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HOUSE RESEARCH ORGANIZATION

daily floor report

Monday, May 01, 2023
88th Legislature, Number 53
The House convenes at 1 p.m.
Part Two

Three bills are on the Major State Calendar, three resolutions are on the Constitutional Amendments Calendar, and 56 bills are on the General State Calendar for second reading consideration today. The table of contents for Part Two of today's *Daily Floor Report* appears on the following page.

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Alma Allen
Chairman
88(R) - 53

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Monday, May 01, 2023

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Part 2

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SUBJECT: Establishing provisions for the Grow Texas grant program

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 24 ayes — Bonnen, M. González, Allison, Bryant, DeAyala, Gates, Gervin-Hawkins, Howard, Isaac, Jetton, Martinez, Martinez Fischer, Morrison, Orr, Ortega, Rose, Spiller, Stucky, Tepper, E. Thompson, Toth, VanDeaver, Walle, Wu

0 nays

3 absent — C. Bell, Jarvis Johnson, Thimesch

WITNESSES: For — (*Registered, but did not testify*: Gilbert Turrieta, ACEC Texas; Steven Albright, AGC of Texas- Highways, Heavy, Utilities, and Industrial Branch; Lauren Spreen, Apache Corporation; Julie Williams, Chevron; Kari Gibson, ConocoPhillips; Stan Casey, Diamondback Energy; Lauren Spreen, Enterprise Products; Jimmy Carlile, Fasken Oil and Ranch; Kelly Mcbeth, Howard Energy Partners; Royce Poinsett, Kinder Morgan; James Beauchamp, MOTRAN Alliance; Julie Moore, Occidental Petroleum; Anne Billingsley, ONEOK; Travis McCormick, Panhandle Producers & Royalty Owners Assoc; Ben Shepperd, Permian Basin Petroleum Association; Mark Gipson, Pioneer Natural Resources; Beth Cubriel, PLAINS All American Pipeline; Lauren Spreen, Targa Resources; Caleb Troxclair, Texas Alliance of Energy Producers; Kyle Bush, Texas Association of Manufacturers; Ryan Paylor, Texas Independent Producers & Royalty Owners Association (TIPRO); Monty Wynn, Texas Municipal League; James LeBas, Texas Oil & Gas Association, and Texas Chemical Council; Thure Cannon, Texas Pipeline Association; Lauren Spreen, Williams Companies)

Against — (*Registered, but did not testify*: Cyrus Reed, Lone Star Chapter Sierra Club)

On — Jay Crossley, Farm&City

(Registered, but did not testify: Tetyana Melnyk, Texas Comptroller of Public Accounts)

DIGEST: HB 1392 amends the Government Code to establish provisions providing for the implementation of HJR 27, which would create the Grow Texas Fund.

Grow Texas grant program. The bill would require the comptroller and the Grow Texas Fund Commission created by HJR 27 to jointly establish a program under which the commission could select applicants to receive grants provided by the comptroller to construct certain infrastructure projects in areas of the state affected by oil and gas production. The Legislature could appropriate money in the Grow Texas fund to the comptroller for the purpose of funding grants to applicants selected by the commission. The commission would be required to establish criteria for applicants, guidelines relating to grant amounts, and procedures for approving and denying applicants. The comptroller would be required to establish procedures for applying for a grant, adopt an application form, and establish procedures for monitoring grant use and ensuring compliance.

Changes in ESF allocation. The bill would require that the comptroller determine whether any increase in the projected allocation to Economic Stabilization Fund (ESF) was less than 7 percent of general revenue appropriations made for that biennium before making revenue transfers to the ESF, state highway fund (SHF), and the Grow Texas Fund for a state fiscal year. The bill would remove language establishing that this provision expires December 31, 2034.

If the sum was less than 7 percent, the comptroller would be required to proportionally reduce the amount by which the transfer to the ESF was reduced and a corresponding amount was transferred to the Grow Texas Fund and increase the allocation to the ESF in an amount equal to the reduction of those amounts until 7 percent was achieved. This provision would expire December 31, 2034.

If the sum was less than the adopted threshold for the ESF for a state fiscal biennium beginning on or after September 1, 2035, the comptroller

would be required to reduce the amount by which the transfer to the ESF was reduced and a corresponding amount was transferred to the Grow Texas Fund and increase the allocation to the ESF in an amount equal to the reduction until one of the established thresholds was satisfied for that biennium.

The bill would specify that the required adjustments made by the comptroller to the amounts transferred to the ESF and the State Highway Fund (SHF) would not increase the amount by which the allocation to the ESF was reduced and a corresponding amount was transferred to the Grow Texas fund.

HB 1392 would repeal the expiration date for the requirement that the comptroller adjust allocations of transfers for the ESF and SHF equal to 7 percent of general revenue funds.

The bill would take effect September 1, 2025 only if the corresponding constitutional amendment was approved by the voters.

**SUPPORTERS
SAY:**

HB 1392, along with the proposed constitutional amendment HJR 27 that would create the Grow Texas fund, would help meet important infrastructure needs in communities impacted by oil and gas production. Communities in areas of oil and gas production are often smaller and have fewer resources available to support infrastructure improvements, which can lead to road safety issues, health care shortages, and crowded schools.

As a leader in energy production, Texas has experienced unprecedented growth in recent years, but many communities struggle to keep up with the growth and increasing demands. The Grow Texas fund and grant program would provide more immediate and consistent support to these communities affected by the oil and gas industry and help them to address urgent needs.

