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HOUSE RESEARCH ORGANIZATION

daily floor report

Thursday, April 20, 2023
88th Legislature, Number 46
The House convenes at 9 a.m.
Part One

One bill is on the Major State Calendar, one resolution is on the Constitutional Amendments Calendar, and 30 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.

To access the Dynamic Floor Report, visit the following link: <https://hro-dfr.house.texas.gov>.



Alma Allen
Chairman
88(R) - 46

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Thursday, April 20, 2023

88th Legislature, Number 46

Part 1

HB 12 by Rose	Extending postpartum Medicaid coverage to 12 months	1
HJR 144 by Canales	Authorizing the use of state highway fund moneys for port roadways	5
HB 467 by Craddick	Extending the statute of limitations for certain assaultive offenses	8
HB 2620 by Geren	Reimbursing counties in costs relating to the transfer of persons to TDCJ	10
HB 2877 by T. King	Amending the crime victim compensation's fund	12
HB 837 by Raymond	Allowing the Texas State Guard to use state funds for recruiting purposes	14
HB 1227 by Metcalf	Revising community supervision eligibility for child pornography offense	16
HB 251 by Murr	Assigned statutory probate court judges ordering compensation	18
HB 1285 by Shine	Expanding duties and training requirements for certain taxpayer liaisons	20
HB 965 by Allen	Amending processes for post-release housing for inmates	24
HB 2196 by Smithee	Revising certain provisions for certain trusts	28
HB 2304 by Kuempel	Authorizing the Nixon Hospital District to borrow money	33
HB 1900 by Smithee	Extending the date for renewal or nonrenewal of certain insurance policies	34
HB 836 by Raymond	Adjusting requirements for retiring members from the Texas State Guard	37
HB 3171 by K. King	Allowing certain distilled spirits to be sampled at certain temporary events	39
HB 3607 by Cole	Authorizing district clerks to sell money orders for passport payments	41
HB 4797 by Romero	Requiring inclement weather treatment training for tollway employees	42
HB 1442 by A. Johnson	Allowing the state to seize vehicles involved in street racing	44

SUBJECT: Extending postpartum Medicaid coverage to 12 months

COMMITTEE: Health Care Reform, Select — favorable, without amendment

VOTE: 10 ayes — Harless, Howard, Bonnen, Bucy, Frank, Klick, E. Morales, Oliverson, Price, Rose

0 nays

1 absent — Walle

WITNESSES: For — Marjorie Quint-bouzid, Parkland Health; Emily Bourgeois, Religious Action Center of TX; Diana Forester, Texans Care for Children; Glenn Hamer, Texas Association of Business; Shannon Jaquette, Texas Catholic Conference of Bishops; Doug Curran, Texas Medical Association, Texas Association of OBGYNs, Texas Academy of Family Physicians, Texas Pediatric Society, Texas Chapter American College of Physicians, American College of OBGYNs-district xi, Texas Public Health COA; Ankit Sanghavi, Texas Primary Care Consortium; David Balat, Texas Public Policy Foundation; D’Andra Willis, The Afiya Center; Connie Bunch; Patrice Lott; Nakeenya Wilson (*Registered, but did not testify*); Lauren Johnson, ACLU of Texas; Dr. Charles Lee Brown, American College of Obstetricians and Gynecologists; Alec Puente, American Heart Association; Cynthia Humphrey, Association of Substance Abuse Programs; Travis Krogman, Austin Chamber of Commerce; Anthony Haley, Jesse Sifuentez, Baylor Scott & White Health; Pati McCandless, Blue Cross Blue Shield of Texas; Evan Autry, CareSource Mission; Tim Ottinger, CHI St. Lukes Health System; Jason Sabo, Children at Risk; Georgia Bates, Children’s Defense Fund; Adrienne Lloyd, Children’s Defense Fund-Texas; Michaela Bennett, Children’s Health; Christina Hoppe, Children’s Hospital Association of Texas; Travis Richmond, CHRISTUS Health; Kandice Sanaie, Cigna; Nadia Islam, City of San Antonio; Denise Rose, Community Health Systems; Rachel Pearl Piotrkowski, Council for a Strong America; Rebekah Chenelle, Dallas County Commissioners Court; Ben Stratmann, Dallas Regional Chamber; Kimberly Avila Edwards, Dell Children’s Medical Center & Ascension Seton; Heather Vasek, DHR Health Hidalgo

County; Michael Dole, Driscoll Health System; Katherine Strandberg, Every Body Texas; Anne Dunkelberg, Every Texan; Georgia Bates, Greater Houston Partnership; Paul Sugg, Harris County Commissioners Court; Jennifer Biundo, Healthy Futures of Texas; Lindsay Lanagan, Legacy Community Health; Georgia Bates, Leukemia & Lymphoma Society; Nora Del bosque, March of Dimes; Bill Kelly, Mayor's Office, City of Houston; Rebecca Fowler, Mental Health America of Greater Houston; Christine Yanas, Methodist Healthcare Ministries; Hannah Gill, NAMI Texas; Will Francis, National Association of Social Workers - Texas Chapter; Simone Nichols-Segers, National MS Society; Jennifer Rodriguez, North Texas Commission; Andrew Cates, Nurse Family Partnership; Ben Stratmann, Pediatrix Medical Group; Darcy Caballero, Planned Parenthood Texas Votes; Hannah Mehta, Protect TX Fragile Kids; Katy Miles-Wallace, Southwestern Texas Synod; Sue Briner, Southwestern Texas Synod-ELCA; Eric Glenn, Superior Health Plan; Russell Schaffner, Tarrant County Commissioners Court; Maureen Milligan, Teaching Hospitals of Texas; Alec Mendoza, Texans Care for Children; Charles Miller, Texas 2036; Tom Banning, Marshall Kenderdine, Texas Academy of Family Physicians; Daniela De Luna, Texas Association of Community Health Centers; Kay Ghahremani, Texas Association of Community Health Plans; Jamie Dudensing, Texas Association of Health Plans; John Litzler, Texas Baptist Christian Life Commission; David Reynolds, Texas Chapter American College of Physicians; Meredith Cooke, Texas Children's Health Plan; Meredith Cooke, Texas Children's Hospital; Isabel Casas, Texas Council of Community Centers; Gabriella Fuentes, Texas Council on Family Violence; Reed Clay, Texas Health Resources; Cameron Duncan, Texas Hospital Association; Joshua Houston, Texas Impact; Laurie Vanhooose, Texas Managed Care Alliance; Clayton Travis, Texas Pediatric Society; Erin Walter, Texas Unitarian Universalist Justice Ministry; Kristen Lenau, Texas Women's Healthcare Coalition; Laura Atlas Kravitz, Texas Women's Foundation; Kerrie Judice, TexProtects; Kathryn Ryan, The Episcopal Diocese of Texas; Cicely Kay, Travis County Commissioners Court; Ashley Harris, United Ways of Texas; Elisa Hernandez, University Medical Center of El Paso; Naomi Cruz, Young Invincibles; and eight individuals)

Against — (*Registered, but did not testify*: Cary Cheshire)

On — John Seago, Texas Right to Life (*Registered, but did not testify*: Molly Lester, Stephanie Stephens, Health and Human Services Commission)

DIGEST:

HB 12 would require the Health and Human Services Commission (HHSC) to provide Medicaid coverage to Medicaid-eligible women for at least 12 months beginning on the last day of the woman's pregnancy and ending on the last day of the month in which the 12-month period ends. As soon as practicable after the bill's effective date, the HHSC executive commissioner would be required to seek a Medicaid state plan amendment from the appropriate federal agency. HHSC could delay implementing the bill until the state plan amendment was approved.

