** CSSB 224 would prohibit a metal recycling entity from purchasing or otherwise acquiring a catalytic converter that was removed from a motor vehicle from certain service providers or a public utility unless the seller acquired the converter in the ordinary course of business of certain entities specified by the bill. The bill would also require that the person acting on behalf of such an entity acted in the scope of the person's apparent authority to enter into the transaction. The recycling entity would be required to maintain an accurate record of each relevant catalytic converter transaction that contained:

- a description made in accordance with the custom of the trade for the volume of catalytic converters purchased or acquired;

- the business name of the person from whom the catalytic converters were purchased or acquired; and
- the date of the transaction.

A metal recycling entity would have to preserve each record for two years after it was made and maintained in compliance with certain other provisions of the bill. A record containing information that was maintained in accordance with other law or as a routine business practice also would satisfy the recordkeeping requirement. The bill would create a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) offense for a recycling entity that intentionally or knowingly failed to maintain a record as required by the bill. On request, a recycling entity would be required to permit inspection of the records by relevant authorities.

A county, municipality, or political subdivision could not restrict the purchase, acquisition, sale, transfer, or possession of a catalytic converter that was obtained in accordance with the bill's provisions, nor could it alter or add to the specified recordkeeping requirements. This provision would not affect the entity's authority to issue a relevant license or permit or to inspect relevant records. The Public Safety Commission could impose an administrative penalty on a metal recycling entity for a violation of the bill, up to \$10,000.

The bill would prohibit any person who engaged in the business of repairing or buying and selling motor vehicles, or operated a shop or garage to do so, from buying or selling a catalytic converter removed from a motor vehicle, unless the converter was removed in connection with repair of the vehicle. A violation of this provision would be a class A misdemeanor. An applicable person would be required to maintain an accurate record of the sale or transfer of catalytic converters for two years after the date of the transaction. The record would be required to contain certain information specified by the bill. A violation of these recordkeeping requirements would constitute a class A misdemeanor.

An entity authorized by the bill to sell catalytic converters could be subject to record inspections by a licensing authority in accordance with the bill's conditions. DPS would be required to adopt rules as soon as

practicable after the bill's effective date to implement changes concerning the regulation of metal recycling entities.

**Crime prevention.** The bill would increase the fee an insurer would have to pay to the Motor Vehicle Crime Prevention Authority from \$4 to \$5 multiplied by the total number of motor vehicle years of insurance for relevant insurance policies. The additional \$1 would be deposited to the credit of the general revenue fund to be used only for certain regulatory and law enforcement activities to detect and prevent catalytic converter theft. The provisions would apply only to a fee due on or after the bill's effective date.

By January 1, 2024, the Motor Vehicle Crime Prevention Authority would be required to develop and implement a plan to coordinate its efforts with DPS, the Texas Department of Licensing and Regulation, and the Texas Department of Motor Vehicles to review the applicable transaction records involving catalytic converters and respond to suspicious activities that could be detected through the analysis of these records. The authority could establish a task force composed of certain persons who had substantial business experience in transactions involving catalytic converters to participate in the development of the plan. The authority could appoint members to the task force as it determined appropriate.

In developing and implementing the plan, the authority would have to focus on protecting the legitimate stream of commerce involving the removal and recycling of catalytic converters, as well as providing risk-based targeting and random auditing of the applicable records.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. Provisions relating to fixed locations would take effect July 1, 2023.

**NOTES:**

According to the Legislative Budget Board, the bill would have an estimated positive impact of about \$54 million to general revenue related funds during fiscal 2024-25.

**SUBJECT:** Requiring certain information to be posted on county websites

**COMMITTEE:** County Affairs — favorable, without amendment

**VOTE:** 8 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal, Schatzline, Tinderholt

0 nays

**SENATE VOTE:** On final passage (April 12) — 30 - 0

**WITNESSES:** None (*considered in a formal meeting on May 3*)

**BACKGROUND:** Some have suggested that requiring counties to display certain foreclosure sales information and the form to request a delinquent tax statement on their websites would help to improve transparency and prevent a decline in sales prospects.

