

Suspending limitations on conference committee jurisdiction, H.B. No. 4 (Capriglione/Hughes)

By: Capriglione

H.R. No. 2431

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 88th Legislature, Regular Session, 2023, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 4 (the regulation of the
6 collection, use, processing, and treatment of consumers' personal
7 data by certain business entities; imposing a civil penalty) to
8 consider and take action on the following matters:

9 (1) House Rule 13, Section 9(a)(2), is suspended to permit
10 the committee to omit text not in disagreement in proposed SECTION 2
11 of the bill, by omitting added Section 541.001(18)(E), Business &
12 Commerce Code. The omitted text reads:

13 (E) a subsidiary or affiliate of an entity
14 regulated under Subtitle B, Title 2, Utilities Code

15 Explanation: The change is necessary to omit certain entities
16 regulated under the Utilities Code from the definition of a
17 nonprofit organization.

18 (2) House Rule 13, Section 9(a)(4), is suspended to permit
19 the committee to add text on a matter not included in either the
20 house or senate version of the bill in proposed SECTION 2 of the
21 bill, by adding Section 541.055(f), Business & Commerce Code, to
22 read as follows:

23 (f) A technology described by Subsection (e):

24 (1) may not unfairly disadvantage another controller;

1 (2) may not make use of a default setting, but must
2 require the consumer to make an affirmative, freely given, and
3 unambiguous choice to indicate the consumer's intent to opt out of
4 any processing of a consumer's personal data; and

5 (3) must be consumer-friendly and easy to use by the
6 average consumer.

7 Explanation: The change is necessary to ensure the bill's
8 requirements are in line with existing technology and the laws and
9 standards of other state data privacy laws.

10 (3) House Rule 13, Section 9(a)(1), is suspended to permit
11 the committee to amend text not in disagreement in proposed SECTION
12 5 of the bill, in the transition language for added Section 541.152,
13 Business & Commerce Code, to read as follows:

14 SECTION 5. Not later than July 1, 2024, the attorney general
15 shall post the information and online mechanism required by Section
16 541.152, Business & Commerce Code, as added by this Act.

17 Explanation: The change is necessary to allow affected
18 parties more time to comply with the requirements of the
19 legislation.

20 (4) House Rule 13, Section 9(a)(1), is suspended to permit
21 the committee to amend text not in disagreement in proposed SECTION
22 7(a) of the bill, providing the effective date, to read as follows:

23 (a) Except as provided by Subsection (b) of this section,
24 this Act takes effect July 1, 2024.

25 Explanation: The change is necessary to allow affected
26 parties more time to comply with the requirements of the
27 legislation.