This 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.

SUPPORTERS
SAY:

HB 12 would extend postpartum Medicaid coverage to 12 months after the end of a pregnancy for people who are currently eligible for Medicaid, which could lower maternal morbidity and mortality rates in the state and save lives. Many pregnancy related deaths are preventable, and providing comprehensive health care after delivery could improve pregnancy outcomes. The bill would give Medicaid recipients better access to primary and preventative care during and after pregnancy, which could reduce health care costs by preventing more pregnancy complications. Comprehensive postpartum coverage also could reduce racial disparities in health outcomes for pregnant people.

Last session, the Legislature extended postpartum Medicaid coverage from two months to six months after the end of a pregnancy. This required the state to apply for a federal Medicaid waiver, which has not yet been approved. Extending postpartum coverage to 12 months would allow the state to apply for a state plan amendment, which would require a much more expedient response from the federal government.

HB 12
House Research Organization
page 4

CRITICS
SAY:

HB 12 would provide 12 months of postpartum Medicaid coverage for any person after the end of a pregnancy. The bill should not extend coverage to those who received an elective abortion.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of about \$147 million on general revenue related funds through fiscal 2024-25.

SUBJECT: Authorizing the use of state highway fund moneys for port roadways

COMMITTEE: Transportation — favorable, without amendment

VOTE: 11 ayes — Canales, Raney, Davis, Gámez, Caroline Harris, Lozano,
Lujan, Ordaz, Patterson, Perez, Romero

0 nays

2 absent — Ashby, Landgraf

WITNESSES: For — (*Registered, but did not testify*: Ron Lewis, Cedar Port; Mayor Trey Mendez, Helen Ramirez, City of Brownsville; Guadalupe Cuellar, City of El Paso; Michael Vargas, City of Pharr, Pharr International Bridge; Elisa M. Tamayo, El Paso County; Patrick Brophay, North Texas Commission; Cynthia Garza Reyes, Pharr International Bridge, City of Pharr; Kerrick Henny, Port Houston; Ron Lewis, Port of Beaumont; Mario Martinez, Port of Brownsville; Hugo Berlanga, Ashley Morgan, Port of Corpus Christi; Walker Smith, Port of Harlingen; Ron Lewis, Port of Port Arthur; Keith Strama, Sabine Neches Navigation District; Louie Sanchez, Space Exploration Technology Corp.; Megan Mauro, Texas Association of Business; Fred Shannon, Texas Association of Manufacturers; Glenna Bruun, Texas Ports Association; David Mills)

Against — Terri Hall, Texas TURF, Texans for Toll-free Highways, Grassroots America-We the People; Fran Rhodes, True Texas Project; Jack Finger (*Registered, but did not testify*: Peyton McKnight, American Council of Engineering Companies of Texas; Steven Albright, Associated General Contractors of Texas- Highway Heavy Utility and Industrial Branch; Drew Campbell, TAOT; Christina Drewry, Texas Freedom Coalition; Rick Briscoe; Don Dixon; Chris Drewry; Tom Glass; Gregory Porter)

On — (*Registered, but did not testify*: Steve McCraw, Texas Dept. of Public Safety; Stephen Stewart, TxDOT)

BACKGROUND: Texas Constitution Art. 8 sec. 7-a establishes that, subject to certain conditions, all net revenues derived from motor vehicle registration fees and taxes on motor fuels and lubricants must be used solely for the purpose of acquiring rights-of-way, constructing, maintaining, and policing public roadways, for the administration of laws pertaining to traffic and safety on such roads, and for payments on certain bonds or warrants, provided that one-fourth of such revenue from the motor fuel tax must be allocated to the Available School Fund and that counties retain the maximum vehicle registration revenue allowed by law.

DIGEST: HJR 144 would amend the Texas Constitution to allow the revenue under Art. 8 sec. 7-a, also known as the state highway fund, to be used for the purpose of acquiring rights-of-way, constructing, and maintaining roadways for seaports, airports, spaceports, land ports of entry, and international bridges.

The ballot proposal would be presented to voters at an election on November 7, 2023, and would read: “The constitutional amendment authorizing the use of money in the state highway fund for roadways for seaports, airports, spaceports, land ports of entry, and international bridges.”

SUPPORTERS SAY: HJR 144 would enable Texas to invest in infrastructure to drive economic growth, make supply chains more efficient and secure, and keep the state’s ports nationally competitive. Recent global crises such as the COVID-19 pandemic and the conflict in Ukraine have demonstrated the importance of strengthening hubs of transportation and commerce. Sea and air ports create many thousands of jobs and ultimately generate revenue for the state.

As other states have begun to invest state funds in port infrastructure, Texas must follow suit to remain economically and technologically competitive. The constitution currently restricts the state highway fund to use for public roadways, meaning that the fund cannot be used to develop roads inside ports. HJR 144 would allow increased state investment in this economically powerful infrastructure.

HJR 144 only would allow state highway fund money to be used for developing roadways within ports, so using funds derived from gas taxes and vehicle registrations would be appropriate. The proposed amendment would not direct or allocate funds but would give TxDOT the flexibility to determine which projects would be most worthwhile. Allowing the state highway fund to be used for port roadway projects would not reduce transparency because the Transportation Commission would have oversight for these projects just as they do for public highways.

CRITICS
SAY:

HJR 144 would allow state highway fund money to be diverted from its proper and constitutionally-dedicated purpose of paying for the building and maintaining of public highways. Directing these funds to projects for port authorities and other entities could reduce fiscal transparency and accountability. Seaports, airports, and other forms of infrastructure should rely on existing funding mechanisms or find other funds rather than placing strain on resources for public roads.

NOTES:

According to the Legislative Budget Board, HJR 144 would have no cost to the state other than the cost of publication, which would be \$204,406.

SUBJECT: Extending the statute of limitations for certain assaultive offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Bhojani, Bowers, Darby, Harrison, Schatzline
0 nays
3 absent — Cook, Leach, C. Morales

WITNESSES: For — Jennifer Kachel, Dallas County District Attorney; Laura Nodolf, Midland County District Attorney's Office; (*Registered, but did not testify*: Eric Carcerano, Chambers County District Attorney; James Parnell, Dallas Police Association; Lindy Borchardt, Tarrant County Criminal District Attorney Phil Sorrells; John Wilkerson, Texas Municipal Police Association; Richard Bohnert; Jacob Putman)

Against — None

DIGEST: HB 467 would extend the statute of limitations period for certain felonies from within three years of the date the offense was committed to within five years of that date. This extension would apply to the following offenses:

- continuous violence against the family;
- assault against a person with whom the defendant had a dating, family, or household relationship or association; or
- aggravated assault

The bill also would extend the statute of limitations for misdemeanor assault against a person with whom the defendant had a dating, family, or household relationship or association from within two years to within three years of the date of the commission of the crime.