**DIGEST:** SB 62 would require a county, in the case of a public sale of real property under contract lien at auction, to prominently display a notice of sale on the county website. The county would be required to include the date, time, and location of the sale alongside the notice.

Additionally, the county assessor-collector would be required to post the form used to request a delinquent tax statement. If the county assessor-collector had instead permitted an individual to use a form to request a delinquent tax statement prescribed by the comptroller, the county assessor-collector could post a link to the location on the comptroller's website where the form could be viewed instead of posting the form.

**SUBJECT:** Revising authorized individuals for removal of a decedent's remains

**COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment

**VOTE:** 8 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Vasut

0 nays

1 absent — Slawson

**SENATE VOTE:** On final passage (March 23) — 31 - 0

**WITNESSES:** None

**BACKGROUND:** Health and Safety Code sec. 711.002(a) lists individuals authorized to control the disposition of a decedents remains in the following priority order:

- the person designated in a written statements signed by the decedent;
- the decedent's surviving spouse;
- any one of the decedent's surviving adult children;
- either one of the decedent's surviving parents;
- any one of the decedent's surviving adult siblings;
- any one or more of the duly qualified executors or administrators of the decedent's estate; or
- any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

Some have suggested that the individuals authorized to provide consent to the initial disposition of a decedent's remains should be the same individuals authorized to provide consent to removal of the remains to resolve inconsistency under current provisions.

DIGEST: SB 1300 would revise and make additions to the prioritized list of individuals with the right to consent to the removal of a decedent's remains from a plot in a cemetery to align this list with the prioritized list of individuals who had the right to control the disposition of such remains under Health and Safety Code sec. 711.002(a).

The bill would take effect September 1, 2023 and would apply only to the validity of a written instrument executed on or after that date.

**SUBJECT:** Amending regulations on TRS investments

**COMMITTEE:** Pensions, Investments & Financial Services — favorable, without amendment

**VOTE:** 5 ayes — Capriglione, Lambert, Bhojani, Frazier, VanDeaver  
3 nays — Bryant, Plesa, Vo  
1 absent — Leo-Wilson

**SENATE VOTE:** On final passage (April 12) — 31 - 0

**WITNESSES:** None (*considered in a formal meeting on April 20*)

**BACKGROUND:** Some have suggested that authorizing the Teacher Retirement System of Texas (TRS) to enter repurchasing agreements with the comptroller could enhance investment returns.

**DIGEST:** SB 1246 would amend provisions related to investment authority and administration of the Teacher Retirement System of Texas (TRS).

**Title-holding entities.** SB 1246 would allow TRS to form a title-holding entity for the purpose of investing its assets in real property. The title-holding entity would have to be wholly owned, organized, and controlled by TRS and exempt from taxes as a nonprofit or charity. A title holding entity could hold title to real property jointly with another person. The TRS board of trustees would be required to adopt policies for the governance, management, and reporting for a title-holding entity.

A TRS trustee or employee, or relative of a TRS trustee or employee within the second degree of consanguinity or affinity, could not be employed by, receive compensation from, be a party to a contract with or a direct or indirect financial beneficiary of a contract with, or hold a direct or indirect interest in a title-holding entity formed by TRS.

Provisions regarding state purchasing and general services and state and local contracts and fund management would not apply to a title-holding entity.

The bill would specify that certain information related to a title-holding entity formed under the bill would be confidential and excepted from disclosure, and certain information would be public information. These provisions would apply to the information regardless of whether the title-holding entity disposed of the entity's interest in real property or an asset if the information was inextricably intertwined with another interest in real property or other assets owned by the title-holding entity.

These provisions would not prohibit TRS or any person from asserting that any information described was confidential or exempt from disclosure. If TRS disclosed confidential information or information exempt from disclosure, the disclosure would not affect the confidentiality of information relating to any other title-holding entity or waive TRS's right to assert exceptions to disclosure of the information in the future.

**Public funds investment, repurchase agreements.** SB 1246 would amend provisions establishing that a fully collateralized repurchase agreement was an authorized investment under certain conditions to allow for securities being purchased by the entity or cash being held by the entity to be pledged or held directly in the entity's name or through a joint account. A joint account would be defined as an account maintained by a custodian bank and established on behalf of two or more parties to engage in aggregate repurchase agreement transactions.