The energy producing regions of Texas continually generate funds that support all Texans. The Grow Texas grant program would help to return a portion of these funds to where they originated to make improvements to expand roads and invest in infrastructure needed in these communities.

CRITICS
SAY:

HB 1392 and HJR 27 should ensure these tax dollars are allocated through the Legislature's normal appropriations process, which could provide more transparency and ensure lawmakers have more revenue to dedicate to the priorities of their constituents.

NOTES:

HB 1392 is the enabling legislation for HJR 27, which is also on the calendar for second reading consideration today.

Any fiscal implications are reflected in the fiscal note for the corresponding HJR 27.

SUBJECT: Establishing the Texas STRONG fund and allocating constitutional funds

COMMITTEE: Appropriations — favorable, without amendment

VOTE: 25 ayes — Bonnen, González, Allison, Bell, Bryant, DeAyala, Gates, Gervin-Hawkins, Howard, Isaac, Jetton, Martinez, Martinez Fischer, Morrison, Orr, Ortega, Rose, Spiller, Stucky, Tepper, E. Thompson, Toth, VanDeaver, Walle, Wu

0 nays

2 absent — Jarvis Johnson, Thimesch

WITNESSES: For — Phillip Martin, Environmental Defense Fund; Cyrus Reed, Lone Star Chapter Sierra Club; Glenna Bruun, Texas Ports Association; Kenneth Flippin, US Green Building Council Texas chapter (*Registered, but did not testify*: Gilbert Turrieta, ACEC Texas; Steven Albright, AGC of Texas - Highways, Heavy, Utilities, and Industrial Branch; Julie Williams, Chevron; Kari Gibson, ConocoPhillips; Stan Casey, Diamondback Energy; Royce Poinsett, Kinder Morgan; Julie Moore, Occidental Petroleum; Travis McCormick, Panhandle Producers & Royalty Owners Assoc; Ben Shepperd, Permian Basin Petroleum Association; Mark Gipson, Pioneer Natural Resources; Beth Cubriel, PLAINS All American Pipeline; Jennifer Emerson, Port Houston; Mario Martinez, Port of Brownsville; Ashley Morgan, Port of Corpus Christi; Caleb Troxclair, Texas Alliance of Energy Producers; Kyle Bush, Texas Association of Manufacturers; Reed Clay, Texas Health Resources; Ryan Paylor, Texas Independent Producers & Royalty Owners Association; James LeBas, Texas Oil & Gas Association, and Texas Chemical Council; Tricia Davis, Texas Royalty Council)

Against — None

On — Jay Crossley, Farm&City (*Registered, but did not testify*: Nate Hickman, TCEQ; Tetyana Melnyk, Texas Comptroller of Public Accounts)

DIGEST: HB 2207 would create the Texas Severance Tax Revenue and Oil and Natural Gas (STRONG) Defense Fund and provide for the transfer of certain severance tax revenues related to the Texas STRONG defense fund, the Oil and Gas Regulation Cleanup account, the Texas Emissions Reduction Program (TERP), and the Property Tax Relief Fund.

Money in the Texas STRONG defense fund could be appropriated by the Legislature only to the:

- governor to support grants to address the effects of and needs associated with significant oil and gas production in the state;
- Texas Department of Transportation to support grants to certain counties or to a county with a port authority or navigation district engaged in oil or gas production, refinement, or export;
- trustee programs within the Office of the Governor to address economic development needs in certain counties; and
- Department of Public Safety for salaries, salary increases, benefits and other costs related to additional staff in qualifying counties, or for costs related to enforcement of commercial motor vehicle safety standards and prevention of gang violence and human trafficking in qualifying counties.

The governor would be required to establish a grant program using money from the Texas STRONG defense fund for grants to nonprofit organizations, public higher education institutions, school districts, and political subdivisions to address effects and needs associated with significant oil and gas production. Grant requests related to first responders, emergency and trauma care services, health care, mental health, educational, and workforce preparedness activities would be given priority. Priority also would be given to grant applicants located in a county with a port authority or navigation district engaged in oil or gas production, refinement, or export.

HB 2207 would revise provisions related to the allocation of severance taxes to the Texas STRONG defense fund, the Oil and Gas Regulation Cleanup account, the Texas Emissions Reduction Program (TERP), and the Property Tax Relief Fund. Revisions would:

- eliminate expiration of the temporary increase to the State Highway Fund;
- require the comptroller to reduce proportionately the allocations to the Texas STRONG defense fund, the Oil and Gas Regulation Cleanup account, TERP, and the Property Tax Relief Fund to the Economic Stability Fund (ESF) when the ESF balance was below the required balance threshold;
- postpone the expiration of the ESF balance threshold requirement from December 31, 2034 to December 31, 2038; and
- end the diversion of severance tax revenue to the Texas STRONG defense fund on September 1, 2037, and require the comptroller to reallocate amounts that would have been transferred to the Texas STRONG defense fund to the ESF.

The bill would take effect January 1, 2024, but only if the constitutional amendment providing for the creation and funding of the Texas Severance Tax Revenue and Oil and Natural Gas Defense Fund and appropriation of other funds identified in the bill was approved by voters.

SUPPORTERS
SAY:

HB 2207 would provide for long-term investment in the people, communities, and regions that support the state's oil and gas industry. Texas is a leader in oil production, and the investments made by the Texas STRONG defense fund could help ensure communities supporting oil and gas production can grow and meet changing demands into the future.