The bill would take effect September 1, 2023, and would not apply to an offense if the prosecution of that offense became barred by limitation before that date.

SUPPORTERS
SAY:

By extending the statute of limitations for certain assault offenses involving an offender who had a familial, dating, or household relationship with the victim, HB 467 would help address the unique needs of victims of these crimes. Currently, the statute of limitations for felony assault, aggravated assault, and continuous violence against the family is three years. In cases involving family or dating violence, assault often goes unreported or reporting is delayed due to the control the offender exerts over the victim. HB 467 would account for these reporting issues, providing victims time to heal and law enforcement time to properly investigate.

Extending the statute of limitations for aggravated assault would establish parity with other serious felonies. Currently, aggravated assault, a crime which involves a deadly weapon or serious bodily injury, carries the same limitation period as assault. Such policies fail to account for the serious nature of the crime. HB 467 would remedy this and recognize that victims of aggravated assault deserve the same time afforded to victims of other serious crimes.

CRITICS
SAY:

No concerns identified.

SUBJECT: Reimbursing counties in costs relating to the transfer of persons to TDCJ

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Sherman, Swanson, Toth
0 nays
1 absent — Murr

WITNESSES: For — Adam Haynes, Conference of Urban Counties; Russell Schaffner, Tarrant County Commissioners Court (*Registered, but did not testify*: Kelly Traylor, Cherokee County; Rick Thompson, County Judges and Commissioners Association of Texas; Rebekah Chenelle, Dallas County Commissioners Court; M Paige Williams, Dallas County Criminal District Attorney; Robin Foster, Harris County Deputies' Organization FOP #39; Ray Hunt, Hpou; Cicely Kay, Travis County Commissioners Court; Henry Bohnert)
Against — None
On — (*Registered, but did not testify*: Bobby Lumpkin, Texas Department of Criminal Justice)

DIGEST: HB 2620 would require the Texas Department of Criminal Justice (TDCJ) to review and certify the required documents delivered to TDCJ during the scheduled admission of a new person within three days of receiving the documents. TDCJ would be required to take custody of a person awaiting transfer following a conviction of a felony no later than 45 days after all documents had been reviewed and certified by TDCJ.
If TDCJ had not taken custody of a person within the 45 day period, TDCJ would be required to compensate the county for:

- 125 percent of the cost of confinement for each day the person remained confined in the county jail following the 45 day period;

- the cost of confinement for each day beginning when TDCJ received the required documents and ending on the date TDCJ certified the required documents; and
- the cost to the county for all medical, behavioral health, and pharmaceutical care provided to the person while confined beginning on the date TDCJ received the required documents.

By September 30, 2023, the Texas Board of Criminal Procedures would be required to adopt the scheduled admissions policy required by the bill

The compensation to counties would only apply to costs related to the confinement of a person that occurred after October 1, 2023, regardless of whether the requirements for the transfer of the person were completed before, on, or after that date.

This 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.

**SUPPORTERS
SAY:**

HB 2620 would save county taxpayers money by requiring TDCJ to reimburse counties for housing defendants when there are delays in transferring them to TDCJ custody. Counties are responsible for housing defendants after they have been sentenced to state prison. Often there are delays by TDCJ in reviewing and certifying the defendants' documents and transferring defendants, creating a substantial cost to taxpayers and overcrowding some county jails. HB 2620 would create a mechanism for counties to be reimbursed for delays using funds TDCJ has already received for the purpose of housing these defendants, which could save county taxpayer dollars.

**CRITICS
SAY:**

No concerns identified.

SUBJECT: Amending the crime victim compensation's fund

COMMITTEE: Youth Health & Safety, Select — committee substitute recommended

VOTE: 9 ayes — Thompson, Hull, Allison, Capriglione, Dutton, A. Johnson, T. King, Landgraf, Lozano

0 nays

WITNESSES: For — (*Registered, but did not testify*: Georgia Bates, City of Uvalde; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Jenny Andrews, Texas Catholic Conference of Bishops; Gabriella Fuentes, Texas Council on Family Violence; Nicole Golden, Texas Gun Sense; Laura Colangelo, Texas Private Schools Association; Idona Griffith; Cynthia Van Maanen; Louis Wichers)

Against — (*Registered, but did not testify*: Carly Blaine)

On — (*Registered, but did not testify*: Kristen Huff, Office of the Attorney General; Lindsey Sikes)

DIGEST: CSHB 2877 would make certain amendments to the definitions, requirements and funding mechanisms established within the crime victim compensation fund. The bill would amend the definition of “victim” for the purposes of the crime victim compensation fund to include children who were residents of the state and enrolled in a public or private primary or secondary school where criminally injurious conduct had occurred for which the governor issued a disaster declaration, but who were not present at the time of the conduct. The bill would limit compensation for these children to psychiatric care or counseling for the victim and, for an immediate family member or household member of the victim, the necessary expenses of traveling to and attending the funeral of another victim of the criminally injurious conduct.

The bill also would:

- remove a requirement that bereavement leave for immediate family members or household members of a deceased victim be limited to 10 work days;
- allow the attorney general to establish by rule a process to make an emergency award;
- repeal certain requirements related to receiving an emergency award, including the presumption that a final award was likely to be made;
- repeal a requirement that emergency awards be less than \$1,500;
- repeal certain limits on one-time assistance payments for victims of stalking, family violence, sexual assault, trafficking, or murder attempts as children; and
- remove the names of crime victims and claimants who receive compensation from information available to the public.

The bill would take effect September 1, 2023, and would apply only to compensation for criminally injurious acts occurring on or after the effective date.

SUPPORTERS
SAY:

CSHB 2877 would ensure support for more crime victims who deserve compensatory payments. The bill would expand eligibility for the crime victims compensation fund to better help people who were previously excluded from coverage, including children who would be affected by certain shootings that occurred at schools and were declared disasters.

CRITICS
SAY:

No concerns identified.

NOTES:

According to the Legislative Budget Board, CSHB 2877 would have a negative two-year impact of about \$4 million on the general revenue-dedicated account for compensation to victims of crime. Additional indeterminate costs would result from changes in eligibility requirement for certain enrolled students.

SUBJECT: Allowing the Texas State Guard to use state funds for recruiting purposes

COMMITTEE: Defense & Veterans' Affairs — committee substitute recommended

VOTE: 9 ayes — Wilson, R. Lopez, Bumgarner, Dorazio, Frank, Garcia, Morales Shaw, Muñoz, Slaton

0 nays

WITNESSES: For — Larry Todd, State Guard Assoc.; Mitch Fuller, Veterans of Foreign Wars (VFW) Department of Texas; Jon Gimble; Dale Laine (*Registered, but did not testify*; Jim Brennan, Texas Coalition of Veterans Organizations; Kym Olson)

Against — None

BACKGROUND: Under Government Code sec. 2113.011, a state agency may not use appropriated funds for the purposes of public relations or publicity.