An investing entity that contracted with an investment management firm could authorize the firm to invest the entity's funds under the entity's control in repurchase agreements using a joint account. A repurchase agreement made by an investing entity could be submitted for clearing and settlement to a covered clearing agency.

An investment management firm responsible for managing a repurchase agreement transaction using a joint account would be required to ensure that:

- accounting and control procedures were implemented to document the investing entity's aggregate daily investment and pro rata share in the joint account;
- each party participating in the joint account retained the sole rights of ownership to the party's pro rata share of assets invested in the joint account, including investment earnings on those assets; and
- policies and procedures were implemented to prevent a party participating in the joint account from using any part of a balance of the joint account that was credited to another party.

**Administering system and managing assets of the retirement system.**

The bill would specify that laws regulating state and local contracts and fund management would not apply to TRS with respect to money other than that appropriated from the general revenue fund used to purchase goods and services.

An interest in a title-holding entity that was wholly owned, organized, and controlled by TRS would be considered a security.

SB 1246 would amend the maximum percentage of the value of the total investment portfolio of TRS that could be invested in a hedge fund from 10 percent to a maximum percentage determined by the board of trustees.

**Authorized investments.** State funds not deposited in state depositories would be invested by the comptroller in commercial paper amended to be less than 365 days of maturity, rather than 270 days.

Investments in direct or reverse security repurchase agreements could be placed through financial institutions, instead of state or national banks, through primary dealers as approved by the federal reserve system, or made directly with a state agency with the authority to invest in repurchase agreements.

The bill would revise provisions related to the term of reverse security repurchase agreements and use of money received under the terms of a repurchase agreement to apply to agreements made and money received by the comptroller.

A direct security repurchase agreement or reverse security repurchase agreement made by the comptroller could be submitted for clearing and settlement to a covered clearing agency.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

**SUBJECT:** Establishing a cash balance benefit for Judicial Retirement System Plan 2

**COMMITTEE:** Pensions, Investments & Financial Services — favorable, without amendment

**VOTE:** 7 ayes — Capriglione, Lambert, Bhojani, Frazier, Plesa, VanDeaver, Vo  
1 nay — Bryant  
1 absent — Leo-Wilson

**SENATE VOTE:** On final passage (April 12) — 31 - 0

**WITNESSES:** None (*considered in a formal meeting on April 20*)

**BACKGROUND:** Concerns have been raised about the future depletion and unfunded liabilities of the Judicial Retirement System of Texas Plan Two (JRS-2). Some have suggested that the stability of JRS-2 could be improved by establishing a cash balance benefit retirement plan for new judges.

**DIGEST:** SB 1245 would establish a cash balance annuity for certain members of the Judicial Retirement System of Texas Plan Two (JRS-2) who took office on or after September 1, 2024.

**Definitions.** The bill would define "accumulated account balance" as the total of amounts in a member's individual retirement account, including:

- amounts deducted from the compensation of the member;
- other member deposits required to be placed in the member's individual account; and
- interest credited to amounts in the member's individual account, including interest and gain sharing interest credited.

"Cash balance group member" would mean a member subject to the cash balance benefit established by the bill.

**Eligibility.** A member of JRS-2 would be eligible to participate in the program if the member took office on or after September 1, 2024, and was not a member on the date that the member took office.

A member would be eligible to retire and receive a cash balance annuity if the member was:

- at least 60 years old and had at least eight years of service credited in the retirement system; or
- at least 50 years old and had at least 12 years of service credited in the retirement system.

**Application.** A member could apply for a cash balance annuity by filing an application for retirement with the board of trustees. Applications could not be made after the date the person wished to retire or more than 90 days before a member wished to retire.

**Standard cash balance benefits for members.** The state match for the cash balance benefit would be an amount computed by multiplying the member's accumulated account balance by 150 percent.