Texas STRONG grants would help support communities that thrive around ports used to export oil products. Communities would benefit from improvements to infrastructure needs such as roadways, schools, emergency services, and schools. Grants for road improvements in oil producing communities also could help save lives, as many fatal accidents have occurred in areas where additional investment could help significantly reduce safety risks.

Additional funding would be provided for oil and gas cleanup and TERP emissions projects to help reduce the environmental impact from oil and gas production. Abandoned wells could be capped more readily with the funds, and additional TERP projects could further improve air quality in the state.

By using severance taxes, the Texas STRONG defense fund would keep more of the state taxes generated in the oil production communities invested in these communities. The fund would receive funds only after all other obligations to the ESF had been made, which would help ensure there was no negative impact to the Foundation School Program or highway funding.

CRITICS
SAY:

No concerns identified.

NOTES:

HB 2207 is the enabling legislation for HJR 111, which is set for second reading consideration today.

SUBJECT: Eliminating temporary tags, requiring dealers to offer license plates

COMMITTEE: Transportation — committee substitute recommended

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

0 nays

2 absent — Ashby, Landgraf

WITNESSES: For — Daniel Scesney, Texas Police Chiefs Association and City of Grand Prairie; Jose Escribano, Travis County Constable Pct 3; Tawny Solbrig (*Registered, but did not testify*: Billy Phenix, American Property Casualty Insurance Association; Debbie Bindseil, Ami Wisdom, Burnet County Jp4; Missy Bindseil, Burnet County Pct 4 Constable; Clifford Sparks, City of Dallas; TJ Patterson, City of Fort Worth; Nadia Islam, City of San Antonio; Javier Castillo, Ramsey Castillo, College Station Police Department; Marvin Ryals, Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Julio Gonzalez, Dallas Police Department; Ron Tooke, Deputy Sheriffs Association of Bexar County; Drew Campbell, DRMC; Jay Crossley, Farm&City; Stephen Myers, Fort Worth; Chad Mahaffey, Fort Worth Police Department; Michael Angel, Thomas Berrettini, Ryan Simpson, Timothy Sliva, Tyler Woods, Grand Prairie Police Department; Christian Bionat, Greater Houston Partnership; Jessica Anderson, Houston Police Department; Arturo Ballesteros, North Texas Tollway Authority; Brian Hawthorne, Sheriffs Association of Texas; Monty Wynn, Texas Municipal League; Dallas Reed, Texas Municipal Police Association; Steven Derrick, Stacy Suits, Travis Constable Pct 3; Mike Bradburn, Travis County; Saul Medrano, Travis County Constable Pct Three; Robert Garza, Travis County Precinct 3; Jeremy Davis, Williamson County Deputies Association; Alfred Nunez, Nathaniel Ragaisis, Williamson County Deputies Association; Noel Johnson, Williamson County Sheriffs Office; Chris Drewry; Wendy Johnson; James Jones; David Kohler)

Against — (*Registered, but did not testify*: Julie Wheeler, Travis County

Commissioners Court; J. McCartt, Vroom)

On — Dawn Vieth, Archer County; Kevin Kieschnick, County of Nueces, Tax Assessor Collectors Association of Texas; Shay Luedeke, Tax Assessor-Collector Association; Robert Braziel, Texas Automobile Dealers Association (*Registered, but did not testify*: Roland Luna, Texas Department of Motor Vehicles)

BACKGROUND: Transportation Code sec. 503.063 requires a motor vehicle dealer to issue to a buyer a temporary buyer's tag for the vehicle, and provides for the display, term of validity, information content, and form of the tag.

Sec. 503.0631 requires the Texas Department of Motor Vehicles to develop, manage, and maintain a database of information on persons to whom temporary buyer's tags are issued for use by law enforcement.

Concerns have been raised that the current use of temporary paper license tags for motor vehicles could facilitate fraud and other criminal activity.

DIGEST: CSHB 718 would repeal statutory requirements for the use of temporary license tags and instead require motor vehicle dealers to issue license plates to buyers upon purchase of a vehicle, if a license plate or set of plates was legally required to be displayed on the vehicle. Such plates would be valid for the operation of the vehicle while the registration application submitted by the dealer on the behalf of the buyer was pending.

Dealers would be required to obtain license plates from the Texas Department of Motor Vehicles (TxDMV) in the manner provided by the department's rules. TxDMV would be required to ensure that a dealer could obtain in advance a sufficient amount of license plates in order to continue selling vehicles without an unreasonable disruption of business due to the unavailability of license plates. A dealer could not issue license plates for a vehicle exempt from registration fees until TxDMV approved the application for the vehicle's registration.

CSHB 718 would revise statute establishing the buyer's temporary tag database to instead require TxDMV to maintain a database of dealer-

issued license plates for the same purpose. Before displaying license plates issued under the bill, a dealer would be required to complete and sign a form stating that they had entered the buyer's information into the database. If a dealer was unable to access the Internet at the time of sale to enter the buyer's information into the database, the dealer would have to complete and sign a form including a statement to that effect. The form would have to contain notice to the buyer describing the procedure by which the vehicle's registration insignia would be provided. A buyer would have to keep an original copy of the applicable form in the vehicle until it was registered.

TxDMV would be authorized to establish the maximum number of license plates that a dealer could obtain in a calendar year, based on anticipated need and taking into account:

- the dealer's time in operation, sales data, and expected growth;
- expected changes in the dealer's market;
- temporary conditions that could affect sales by the dealer; and
- any other information TxDMV considered relevant.