DIGEST: CSHB 837 would specify that Government Code sec. 2113.011 did not prohibit the Texas State Guard (TXSG) from using appropriated funds for the purposes of recruiting or retaining service members, employees, or other personnel.

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.

SUPPORTERS SAY: CSHB 837 would increase retention of service members by allowing the Texas State Guard (TXSG) to use appropriated money for recruitment efforts. TXSG has experienced an increased need for service members to maintain mission-ready forces. The bill would allow them to advertise to recruit and retain members with state funds.

CRITICS SAY: No concerns identified.

SUBJECT: Revising community supervision eligibility for child pornography offense

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Herrero, Allen, V. Jones, R. Lopez, Murr, Swanson, Toth
2 absent — Kacal, Sherman

WITNESSES: For — M Paige Williams, Dallas Criminal District Attorney John Creuzot; Tiana Sanford, Montgomery County District Attorney’s Office (*Registered, but did not testify*: John Wilkerson, Texas Municipal Police Association; Jennifer Allmon, The Texas Catholic Conference of Bishops; Renee Monroe, TxCURE Inc)

Against — (*Registered, but did not testify*: Susan Stewart)

BACKGROUND: Code of Criminal Procedure Art. 42A.053 states a judge, after a conviction or a plea of guilty or no contendere, may suspend the sentence and place the defendant on community supervision or impose a fine applicable to the offense and place the defendant on community supervision.

Code of Criminal Procedure Art. 42A.054(a) creates a list of aggravated offenses to which Code of Criminal Procedure Art.42A.053 does not apply.

Texas Government Code 508.145(d) states that individuals convicted of an offense under Code of Criminal Procedure Art. 42A.054(a) are not eligible for release on parole until actual time served equals half of the sentence or 30 years, whichever is less, but in no event is the individual eligible for parole before two years.

DIGEST: HB 1227 would add possession and promotion of child pornography to the list of offenses under Criminal Code of Procedures Art. 42A.054(a).

The bill would take effect September 1, 2023.

**SUPPORTERS
SAY:**

HB 1227 would add promotion or possession of child pornography to the list of aggravated offenses for which convicted individuals would not be eligible for release on community supervision and would be required to serve more of their sentences before being eligible for parole. With technology continuing to advance, the chances of children being victimized has increased. Texas statute should be updated to keep pace with technology and properly punish offenders. By adding this offense to the list of aggravated offenses, HB 1227 would ensure offenders were properly punished and our children protected.

**CRITICS
SAY:**

No concerns identified.

SUBJECT: Assigned statutory probate court judges ordering compensation

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Slawson, Vasut
1 nay — Schofield

WITNESSES: For — (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Elisa M. Tamayo, El Paso County; Guy Herman, Presiding Statutory Probate Judge of Texas; Harold Keeter, Swisher County and County Judge's and Commissioners Association of Texas; Amy Befeld, Texans for Lawsuit Reform; Craig Hopper; Lauren Hunt)
Against — None

BACKGROUND: Under Estates Code sec. 32.003, in a county in which there is no statutory probate court or county court at law exercising original probate jurisdiction, when a matter in a probate proceeding is contested, the judge of the county may, on the judge's own motion, or shall, on the motion of any party to the proceeding, request the assignment of a statutory probate court judge to hear the contested matter.

DIGEST: HB 251 would require a statutory probate court judge assigned under Estates Code sec. 32.003, if a party to a probate proceeding filed the motion for the assignment, to:

- to the extent possible, order that the county be reimbursed for any amounts the county paid as compensation and expenses from the estate and from the parties to the probate proceeding; and
- prescribe the amount and manner by which the compensation and expenses were to be equitably apportioned among the estate and parties, as applicable.

The bill would amend Estates Code provisions on certain compensation and expenses to specify that a statutory probate court judge assigned under sec. 32.003, on the motion of a party to the proceeding, could order the estate to reimburse a county for amounts the county paid as compensation and expenses.

The bill would take effect September 1, 2023, and would apply only to motions for the assignment of a statutory probate court judge under Estates Code sec. 32.003 filed on or after that date.

**SUPPORTERS
SAY:**

HB 251 would help the state's many rural counties without statutory probate courts and county courts at law. These counties typically bring probate cases to the constitutional county judge. When disputes arise, parties can exercise several options, including moving the case to a district court or calling on a specialized statutory probate judge based in urban areas to travel to the county to hear the case.

HB 251 would allow counties to recover the costs of having an assigned statutory probate judge hear a case, which often includes travel, lodging, and salary for the duration of the case. This would function similarly to the appointment of a public defender, where the county pays for a service and then seeks reimbursement from requesting parties. Considering that a party has other options and chose to have a specialized statutory probate judge hear the case, it would be fair to provide financial relief to rural county governments, which often have limited budgets.

**CRITICS
SAY:**

HB 251 would allow county governments to pay for a judicial proceeding using the money from an estate. County governments should instead utilize tax dollars to perform such services.

SUBJECT: Expanding duties and training requirements for certain taxpayer liaisons

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 11 ayes — Meyer, Thierry, Button, Craddick, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner

0 nays

WITNESSES: For — Marya Crigler, Texas Association of Appraisal Districts; Ray Head, Texas Association of Property Tax Professionals (*Registered, but did not testify*); Adam Haynes, Conference of Urban Counties; Charlotte Blakemore, Jim Popp, Popp Hutcheson; Matt Grabner, Ryan, LLC)

Against — (*Registered, but did not testify*): Susan Stewart)

On — (*Registered, but did not testify*): Allison Mansfield, Brad Reynolds, Comptroller of Public Accounts)

DIGEST: CSHB 1285 would expand the duties of the taxpayer liaison officer of an appraisal district with a population of 120,000 or more to include resolution of certain complaints related to the appraisal district or appraisal district board. The bill also would authorize new deputy taxpayer liaisons, expand liaison duties and training requirements, and establish a process for removal of the chair of an appraisal review board.

Complaint resolution. CSHB 1285 would authorize a property owner to file a written complaint with the taxpayer liaison requesting the resolution of a dispute with either the appraisal district or appraisal review board regarding a matter not related to the appraisal of the owner's property. The taxpayer liaison officer would be authorized to resolve the complaint by:

- referring the property owner to information and materials prepared for property owners by the liaison office;
- meeting with the parties to facilitate an informal resolution to the complaint;

- following the established process to address complaints related to hearing procedures;
- assisting the property owner in filing a request for limited binding arbitration; or
- recommending to the appropriate entity a course of action the liaison officer believed would resolve the issue.

The taxpayer liaison would be required to dismiss any part of a complaint it received that related to the appraised value of a property or the appraisal methodology used and would be authorized to dismiss a complaint that was repetitive or failed to state a legitimate concern. If a complaint involved the assessment or collection of a tax, the taxpayer liaison would be required to resolve the complaint by referring the property owner to the person able to assist the owner with assessment or tax collection.

The taxpayer liaison would be required to resolve a complaint and notify the property owner within 90 days after the complaint was filed. Decisions related to complaints the taxpayer liaison received would not be eligible for protest, limited binding arbitration, or appeal.

