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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: M.S.

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. (a) The legislature finds that it is the
5 public policy of this state that residents have a reasonable
6 expectation of privacy when using intimate facilities owned,
7 leased, or controlled by or otherwise under the authority of the
8 Railroad Commission of Texas and that protecting the safety,
9 welfare, and well-being of all Texas residents in intimate
10 facilities controlled by the commission is of the utmost priority
11 and moral obligation of this state.

12 (b) Subchapter B, Chapter 81, Natural Resources Code, is
13 amended by adding Section 81.022 to read as follows:

14 Sec. 81.022. SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOM OR
15 CHANGING FACILITY UNDER COMMISSION'S CONTROL. (a) In this
16 section:

17 (1) "Biological sex" means the physical condition of
18 being male or female, which is stated on a person's birth
19 certificate.

20 (2) "Multiple-occupancy bathroom or changing
21 facility" means a facility designed or designated for use by more
22 than one person at a time, where a person may be in a state of
23 undress in the presence of another person, regardless of whether
24 the facility provides curtains or partial walls for privacy. The
25 term includes a restroom, locker room, changing room, or shower
26 room.

27 (3) "Single-occupancy bathroom or changing facility"
28 means a facility designed or designated for use by only one person
29 at a time, where a person may be in a state of undress, including a

1 single toilet restroom with a locking door that is designed or
2 designated as unisex or for use based on biological sex.

3 (b) The commission shall require that each
4 multiple-occupancy bathroom or changing facility that is located in
5 a building owned, leased, or controlled by or otherwise under the
6 authority of the commission be designated for and used only by
7 persons of the same biological sex.

8 (c) This section does not prohibit the commission from
9 providing an accommodation, including a single-occupancy bathroom
10 or changing facility, on request due to special circumstances. The
11 commission may not provide an accommodation that allows a person to
12 use a multiple-occupancy bathroom or changing facility designated
13 for the biological sex opposite to the person's biological sex.

14 (d) A designation of a multiple-occupancy bathroom or
15 changing facility under Subsection (b) does not apply to:

16 (1) a person entering a multiple-occupancy bathroom or
17 changing facility designated for the biological sex opposite to the
18 person's biological sex:

19 (A) for a custodial purpose;

20 (B) for a maintenance or inspection purpose;

21 (C) to render medical or other emergency
22 assistance;

23 (D) to accompany a person needing assistance in
24 using the facility; or

25 (E) to receive assistance in using the facility;

26 or

27 (2) a child who is:

28 (A) younger than 10 years of age entering a
29 multiple-occupancy bathroom or changing facility designated for
30 the biological sex opposite to the child's biological sex; and

31 (B) accompanying a person caring for the child.

1 (e) If the commission violates this section, the commission
2 is liable for a civil penalty of:

3 (1) not less than \$1,000 and not more than \$1,500 for
4 the first violation; and

5 (2) not less than \$10,000 and not more than \$10,500 for
6 the second or a subsequent violation.

7 (f) Each day of a continuing violation of this section
8 constitutes a separate violation.

9 (g) A citizen of this state may file a complaint with the
10 attorney general that the commission is in violation of this
11 section only if:

12 (1) the citizen provides the commission a written
13 notice that describes the violation; and

14 (2) the commission does not cure the violation before
15 the end of the third business day after the date of receiving the
16 written notice.

17 (h) A complaint filed under this section must include:

18 (1) a copy of the written notice; and

19 (2) the citizen's sworn statement or affidavit
20 describing the violation and indicating that the citizen provided
21 the notice required by this section.

22 (i) Before bringing a suit against the commission for a
23 violation of this section, the attorney general shall investigate a
24 complaint filed under Subsection (g) to determine whether legal
25 action is warranted.

26 (j) The commission shall provide to the attorney general any
27 information the attorney general requests in connection with the
28 complaint, including:

29 (1) supporting documents related to the complaint; and

30 (2) a statement regarding whether the commission has
31 complied or intends to comply with this section.

1 (k) If the attorney general determines that legal action is
2 warranted, the attorney general shall provide the appropriate
3 officer of the commission a written notice that:

4 (1) describes the violation and location of the
5 bathroom or changing facility found to be in violation;

6 (2) states the amount of the proposed penalty for the
7 violation; and

8 (3) requires the commission to cure the violation on
9 or before the 15th day after the date the notice is received to
10 avoid the penalty, unless the commission was found liable by a court
11 for previously violating this section.

12 (l) If, after receipt of notice under Subsection (k), the
13 commission has not cured the violation on or before the 15th day
14 after the date the notice is provided under Subsection (k)(3), the
15 attorney general may sue to collect the civil penalty provided by
16 Subsection (e).

17 (m) In addition to filing suit under Subsection (l), the
18 attorney general may also file a petition for a writ of mandamus or
19 apply for other appropriate equitable relief.

20 (n) A suit or petition under this section may be filed in a
21 district court in Travis County.

22 (o) The attorney general may recover reasonable expenses
23 incurred in obtaining relief under this section, including court
24 costs, reasonable attorney's fees, investigative costs, witness
25 fees, and deposition costs.

26 (p) A civil penalty collected by the attorney general under
27 this section shall be deposited to the credit of the compensation to
28 victims of crime fund established under Subchapter B, Chapter 56,
29 Code of Criminal Procedure.

30 (q) The commission does not have any cause of action related
31 to compliance with this section.

1 (r) A court of this state does not have jurisdiction over a
2 cause of action related to compliance with this section brought by
3 the commission.

4 (s) On the motion of any party or the court's own motion, a
5 court shall dismiss a cause of action related to compliance with
6 this section brought by the commission.

7 (t) Subsections (q), (r), and (s) do not prohibit a suit or
8 petition by the attorney general under Subsection (l).

9 (u) Sovereign immunity to suit is waived and abolished to
10 the extent of liability created by this section.