The bill would provide for a dealer to receive additional license plates if the dealer demonstrated need. TxDMV could deny access to the database of dealer-issued license plates to a dealer who was obtaining license plates or using the database fraudulently.

CSHB 718 would repeal authorization for certain temporary vehicle permits and associated offenses.

The bill would take effect March 1, 2025, and would apply only to an offense committed on or after that date.

- SUBJECT:** Revising occupational licensing for persons with criminal convictions
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 8 ayes — Herrero, Kacal, Allen, V. Jones, Lopez, Sherman, Swanson, Toth
- 0 nays
- 1 absent — Murr
- WITNESSES:** For — Eddie Franz, Jail To Jobs; Kaden Norton, Prison Fellowship Ministries (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Terra Tucker, Alliance for Safety and Justice; Samuel Sheetz, Americans for Prosperity; David Emerick, JPMorgan Chase & Co.; Jennifer Rodriguez, North Texas Commission; Maggie Luna, Statewide Leadership Council; Luis Soberon, Texas 2036; Allen Place, Texas Criminal Defense Lawyers Association; Nikki Pressley, Texas Public Policy Foundation; Jorge Martinez, The LIBRE Initiative; Jennifer Allmon, The Texas Catholic Conference of Bishops; Renee Monroe, TxCURE Inc; Ashley Harris, United Ways of Texas; Fred Shannon, Walmart; Jennifer Carter; Lori Henning; Philip Taylor)
- Against — (*Registered, but did not testify*: Susan Stewart)
- On — (*Registered, but did not testify*: April Zamora, Texas Department of Criminal Justice; Kristina Hartman, Windham School District)
- BACKGROUND:** Some have suggested that current law related to occupational licensing may hinder certain persons with criminal records from obtaining employment.
- DIGEST:** CSHB 1747 would revise and establish provisions of the Occupations Code relating to the occupational eligibility of certain persons with criminal convictions.

Notice to licensing applicants. The bill would require a licensing authority to include a notice in the application form for each type of license issued by the authority and on the authority's website stating:

- that an applicant's prior criminal conviction could be grounds for disqualifying the applicant from receiving a license;
- the factors for determining whether a prior criminal conviction constitutes grounds for denying an applicant from receiving a license; and
- the right of certain students enrolled in educational programs that prepare a person for a license or licensing examination to request a criminal history evaluation letter.

Reporting. For each type of license issued by a licensing authority, the authority would be required to maintain a record of the total number of applications received, approved, denied for any reason, and denied because the applicant's prior criminal record, as well as any requested criminal history evaluation letters. By January 15 of each year, each licensing authority would prepare a report of such information for the preceding calendar year. Each authority would submit the yearly report to the Legislature and publish it on the authority's website. No later than January 15, 2025, each licensing authority would submit the initial required report.

Authority to revoke, suspend, or deny license. The conditions under which a licensing authority could suspend or revoke a license, disqualify a person from receiving or renewing a license, or deny to a person the opportunity to take a licensing examination would be revised to include a person who applied for the license or to take the licensing examination:

- before the fifth anniversary of the later of the date of conviction or the person's release from confinement;
- after the above period if the person was convicted of another offense; or
- at any time for certain serious offenses.

The bill would allow a licensing authority to accept an application from an inmate imprisoned in the Texas Department of Criminal Justice.

Factors in determining whether conviction directly relates to occupation. The bill would prohibit a licensing authority from determining that a conviction related to the duties and responsibilities of the licensed occupation unless the authority found by a preponderance of the evidence that consideration of the relevant factors supported that determination.

Additional factors for licensing authority to consider. The bill would revise the determination made by a licensing authority that triggered its duty to consider additional factors in deciding whether to take a certain disciplinary action. The bill would replace a determination that a criminal conviction directly related to a licensed occupation with a determination that a person had been convicted of certain serious offenses. The bill would prohibit a licensing authority, in making such a determination, from taking an action unless the authority found by a preponderance of the evidence that consideration of the relevant factors supported taking that action.

Burden of proof. In a hearing on the administrative appeal or judicial review of a licensing authority's decision to take an action, the licensing authority would have the burden of proving by a preponderance of the evidence that the offense for which the person was convicted was grounds for the authority to take the action and consideration of the relevant factors supported the authority's decision to take the action.

The bill would require applicable licensing authorities to make the necessary changes under the provisions of the bill as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2023, and would apply only to an action taken by a licensing authority that occurred or a proceeding that commenced after January 1, 2024.

SUBJECT: Prohibiting the refusal to rent to a housing choice voucher participant

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Lozano, Bernal, Cortez, Cunningham, J. González, Hayes
0 nays
3 absent — Gates, Romero, Tepper

WITNESSES: For — Nathan Kelley, Texas Affiliation of Affordable Housing Providers; Erin Hahn, Texas Housers (*Registered, but did not testify*: Brie Franco, City of Austin; Tanya Lavelle, Disability Rights Tx; Christine Yanas, Methodist Healthcare Ministries; Whitney Parra, TAAHP; Cynthia Bast, Texans for Workforce Housing; Roger Arriaga, Texas Affiliation of Affordable Housing Providers; Eric Samuels, Texas Homeless Network; Julie Wheeler, Travis County Commissioners Court; Ashley Harris, United Ways of Texas; Kenneth Flippin, US Green Building Council Texas chapter)
Against — None
On — (*Registered, but did not testify*: Michael Dunn, NRP Group)

BACKGROUND: Section 303.42(f) of the Local Government Code exempts certain multifamily housing developments sponsored by a Public Facilities Corporation (PFC) from property taxes.
Some have raised concerns that some PFCs are not accepting vouchers from those who participate in the housing choice voucher program, which could contribute to housing challenges for low-income families.