Members of an appraisal district board would be required to annually review the performance of the taxpayer liaison and each deputy taxpayer liaison as applicable. The evaluation would include a review of how timely the officer resolved complaints.

Deputy taxpayer liaisons. The bill would provide the authority for an appraisal district to appoint one or more deputy taxpayer liaisons while also establishing that the taxpayer liaison was the appraisal district officer primarily responsible for providing assistance to taxpayers in the district. The taxpayer liaison would be required to provide additional information and materials to taxpayers related to filing a complaint with the appraisal district and the process to submit a request for limited binding arbitration.

The bill would specify that in addition to being ineligible to serve as a taxpayer liaison officer, the chief appraiser or other individual that received compensation to perform appraisal or legal services for an appraisal district would be ineligible to serve as a deputy taxpayer liaison.

Taxpayer liaison training. The comptroller would be required to establish and supervise a program for training and educating taxpayer liaison officers and deputy taxpayer liaisons. The program could be online and would be required to:

- include information on the duties and responsibilities of the taxpayer liaison and deputy taxpayer liaison, including procedures for the informal resolution of disputes;
- be at least two hours in length; and
- provide a certificate of completion.

As a condition of initial and continued appointment, taxpayer liaisons and deputy taxpayer liaisons would be required to complete both taxpayer liaison training and the training course for appraisal review board members within their first year of employment and every even-numbered year after the first anniversary.

Liaisons would be required to submit a copy of required training certificates to the appraisal district board. Both the board and the liaison would be required to retain a copy of each certificate received for at least three years. Taxpayer liaisons serving in appraisal districts on January 1, 2024, would be required to meet training and course requirements by December 31, 2024.

Additional duties. Duties of the taxpayer liaison related to selection of appraisal review board members would be expanded to require the liaison to publicize the availability of positions on the appraisal review board. If an appraisal district maintained an internet website, the chief appraiser would be required to post on the website the name, contact information, and duties of the taxpayer liaison officer, and prominently post a link to the information on the district's home page.

Removal of board chair. The board of directors of an appraisal review board would be allowed to recommend to a local administrative district judge that the chair of the board be removed if an investigation found that the chair failed to adopt hearing procedures aligning with the comptroller's model procedures after having been advised to do so. If the judge agreed with the board's recommendation, the judge would be required to remove

the chairman from the office and appoint another member of the appraisal review board as chairman.

Information for the public. The required comptroller taxpayer assistance pamphlet would be revised to include the functions of the taxpayer liaison in an appraisal district with a population of 120,000 or more and to provide advice on preparing and presenting certain protests to the appraisal review board.

The bill would take effect January 1, 2024.

**SUPPORTERS
SAY:**

CSHB 1285 would help create a more taxpayer friendly system for property owners that need to address grievances with their appraisal districts. Taxpayers often are frustrated with their inability to get complaints unrelated to their tax appraisal resolved by the appraisal review board. Many remedies to address these types of complaints involve filing protests and appeals, which are often complex and involved. Taxpayers could feel intimidated by these processes and currently have no one to guide them through the process. The bill would expand the liaison's role to provide such assistance and expand training requirements to ensure liaisons could guide taxpayers through complex issues.

Liaisons are intended to be a resource for property owners and to help build understanding of the appraisal board district's policies and procedures. Expanding their role and building greater awareness could help reduce the number of complaints received by boards and help reduce taxpayer frustration with the appraisal process.

**CRITICS
SAY:**

No concerns identified.

SUBJECT: Amending processes for post-release housing for inmates

COMMITTEE: Corrections — favorable, without amendment

VOTE: 7 ayes — Herrero, Allen, V. Jones, R. Lopez, Murr, Swanson, Toth
0 nays
2 absent — Kacal, Sherman

WITNESSES: For — Cynthia Simons, Texas Women’s Justice Coalition; Renee Monroe, TxCURE Inc (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Jennifer Toon, Lioness; Shera Eichler, Reentry Providers Association of Texas; Maggie Luna, Statewide Leadership council; Cole Meyer, Texas Appleseed; Charlie Malouff, Texas C.U.R.E., Inc.; Alycia Castillo, Texas Center for Justice and Equity; Mary Sue Molnar, Texas Voices for Reason and Justice; Veronica Morales; Susan Stewart; Philip Taylor)

Against — None

On — (*Registered, but did not testify*: Rene Hinojosa, Texas Department of Criminal Justice)

BACKGROUND: Concerns have been raised that many individuals released on parole do not have a housing plan in place for their release, and that the eight privately-operated residential reentry centers in the state may not have the capacity to meet current needs by releasees and may not provide an environment conducive to successful reentry.

DIGEST: HB 965 would establish the Reentry Housing Task Force that would be required to evaluate strategies for improving post-release housing for releasees. The bill would establish provisions relating to task force membership and compensation.

The task force would be required to prepare and submit to the Texas Department of Criminal Justice and the Legislature a written report on its findings no later than December 1, 2024.

The task force would be abolished on September 1, 2025.

Post-release housing planning procedure. The Texas Department of Criminal Justice (TDCJ) would be required to implement a post-release housing planning procedure for releasees that included the early identification and assessment of inmates who did not have an established plan for housing following release on parole or to mandatory supervision.

In implementing the post-release housing planning procedure, TDCJ would be required to create an assessment to identify:

- inmates who were low-risk and would benefit from the use of temporary post-release housing payments; and
- inmates who required more intensive planning for such housing.

TDCJ would be required to implement this procedure no later than December 1, 2023.

No later than February 1 of each year, TDCJ would be required to submit to the governor, the lieutenant governor, and relevant members of the Legislature a report that included the following information from the preceding year:

- the number of inmates who did not have an established plan for housing following release and TDCJ's efforts to find housing for those inmates;
- the department's efforts to reduce the length of time between an inmate's parole approval and the release of the inmate on parole who did not have an established housing plan;
- TDCJ's efforts to expand post-release housing options in local communities, including post-release housing that met or exceeded the standards developed by the Reentry Housing Task Force;

- the average number of days a releasee was housed in a residential correctional facility; and
- the number of releasees who absconded from a residential facility.

TDCJ would be required to submit the first report no later than February 1, 2025.

Temporary housing on release. HB 965 would amend the conditions under which the Texas Department of Criminal Justice (TDCJ) would be authorized to issue payment for the cost of temporary post-release housing for eligible inmates and releasees.

The bill would authorize TDCJ to issue payments for post-release housing regardless of whether TDCJ operated or contracted for a residential correctional facility in the inmate's or releasee's county of residence.

HB 965 would remove the requirement that post-temporary housing be in a structure that existed on June 1, 2009, as a multifamily residence or as a motel to which hotel occupancy tax applied.

The bill would require post-release housing to meet or exceed the standards developed by the Reentry Housing Task Force.

HB 965 would require TDCJ to actively seek grants from any source to expand the use of temporary post-release housing payments as an alternative to housing an inmate or a releasee in a residential correctional facility. The bill would authorize TDCJ to issue payments using grant funds received for that purpose. TDCJ would be required to:

- Prioritize the use of temporary post-release housing payments to reduce the average numbers of days an inmate or releasee was housed in a residential correctional facility; and
- Reduce the number of inmates or releasees housed in these facilities if the TDCJ determines that the issuance of payments increases the availability of temporary post-release housing that meets or exceeds the standards developed by the Reentry Housing Task Force.