The Employees Retirement System of Texas (ERS) would be required to compute a member's standard cash balance annuity by taking the sum of the member's accumulated account balance and the state match, and annuitizing that amount over the life expectancy of the member as of the effective date of the member's retirement using mortality and other tables adopted by the board of trustees.

**Optional cash balance benefits.** A retiring member could elect to receive an optional cash balance annuity instead of the standard cash balance annuity. A person that selected such an option would be required to designate one beneficiary to receive the annuity upon the death of the person making the annuity. An individual also could select multiple beneficiaries to receive the annuity upon the retirees' death, if the optional lifetime cash balance annuity was for a guaranteed period.

The individual would be allowed to select from a number of options for a lifetime cash balance annuity established in the bill, varying in the portion

of the annuity payable, the timeline of payments, and how many payments must be made prior to the retiree's death. The bill would prohibit the computation of an optional cash balance annuity based on the gender of the annuitant or designated beneficiary.

A person who selected an optional cash balance annuity could not change or revoke a beneficiary designation after the person's effective date of retirement, with the exception of certain conditions relating to divorce in which the annuity would be recomputed as a standard cash balance annuity. The bill also would provide for a beneficiary predeceasing a retiree, in which case the reduced annuity would be increased to the standard cash balance annuity.

**Partial lump-sum cash balance option.** A member who was eligible for a cash balance annuity could select a partial lump-sum distribution with either a standard cash balance annuity or an optional cash balance annuity. The cash balance annuity selected by the member would be actuarially reduced to reflect the lump-sum option selected by the member. Additionally, the bill would require the cash balance annuity to be actuarially equivalent to a standard or optional cash balance annuity, and result in no actuarial loss to ERS.

The lump-sum distribution:

- could not exceed the sum of 36 months of a standard cash balance annuity;
- would have to be made as a single payment payable at the time that the first monthly annuity payment was paid; and
- would be required to be deducted from any amount otherwise payable under the provisions of the bill.

The bill would establish provisions related to the selection, eligibility requirements, and administration of the lump-sum option.

**Death and disability benefits.** Under the bill, members, retirees, and beneficiaries who qualified for a death or survivor benefit annuity or a disability retirement annuity would be entitled to a cash balance annuity.

**Collection of member contributions.** Each payroll period, departments or agencies of the state would be required to deduct 6 percent of the compensation of the member for contribution to the retirement plan.

**Annual interest adjustment.** Each fiscal year, ERS would be required to deposit an amount equal to 4 percent of the member's accumulated account balance into the member's individual retirement account.

**Gain sharing interest adjustment.** The bill would require ERS to compute, each fiscal year, the gain sharing interest rate by:

- determining the average return on the investment of the system's cash and securities during the preceding five fiscal years, expressed as a percentage rate;
- subtracting four percentage points from the percentage rate; and
- multiplying the resulting difference by 50 percent.

Each fiscal year, ERS would, for a retiree or annuitant who was receiving a cash balance annuity, including for an alternate payee, take the following actions:

- in addition to the amount deposited, deposit into each member's individual retirement account an amount equal to the gain sharing interest rate for the fiscal year multiplied by the member's accumulated account balance as of the end of the preceding fiscal year; and
- recalculate the annuity payment of a retiree or annuitant.

The bill would establish that the gain sharing interest rate could not be less than zero or more than 3 percent.

**State contribution for military service.** The bill would require the state to contribute for military service in an amount that would be determined using the ratio of the member's contribution for the service required of a member of the retirement system. The state's contribution would have to be paid from the fund from which the member was receiving compensation or most recently received contribution.

**Resumption of full-time judicial service.** The bill would provide for retirees who resumed service as full-time judges to elect to rejoin the retirement system under certain conditions specified by the bill.

**Conforming changes.** The bill would make conforming changes throughout to integrate the cash balance group into existing rules regarding retirement systems, including specifying certain provisions in statute that would not apply to the cash balance group.

**Conflicts of law.** The bill would specify that its provisions would preempt any conflicting laws or administrative rules.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

The bill would apply to a retiree of JRS-2 who resumed service as a judicial officer before, on, or after the effective date. The board of trustees could adopt rules necessary and enter into certain contracts for the purposes of implementing the provisions of the bill.