DIGEST: HB 1634 would prohibit a PFC receiving exemptions under Local Government Code sec. 303.42(f) from:

- refusing to rent a residential unit in a housing development to an individual or family because they participated in the housing choice voucher program; or
- using a financial or minimum income standard for those participating in the program that was more than 250 percent of the participant's share of the total monthly rent.

The bill would not restrict the authority of a PFC to lease a public facility to a private entity under terms other than those described in the bill.

HB 1634 would take effect September 1, 2023 and would apply only to a leasehold or other possessory interest in a public facility that was granted by a PFC on or after the effective date of the bill.

- SUBJECT:** Clarifying conduct that constitutes certain offenses involving children
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* James Parnell, Dallas Police Association; Julio Gonzalez, Dallas Police Department; Lavinia Bertha Masters, Hope SAVES; Ray Hunt, Houston Police Officer's Union; Brian Hawthorne, Sheriffs Association of Texas; Matt Dowling, Texas Medical Association; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Jennifer Allmon, The Texas Catholic Conference of Bishops; and eight individuals)
- Against — None
- On — Deborah Simmons
- BACKGROUND:** Concerns have been raised that current law may not address new crimes involving the use of artificial intelligence to create sexually explicit visual material of a minor.
- DIGEST:** HB 2700 would specify that for conduct that constituted the possession or promotion of child pornography, electronic transmission of certain visual material depicting a minor, and possession or promotion of lewd visual material depicting a child, prohibited visual material would include a depiction of a child or minor:
- who was recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and
 - whose image as a child younger than 18 years old was used in creating, adapting, or modifying the visual material, including computer-generated visual material that was created, adapted, or

modified using an artificial intelligence application or other computer software.

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

- SUBJECT:** Authorizing the issuance of permits for the movement of oversize trucks
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 11 ayes — Canales, Raney, Ashby, Davis, Gamez, Caroline Harris, Lujan, Ordaz, Patterson, Perez, Romero
- 0 nays
- 2 absent — Landgraf, Lozano
- WITNESSES:** For — (*Registered, but did not testify:* Don Rodman, Alliance for I-69 Texas; Fred Shannon, Texas Association of Manufacturers)
- Against — None
- On — (*Registered, but did not testify:* Lance Simmons, TxDOT)
- BACKGROUND:** Concerns have been raised that that oversize trucks traveling along the border may have to unload or divide their shipments to accommodate different road weight limits between Texas and Mexico.
- DIGEST:** CSHB 1939 would authorize the Texas Transportation Commission to authorize the City of Laredo to issue permits for the movement of oversize or overweight vehicles carrying cargo in Webb County on the following roadways:
- State Highway 255 between the Laredo-Colombia Solidarity International Bridge and its intersections with Interstate Highway 35; and
 - Farm-to-Market (FM) Road 3338 between its intersection with State Highway 255 and its intersection with Farm-to-Market Road 1472.
- The bill also would change a currently authorized location for permit issuance from the boundaries between FM 1472's northernmost intersections with World Trade Center Loop and its intersection with

Hachar Loop, if the Hachar Loop was constructed, to include FM 1472's intersection with State Highway 255 instead of Hachar Loop.

The bill would take effect September 1, 2023.

- SUBJECT:** Revising certain provisions of the rural veterinarian incentive program
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 6 ayes — Kuempel, Paul, Burns, Cole, Howard, Raney
0 nays
5 absent — Bucy, Burrows, Clardy, M. González, Lalani
- WITNESSES:** For — Tamra Walthall, Texas Veterinary Medical Association
(*Registered, but did not testify:* Judith McGeary, Farm and Ranch Freedom Alliance; J. Pete Laney, Texas Association of Dairymen; Stacy Sutton Kerby, Texas Humane Legislation Network; Katie Jarl, Texas Pets Alive; Jodi Long, Texas Veterinary Medical Association)

Against — None

On — Charles Contero-Puls, Texas Higher Education Coordinating Board
(*Registered, but did not testify:* Andy Schwartz, TAHC)
- BACKGROUND:** Some have suggested that the rural veterinarian incentive program could better serve its intended purpose by allowing program participants to enter into agreements with the Texas Higher Education Coordinating Board (THECB) and permitting out-of-state veterinary college graduates to apply to participate in the program.
- DIGEST:** CSHB 2026 would amend provisions of the Education Code pertaining to the rural veterinarian incentive program.
- Rural veterinarian incentive program committee rules.** The bill would amend the rules the veterinarian incentive program committee was required to consider to include rules establishing preferential treatment within the selection process for applicants who:
- were Texas residents;

- graduated from a Texas high school or general academic teaching institution; or
- graduated from a Texas accredited college of veterinary medicine.

Eligible Veterinary Student or Graduate. The bill would remove the requirement that a student graduate from a high school or general academic teaching institution located in Texas in order to achieve eligibility for the program.

Financial support and commitment to practice in a rural county. The bill would replace the requirement that a program participant enter into an agreement with the university system, instead requiring that the agreement be made with THECB. Accordingly, any financial support received under this agreement would be required to be used for loans, tuition, and fees to a college, rather than the university system.