Provisions that required a hearing and public notice to be provided if any structure that is not a multi-family residence or motel was used for post-release housing would be repealed.

The bill would take effect September 1, 2023.

SUBJECT: Revising certain provisions for certain trusts

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

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

0 nays

1 absent — Moody

WITNESSES: For — Lauren Hunt, TREP (*Registered, but did not testify*: Guy Herman, Presiding Judge of the Statutory Probate Courts of Texas; Craig Hopper, Dyann McCully, Texas Real Estate Probate Institute)

Against — None

BACKGROUND: Sec. 41.0021(a) of the Property Code defines a "qualifying trust" as an express trust in which the instrument or court order creating the express trust provides that a settlor or beneficiary of the trust has the right to revoke the trust without the consent of another person, exercise an inter vivos general power of appointment over the property that qualifies for the homestead exemption, or use and occupy the residential property as the settlor's or beneficiary's principal residence at no cost to the settlor or beneficiary, other than payment of taxes and other costs and expenses:

- for the life of the settlor or beneficiary;
- for the shorter of the life of the settlor or beneficiary or a term of years specified in the instrument or court order; or
- until the date the trust is revoked or terminated by an instrument or court order recorded in the real property records of the county in which the property is located and that describes the property with sufficient certainty to identify the property.

Additionally, a qualifying trust is an express trust in which the trustee of a acquires the property in an instrument of title or under a court order that describes the property with sufficient certainty to identify the property and

the interest acquired, and is recorded in the real property records of the county in which the property is located.

Sec. 112.035(f) prohibits a beneficiary of a spendthrift trust from being considered to be a settlor, to have made a voluntary or involuntary transfer of the beneficiary's interest in the trust, or to have the power to make a voluntary or involuntary transfer of the beneficiary's interest in the trust, merely because the beneficiary, in any capacity, holds or exercises a certain right or power to:

- consume, invade, appropriate, or distribute property to or for the benefit of the beneficiary, if the power is exercisable only on consent of another person holding an interest adverse to the beneficiary's interest, or limited by an ascertainable standard, including health, education, support, or maintenance of the beneficiary; or
- appoint any property of the trust to or for the benefit of a person other than the beneficiary, a creditor of the beneficiary, the beneficiary's estate, or a creditor of the beneficiary's estate.

Sec. 112.036(b) and (c) establish the effective date of a trust as the date the trust becomes irrevocable. An interest in a trust must vest, if at all:

- not later than 300 years after the effective date of the trust, if the effective date of the trust is on or after September 1, 2021; or
- not later than 21 years after some life in being at the time of the creation of the interest, plus a period of gestation, if the effective date of the trust is before September 1, 2021.

Sec. 112.0715(a) and (b) allow for a second trust to be created by a distribution of principal to a trust created under the same trust instrument as the first trust from which the principal is distributed or to a trust created under a different trust instrument. If a second trust is created by a distribution of principal to a trust created under the same trust instrument as the first trust from which the principal is distributed, the property is not required to be retitled.

Sec. 115.014(b) allows a court to appoint an attorney ad litem to represent any interest that the court considers necessary at any point in a proceeding, including an attorney ad litem to defend an action under sec.

114.083 for a beneficiary of the trust who is a minor or who has been adjudged incompetent.

DIGEST: CSHB 2196 would amend and specify certain provisions of the Property Code.

Homestead in qualifying trust. CSHB 2196 would amend the definition of “qualifying trust” to include an instrument transferring property to the trust or any other agreement that was binding on the trustee. The bill would require a spouse who was also a settlor of the trust to consent to the revocation of the trust. The bill would allow a settlor or beneficiary of the trust to exercise an inter vivos general power of appointment over the qualified property either alone or when aggregated with property subject to an inter vivos general power of appointment held by a spouse who was also a settlor of the trust. Additionally, the bill would amend the section to allow the settlor or beneficiary to use and occupy the property as the settlor’s or beneficiary’s principal residence rent free and without charge, except for taxes and other costs.

Spendthrift trust. CSHB 2196 would prohibit a beneficiary of a spendthrift trust or the estate of such a beneficiary from being considered to be a settlor merely because the beneficiary held or exercised a testamentary power of appointment other than a general power, held or exercised a testamentary general power of appointment, or exercised a testamentary general power in favor of or for the benefit of the takers in default of the appointive assets. If a beneficiary exercised a testamentary general power in such a way, the appointive assets would be subject to the claims of creditors of the beneficiary if the beneficiary’s property was insufficient to meet the beneficiary’s debts. Unless the appointive assets were appointed to the beneficiary’s estate, they would not be subject to administration as a part of the beneficiary’s estate, recovery by the personal representative of the beneficiary’s estate, or the payment of taxes or administration expenses of the beneficiary’s estate.

Perpetuities. The bill would amend sec. 112.036(b) and (c) regarding perpetuities. The bill would establish the effective date of trust as the date the governing instrument creating an interest in the trust became irrevocable with respect to that interest. If an interest in one trust was

distributed to another trust with a different effective date, the effective date of that interest in the second trust would become the earlier of the effective dates.

The bill would modify the requirements for which an interest in a trust would be required to vest. Such an interest would vest if the effective date was on or after September 1, 2021, no later than the later of 300 years after the effective date or 21 years after some life in being at the time of the effective date, plus a gestation period. Additionally, such an interest would vest, if the effective date was before September 1, 2021, no later than 21 years after some life in being at the time of the effective date, plus a period of gestation.

Creation of a second trust. CSHB 2196 would amend second trust creation provisions to allow a second trust to be created by a distribution of principal to a second trust that retained the name used by the first trust. A second trust could retain, under certain circumstances, the tax identification number of the first trust. The bill would revise the conditions under which a second trust would not be required to be retitled. Under the provisions of the bill, a second trust would not be required to be retitled if it was created by a principal distribution to a trust that retained the name of the first trust.

Legal representation. The bill would amend sec. 115.014(b) to include the requirement for a court to determine that other legal representation of an interest would be inadequate before appointing an attorney ad litem to represent the interest.

Sec. 112.0715(c) of the Property Code, establishing that the section was intended to only be a codification of common law in effect prior to September, 2019, would be repealed. Instead, the bill would specify that the Legislature intended the amended sections 112.0715(a) and (b) to be a codification of the common law of Texas in effect immediately before the effect date of the bill. The changes in law made by the bill would apply to a trust created before, on, or after the effective date of the bill.

This 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.

**SUPPORTERS
SAY:**

CSHB 2196 would make several necessary changes to clarify certain provisions pertaining to trusts. The bill would align the language of the Property and Tax Codes regarding the qualification of revocable trusts as homesteads. The bill would better define the rule against perpetuities, which in recent years could have caused people to believe that they would receive an additional 300 years for each trust created by the original trust. The bill would allow a new trust decanted from an original trust to retain the name and employer identification number of the original trust, which would help to clarify how certain new trusts function upon creation. The bill would condition a court's authority to appoint an attorney ad litem to represent certain interests in a trust proceeding, which would align with the current provisions by which a court could appoint a guardian ad litem.