Definitions. The bill would revise the definition of a college of veterinary medicine by removing the condition that such a college was located in Texas. The bill would also revise the definition of a rural county by increasing the maximum population of such a county from 100,000 to 150,000.

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.

- SUBJECT:** Establishing exemptions to commercial fisherman's license requirements
- COMMITTEE:** Culture, Recreation & Tourism — committee substitute recommended
- VOTE:** 6 ayes — Ashby, Martinez, Flores, Holland, Morrison, Troxclair
0 nays
3 absent — Bailes, Collier, Garcia
- WITNESSES:** For — (*Registered, but did not testify:* Jason Sabo, Environment Texas; Larry Young, Game Warden Peace Officers Association; Cyrus Reed, Lone Star Chapter Sierra Club; John Shepperd, Texas Foundation for Conservation; Johny Jurisich, Chad Wilbanks, Tracy Woody, Texas Oyster Association)
Against — None
On — (*Registered, but did not testify:* Les Casterline, Texas Parks and Wildlife)
- BACKGROUND:** Concerns have been raised that previous license exemptions for those who take oysters on licensed boats exist in conflict with other boat license requirements, causing confusion.
- DIGEST:** HB 3497 would require a person who takes or assists in taking oysters on a licensed commercial oyster boat to obtain or possess a general commercial fisherman's license. The bill would exempt holders of commercial oyster boat captain's licenses from this requirement.
The bill also would exempt holders of commercial oyster boat captain's licenses from certain provisions requiring licensed commercial oyster boat crew members to have a general commercial fisherman's license while on a licensed boat being used to take oysters.

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.

- SUBJECT:** Adjusting criteria for media production development zone recognition
- COMMITTEE:** Culture, Recreation & Tourism — committee substitute recommended
- VOTE:** 5 ayes — Ashby, Martinez, Flores, Holland, Morrison
- 0 nays
- 4 absent — Bailes, Collier, Garcia, Troxclair
- 0 present not voting
- WITNESSES:** For — (*Registered, but did not testify:* TJ Patterson, City of Fort Worth; Jessica Christopherson, Fort Worth Film Commission; Stacy Schmitt, Opportunity Austin; Red Sanders, Red Productions; Justin Bragiel, Texas Hotel and Lodging Association; Ron Hinkle, Texas Travel Alliance; Heather Page, The Shine Company; Royce Poinsett, Troublemaker Studios; International Alliance of Theatrical Stage Employees)
- Against — None
- On — (*Registered, but did not testify:* Adriana Cruz, Texas Economic Development & Tourism, Office of the Governor)
- BACKGROUND:** Concerns have been raised that the eligibility and population requirements for an area to be recognized as a media production development zone should be revised.
- DIGEST:** HB 4051 would eliminate the requirement that a metropolitan statistical area's principal municipality have a population greater than 250,000 in order for any portion of the metropolitan statistical area to be approved as a media production development zone.
- The bill would take effect September 1, 2023 and apply only to an application for designation submitted on or after that date.

- SUBJECT:** Allowing the consideration of a subsequent writ of habeas corpus
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
- 0 nays
- WITNESSES:** For — Mike Ware, Innocence Project of Texas (*Registered, but did not testify*: M. Paige Williams, Dallas County Criminal District Attorney John Creuzot; Kevin Hale, Libertarian Party of Texas; Jennifer Allmon, Texas Catholic Conference of Bishops; Allen Place, Texas Criminal Defense Lawyers Association; and 8 individuals)
- Against — None
- On — Benjamin Wolff, Office of Capital and Forensic Writs
- BACKGROUND:** Concerns have been raised that when an initial application for a writ of habeas corpus is denied, a second or subsequent application cannot be considered except in limited circumstances, which could leave legitimate applications unrectified.
- DIGEST:** HB 247 would allow a court to consider, in felony cases where the death penalty could not be imposed, a subsequent application for writ of habeas corpus after final disposition if the attorney representing the state consented in writing to the court's consideration of and ruling on the merits of the application.
- The bill would take effect September 1, 2023 and would apply only to applications for a writ of habeas corpus filed on or after that date.

- SUBJECT:** Limiting liability that an acquiring financial institution could inherit
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 5 ayes — Leach, Julie Johnson, Flores, Moody, Schofield
- 2 nays — Slawson, Vasut
- 1 absent — Davis
- 1 present not voting — Murr
- WITNESSES:** For — David Estes, Texas Regional Bank; Danny Gurwitz, Texas Regional Bank (*Registered, but did not testify*: Stephen Scurlock, Independent Bankers Association of Texas; Chnequa Kirby Harrison)
- Against — Craig Hopper, Texas Real Estate Probate Institute (*Registered, but did not testify*: Guy Herman, Presiding Judge of the Statutory Probate Judges of Texas)
- BACKGROUND:** Some have suggested that an acquiring trustee of a merged or acquired financial institution should not be held liable for transactions that were conducted by a predecessor.
- DIGEST:** CSHB 1552 would limit the aggregate liability of an acquiring financial institution, as defined in statute, that accepted trusts served by the financial institution with which the acquiring institution merged or acquired to whichever amount was lesser between:
- \$10 million; or
 - the aggregate value of all distributions of trust property made by any predecessor trustee in all trusts before the acquiring financial institution’s acceptance of the trusts.
- This provision would apply only to liability for conduct of a predecessor trustee.

The bill would take effect September 1, 2023 and apply only to actions filed against a financial institution on or after that date.

- SUBJECT:** Adjusting vacation leave policy for TDCJ employees
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 8 ayes — Herrero, Kacal, Allen, V. Jones, Lopez, Sherman, Swanson, Toth
0 nays
1 absent — Murr
- WITNESSES:** For — Jeff Ormsby, Texas Correctional Employees Council; Ann Bishop, Texas Public Employees Association (*Registered, but did not testify*: Joe Morris, Texas Game Warden Peace Officers Association; John Wilkerson, Texas Municipal Police Association; Renee Monroe, TxCURE Inc; Susan Stewart)
Against — None
On — Jason Clark, Texas Department of Criminal Justice
- BACKGROUND:** Some have suggested that authorizing the Texas Department of Criminal Justice (TDCJ) to facilitate additional compensation options for employees, such as receiving lump-sum payments instead of taking vacation time, could assist in staff retention.
- DIGEST:** CSHB 1832 would allow TDCJ to adopt a policy that permits employees to elect to receive a lump-sum payment for accumulated vacation leave in lieu of taking the leave.

The payment amount would be computed by multiplying the employee's hourly compensation rate, as of the date the employee notified the department, by the hours of accumulated vacation leave. The number of hours elected to be paid could not exceed 40 hours, or all of the employee's accumulated vacation leave, whichever was less. The number of hours paid would be deducted from the employee's accumulated vacation leave balance.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, HB 1832 as introduced would have a negative impact of \$49,452,200 through the biennium ending August 31, 2025.

- SUBJECT:** Limiting vicarious liability for certain transportation network companies
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Schofield, Slawson, Vasut
- 0 nays
- 1 absent — Davis
- WITNESSES:** For — Lee Parsley, Texans for Lawsuit Reform; Joe Messina, Uber Technologies, Inc (*Registered, but did not testify*: Steve Koebele, American Property Casualty Insurance Association; Servando Esparza, TechNet; George Christian, Texas Civil Justice League; Thomas Parkinson)
- Against — Laura Tamez, Texas Trial Lawyers Association (*Registered, but did not testify*: Laura Nodolf, Midland County District Attorney’s Office; Ware Wendell, Texas Watch; Vicki Burnett; and 8 individuals)
- BACKGROUND:** Some have suggested that limiting vicarious liability for certain transportation network companies, could reduce legal costs and streamline certain auto accident claims.
- DIGEST:** Under, CSHB 1745, a transportation network company could not be held vicariously liable for damages in an action or arbitration proceeding if:
- the claimant did not prove by clear and convincing evidence that the was grossly negligent with the respect to the subject claim; or
 - the company had fulfilled all of the company’s obligations with respect to the transportation network company driver.
- The bill would not affect the liability of a transportation network company arising from the company’s own negligence for an act of omission relating to the use of the company’s digital network, including if at the time of the event the company had knowledge that a driver was disqualified from

logging on to the company's digital network and failed to prevent the driver from logging on.

The bill would apply only to an action or arbitration proceedings in which:

- a transportation network company was the defendant;
- the claimant sought recovery damages for loss of property, bodily injury, or death;
- the claim arose out of the ownership, use, operation, or possession of a network vehicle while the vehicle's driver or passenger was logged on to the company's digital network; and
- the theory of recovery for damages was based on the ownership, operation, design, manufacture, or maintenance of a digital network accessed by a driver or passenger or the relationship or interaction with a driver logged on to the company's digital network.

The bill would take effect September 1, 2023 and would apply only to a cause of action that occurred on or after the effective date.

- SUBJECT:** Creating the offense of boating while intoxicated with a child passenger
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Moody, Cook, Bhojani, Bowers, Darby, Leach, C. Morales
- 0 nays
- 1 absent — Schatzline
- 1 present not voting — Harrison
- WITNESSES:** For — Cheryl Lieck, District Attorney/Chambers County (*Registered, but did not testify*); M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; David Batton, Harris County Deputies Organization FOP 39; Ray Hunt, Houston Police Officers’ Union; Tiana Sanford, Montgomery County District Attorney’s Office; Tom Maddox, Sheriffs’ Association of Texas; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Eve Margolis)
- Against — None
- On — Cody Jones, Texas Parks and Wildlife
- BACKGROUND:** Penal Code sec. 49.06 establishes that the offense of boating while intoxicated is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000), with a minimum term of confinement of 72 hours.
- Concerns have been raised that this offense does not currently address conduct regarding risk to passengers, especially risk to minors.
- DIGEST:** HB 1163 would create a criminal offense of boating while intoxicated with a child passenger. A person would commit the offense if the person was intoxicated while operating a watercraft that was occupied by a passenger younger than 15 years old. The offense would be a state-jail

felony (180 days to two years in a state jail and an optional fine of up to \$10,000).

The bill would extend provisions related to intoxication offenses to apply to the offense of boating while intoxicated with a child passenger.

Penalty enhancements. Boating while intoxicated with a child passenger would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the person previously had been convicted once of intoxication manslaughter or had two prior convictions of certain intoxication offenses including operating a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated. For the purpose of the third-degree felony enhancement, an offense of operating a watercraft while intoxicated would include boating while intoxicated with a child passenger. Additionally, a conviction for boating while intoxicated with a child passenger that occurred on or after September 1, 1994, would be a final conviction, regardless of whether the sentence was imposed or probated.

No defense. In a prosecution of boating while intoxicated with a child passenger, the fact that the defendant was or had been entitled to use the alcohol, controlled substance, drug, dangerous drug, or other substance would not be a defense.