**CRITICS
SAY:**

No concerns identified.

SUBJECT: Authorizing the Nixon Hospital District to borrow money

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal, Schatzline
2 nays — Slaton, Tinderholt

WITNESSES: For — None
Against — None

DIGEST: HB 2304 would allow the board of the Nixon Hospital District to contract indebtedness or borrow money on the credit of the district or secured by revenues of district hospitals and the hospital system.

This 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.

SUPPORTERS SAY: HB 2304 would enable the Nixon Hospital District to secure funding for needed facility repairs and expansion. Current law implies that the district has the ability to borrow money, but district leadership would like this authority to be more explicitly established in law. The bill would not require any appropriations of taxpayer money to the district.

CRITICS SAY: HB 2304 is unnecessary as the district already has the implied power to borrow funds under current law.

SUBJECT: Extending the date for renewal or nonrenewal of certain insurance policies

COMMITTEE: Insurance — favorable, without amendment

VOTE: 9 ayes — Oliverson, A. Johnson, Cain, Cortez, Caroline Harris, Hull, Julie Johnson, Paul, Perez

0 nays

WITNESSES: For — Ware Wendell, Texas Watch (*Registered, but did not testify*: Tim Morstad, AARP; Drew Campbell, Associa; Regan Ellmer, Independent Insurance Agents of Texas; Sandy Hoy, Texas Apartment Association)

Against — Jay Thompson, Afact; Scot Kibbe, American Property Casualty Insurance Association; Jon Schnautz, National Association of Mutual Insurance Companies; Beaman Floyd, Texas Coalition for Affordable Insurance Solutions (*Registered, but did not testify*: Susan Ross, State Farm Insurance)

On — (*Registered, but did not testify*: David Bolduc, Office of Public Insurance Counsel; Marianne Baker, Texas Department of Insurance)

DIGEST: HB 1900 would extend the notification period for when an insurer must mail written notice related to a renewal or nonrenewal of certain insurance policy changes from 30 days prior to the date the policy expires to 60 days prior to the date the policy expires. Insurance policies impacted would include:

- personal automobile insurance;
- homeowner, farm-owner and ranch-owner insurance;
- single-family dwelling or duplex fire insurance;
- fire insurance for property or contents in a single-family dwelling, duplex or apartment; and
- property and casualty insurance for government entities.

The bill would take effect September 1, 2023 and would apply only to policies delivered, issued for delivery, or renewed on or after January 1, 2024.

**SUPPORTERS
SAY:**

HB 1900 would provide the support Texans need to find the insurance coverage that best meets their needs. Homeowner and auto insurers are currently required to provide only 30 days notices to a consumer when they will be nonrenewing a policy. With the variety of choices a consumer has, this is often not enough time to thoroughly review options and make fully informed decisions. HB 1900 would extend the notification period an additional 30 days, giving consumers more time to research and find replacement coverage that works for them.

Texas already has a 60-day notice requirement for commercial insurance, but, unlike commercial entities, individual consumers do not always have access to insurance agents or other resources to help them explore options. HB 1900 would align individual insurance with the commercial market and support consumers that must independently research policy options.

Homeowner and auto insurance policies are key coverages for consumers, and the loss of either could be catastrophic. Many insurers help make these coverages more affordable by bundling and selling the policies together. It is essential that the renewal dates for both types of policies are consistent and that the availability of bundled coverage is preserved.

Insurers already have established computer programming and rate filing processes for commercial policies with required 60-day renewal notifications. Although it may be temporarily inconvenient, any potential cost would be far outweighed by the benefits to consumers.

**CRITICS
SAY:**

HB 1900 is unnecessary as there are numerous online tools consumers can use to compare policies, especially for auto coverage. Consumers are savvy and able to locate the information they need to select new coverage.

Requiring renewal notifications 60 days prior to a policy renewal date could require an insurer to make a termination decision prematurely. For instance, a policyholder would not have the benefit of an additional 30 days to make home repairs necessary to retain a policy which might

otherwise be terminated. This could increase the number of policies that ended in termination rather than renewal.

A 60-day notification period for auto insurance could subject an insurer to undue risk in situations where the policyholder had multiple incidents close to the renewal date that should be considered prior to the insurer issuing a rate associated with the renewal. Accidents, theft, and other situations that occurred within the 60 day time-limit could not be considered, which could leave the insurer without information necessary to make a coverage decision.

The time and cost needed to make the necessary accommodations to computer systems under the bill could be burdensome for insurers. Insurers would need enough lead time to make the changes and ensure that any problems could be resolved prior to the issuance of new policies. Processes supporting rate filing also would need to be changed. This could be a significant undertaking for an insurer and could lead to discontinuance of coverage in parts of the state wherein claims due to natural disasters are especially high.

SUBJECT: Adjusting requirements for retiring members from the Texas State Guard

COMMITTEE: Defense & Veterans' Affairs — favorable, without amendment

VOTE: 9 ayes — Wilson, R. Lopez, Bumgarner, Dorazio, Frank, Garcia, Morales Shaw, Muñoz, Slaton

0 nays

WITNESSES: For — Larry Todd, State Guard Association of Texas; Jon Gimble (*Registered, but did not testify*: Jim Brennan, Texas Coalition of Veterans Organizations; Mitch Fuller, Veterans of Foreign Wars Department of Texas; Dale Laine; Kym Olson)

Against — None

BACKGROUND: Government Code sec. 437.309 establishes that the governor or adjutant general, under the governor's authority, is authorized to transfer to the Texas State Guard Honorary Reserve an officer or a guard who meets certain conditions.

DIGEST: HB 836 would require members of the Texas State Guard (TXSG) to be placed on retired status rather than transferred to the TXSG Honorary Reserve and would make conforming language in statute. The bill would also, upon a service member's separation from TXSG:

- allow the commander of TXSG to place a service member on retired status;
- specify that the physical disability of a service member being placed on retired status must be as a result of service;
- remove the requirement that the service member must be 60 years old to be placed on retired status; and
- require that at least five years of the required 20 year combined service minimum be served in TXSG.

The commander of TXSG would be required to issue an identification card to any service member who was placed on retired status.

The bill would take effect September 1, 2023.

**SUPPORTERS
SAY:**

HB 836 would eliminate confusion by placing service members on retired status rather than transferring them to the Honorary Reserve. Currently, when the governor activates reserve members to respond to state emergencies or disasters, some members of the Honorary Reserve report for duty. This bill would change the wording in statute to prevent these misunderstandings.

Eliminating age requirements would provide more flexibility for younger service members who have already completed their 20 years of service, which would increase overall retention within TXSG.

**CRITICS
SAY:**

No concerns identified.

SUBJECT: Allowing certain distilled spirits to be sampled at certain temporary events

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

VOTE: 9 ayes — K. King, Walle, Goldman, Harless, Hernandez, T. King,
 Patterson, Shaheen, S. Thompson

 0 nays

 2 absent — Herrero, Schaefer

WITNESSES: For — Stephanie Houston, Texas Distilled Spirits Association; Lance
 Lively, Texas Package Stores Association; Ricky Knox, Wine and Spirits
 Wholesalers of Texas (*Registered, but did not testify*: Rick Donley, Beer
 Alliance of Texas; Mia McCord, Consumer Choice Coalition; Jim Short,
 SPEC's; Amber Hausenfluck, Texas Distilled Spirits Association; JP
 Urrabazo, The Beer Alliance of Texas; Ryan Brannan, Treaty Oak
 Distillery; Tom Spilman, Wholesale Beer Distributors of Texas; Thomas
 Parkinson)

 Against — None

 On — (*Registered, but did not testify*: Thomas Graham, Texas Alcoholic
 Beverage Commission)

DIGEST: HB 3171 would allow the holder of a distiller's and rectifier's permit to
 dispense free distilled spirits for consumption at certain temporary events.
 These permit holders could conduct samplings or tastings at a civic or
 distilled spirits festival, farmers' market, celebration, or similar event.

 Spirits samples provided by the permit holder would be required to be
 manufactured by the permit holder, could not exceed one-half ounce, and
 could not be removed from the event premises. Distilled spirits could
 legally be transported by the permit holders or the permit holder's agent or
 employee to the temporary event for the purpose of providing a sampling
 or tasting. The cost of the distilled spirits provided for a sampling or
 tasting would be the responsibility of the permit holder.

The Texas Alcoholic Beverage Commission (TABC) would be required to adopt rules to implement these provisions that:

- established a procedure to verify the wet or dry status of the location where the permit holder intended to temporarily sample or taste distilled spirits;
- detailed the circumstances when a permit holder could temporarily sample spirits with just a notification to the commission and circumstances that would require TABC's preapproval; and
- required the permit holder to provide any other information that TABC determined necessary.

The bill would take effect September 1, 2023.

**SUPPORTERS
SAY:**

HB 3171 would make it easier for distillers to sample spirits at events, allowing consumers to taste Texas products that they may later wish to purchase, further supporting the state's economy. Currently, if distillers want to sample their products at festivals or other events, they are required to sell their products to the event organizers and purchase leftover product back at a potentially marked-up cost. The bill would remove this unnecessary and costly step. Texas distilled spirits are a growing industry, and festivals are one of the most effective uses of marketing time and money for emerging brands.

The bill would not pose additional safety risks, as HB 3171 would provide safeguards, including measures that would limit sample sizes and prohibit samples from leaving the premises of these events.

**CRITICS
SAY:**

No concerns identified.

SUBJECT: Authorizing district clerks to sell money orders for passport payments

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 7 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Rosenthal, Schatzline, Tinderholt

1 nay — Slaton

1 absent — Orr

WITNESSES: For — Velva Price, Travis County District Clerk (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Rebekah Chenelle, Dallas County Commissioners Court; Tammy Narvaez, Harris County Commissioners Court; Julie Wheeler, Travis County Commissioners Court)

Against — None

BACKGROUND: Some have suggested that the passport application process would be more convenient if district clerks were authorized to sell money orders to applicants who did not bring the appropriate form of payment to the district clerk's office.

DIGEST: HB 3607 would authorize a district clerk to sell money orders to passport applicants and collect a reasonable fee for the provided service.

The bill would take effect September 1, 2023.

SUBJECT: Requiring inclement weather treatment training for tollway employees

COMMITTEE: Transportation — favorable, without amendment

VOTE: 12 ayes — Canales, Raney, Ashby, Davis, Gámez, Caroline Harris,
Landgraf, Lujan, Ordaz, Patterson, Perez, Romero

0 nays

1 absent — Lozano

WITNESSES: For — Terri Hall, Texas TURF, Texans for Toll-free Highways
(*Registered, but did not testify*: Ron Lewis, Cintra; Arturo Ballesteros,
North Texas Tollway Authority)

Against — None

On — (*Registered, but did not testify*: Brian Barth, TxDOT)

DIGEST: HB 4797 would establish that a toll project entity that treated a roadway maintained by the entity during icy or snowy weather would have to require employees or contractors who performed the treatment to complete training in the same manner as Texas Department of Transportation (TxDOT) employees who perform such treatment.

The bill would require TxDOT to make available the training courses that it provides for its employees to the tollway employees and contractors. TxDOT also could authorize a toll project entity to require its employees and contractors to complete training by another entity that was substantially similar to the department's training.

The bill would take effect September 1, 2023.

SUPPORTERS SAY: HB 4797 would increase safety on toll roads during wintry weather by mandating that toll operator employees and contractors responsible for road treatment received sufficient training similar to that received by TxDOT employees who do the same kind of work.

CRITICS
SAY:

No concerns identified.

SUBJECT: Allowing the state to seize vehicles involved in street racing

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Cook, Bhojani, Bowers, Darby, Leach, C. Morales
2 nays — Harrison, Schatzline

WITNESSES: For — Jeff Hunter, Dallas Police Department, Texas Police Chiefs Association; John Carroll, Harris County Sheriffs Office; Francisco Gomez, Houston Police Department; (*Registered, but did not testify*: Anne O' Ryan, AAA Texas; Eric Carcerano, Chambers County District Attorney; Clifford Sparks, City of Dallas; TJ Patterson, City of Fort Worth; Jon Weist, City of Irving; Nadia Islam, City of San Antonio; M Paige Williams, Dallas Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officers Association; Paul Sugg, Harris County Commissioners Court; Robin Foster, Harris County Deputies' Organization; Ray Hunt, Houston Police Officer's Union; Bill Kelly, Mayor's Office, City of Houston; James Smith, San Antonio Police Department; Carlos Ortiz, San Antonio Police Officers Association; Buddy Mills, Sheriffs Association of Texas; Monty Wynn, Texas Municipal League; Dallas Reed, Texas Municipal Police Association; Cynthia Van Maanen, Travis County Democratic Party)

Against — None

DIGEST: The bill would expand the list of offenses constituting organized criminal activity to include committing highway or passageway obstruction by engaging in a reckless driving exhibition. An individual who committed highway or passageway obstruction by engaging in reckless driving could be prosecuted for that offense or another applicable offense, but not both.

HB 1442 would expand the definition of contraband to include property used or intended to be used in the commission of obstructing a highway or another passageway by engaging in a reckless driving exhibition.

Expanding this definition would subject such property to seizure and forfeiture.

The bill would take effect September 1, 2023, and would apply only to an offense committed on or after that date.

**SUPPORTERS
SAY:**

HB 1442 would provide law enforcement the tools to address street racing and street takeovers in Texas. In recent years, street racing events have increased throughout communities in Texas, and police departments have struggled to adequately address this issue. Street racing events are dangerous and have resulted in fatalities, injury, and damage to property and roadways. Last session, the Legislature took an important step in addressing street takeovers by creating a specific offense for a reckless driving exhibition. However, the enforcement mechanism has been unclear, which has prevented law enforcement from seizing a vehicle involved in the offense. HB 1442 would remedy this issue by allowing for the seizure of vehicles involved in street racing and street takeovers, which could create a more appropriate deterrent for offenders.

**CRITICS
SAY:**

The asset forfeiture system should be reformed before adding other types of property subject to seizure.