Intoxication offenses committed by a minor. An offense of driving or operating watercraft under the influence of alcohol committed by a minor would not be a lesser included offense under boating while intoxicated with a child passenger.

Diversion to a treatment center. An accusation of boating while intoxicated with a child passenger would not be grounds for diversion to a treatment center under provisions relating to the diversion of persons suffering from a mental health crisis or substance abuse issue.

Search warrant. Any magistrate who was a licensed attorney could issue a search warrant to collect a blood specimen from a person who was

arrested for boating while intoxicated with a child passenger and refused to submit to a breath or blood alcohol test.

Eligibility for deferred adjudication community supervision. A judge could not grant deferred adjudication to a defendant charged with boating while intoxicated with a child passenger.

Use of an ignition interlock device. A magistrate would have to require defendants charged with subsequent offenses of boating while intoxicated with a child passenger to have an ignition interlock device installed on their motor vehicle preventing operators from starting the vehicle if alcohol was detected on their breath.

The bill would require that a court, as a condition of community supervision, mandate that a defendant convicted of boating while intoxicated with a child passenger have an ignition interlock device installed on the motor vehicle owned or used by the defendant and that the defendant not operate any vehicle not equipped with that device. This condition would apply if it was shown on trial that an analysis of the defendant's breath, blood, or urine showed an alcohol concentration of 0.15 or more at the time the analysis was performed, among certain other conditions.

A defendant convicted of a boating while intoxicated with a child passenger who had a previous conviction of certain intoxication offenses would not be required to have an ignition interlock device if the offense was committed 10 years before the offense in question.

Operation game thief fund. A person could apply to the Operation Game Thief Committee for a reward to be paid from the operation game thief fund if the person provided information leading to the arrest and conviction of a person who was boating while intoxicated with a child passenger.

Driver's license suspension. The bill would add the offense of boating while intoxicated with a child passenger to the offenses for which a peace officer would be required to serve a notice of driver's license suspension

if the offense was committed under certain conditions related to the driver's age and blood alcohol levels. The Department of Public Safety would be prohibited from imposing a suspension if the person was acquitted of the charge. The bill would specify the applicable periods of suspension and other procedures related to the suspension of a driver's license for a person convicted of boating while intoxicated with a child passenger.

Taking of specimen. A peace officer would be required to take a sample of a person's breath or blood if the person was arrested for boating while intoxicated with a child passenger if the person refused to voluntarily submit to the sampling under certain conditions.

The bill would take effect September 1, 2023.

- SUBJECT:** Allowing licensing authorities to accept applications from certain inmates
- 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 — Chris Willuhn, Texas Appleseed; Renee Monroe, TxCURE Inc, Charles Roberts (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Terra Tucker, Alliance for Safety and Justice; Corinne Schnadelbach, Catholic Charities; Matthew Garcia, Dallas Regional Chamber; Hannah Haddad, Diocese of Austin; Jennifer Carter, Goodwill Central Texas; Jennifer Toon, Lioness Justice Impacted Women’s Alliance; Luisa De Poo, Roman Catholic Diocese of Austin; Maggie Luna, Statewide Leadership Council; Luis Soberon, Texas 2036; Lori Henning, Texas Association of Goodwills; Charlie Malouff, Texas C.U.R.E., Inc; Stephanie Wilson, Texas Catholic Bishops; Jenny Andrews, Texas Catholic Conference of Bishops; Cody Wilson, Texas Conference of Catholic Bishops; Jennifer Fagan, Texas Construction Association; Sarah Mae Jennings, Texas Fair Defense Project; Nikki Pressley, Texas Public Policy Foundation; Ashley Ford, The Arc of Texas; Stephanie Mace, United Way of Metropolitan Dallas; Ashley Harris, United Ways of Texas; and nine individuals)
- Against — None
- On — (*Registered, but did not testify*: April Zamora, Texas Department of Criminal Justice)
- BACKGROUND:** Some have suggested that inmates in the Texas Department of Criminal Justice should have access to licensure applications to help them prepare for successful reentry into society.

DIGEST: HB 3158 would allow a licensing authority to accept an application for licensure from an inmate imprisoned in the Texas Department of Criminal Justice.

The bill would take effect September 1, 2023.

- SUBJECT:** Amending the landowner's bill of rights
- COMMITTEE:** Land & Resource Management — favorable, without amendment
- VOTE:** 9 ayes — Burns, Rogers, K. Bell, C. Bell, Buckley, Ortega, Reynolds, Schofield, Sherman.
0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Sarah Douglas, National Federation of Independent Business (NFIB); Cyrus Reed, Sierra Club Lone Star Chapter; Charles Maley, South Texans Property Rights Association; Melissa Hamilton, Texas & Southwestern Cattle Raisers Association; Joy Davis, Texas Farm Bureau; Jimmy Gaines, Texas landowners Council)
Against — None
- BACKGROUND:** Government Code sec. 402.031 establishes the landowner’s bill of rights, which is a written statement that includes the rights of a landowner whose real property may be acquired through eminent domain.
Concerns have been raised that certain projects involving eminent domain can decrease property value and that landowners are unaware of the report of decreased value that can be submitted to an appraisal office. Some have suggested including in the landowner bill of rights a notification of the right to submit such a report.
- DIGEST:** HB 376 would amend the landowner’s bill of rights to specify that a landowner had the right to submit to the appraisal district office in the county in which the property was taxable a report of decreased value for the owner’s remaining property after the taking. The statement provided to the landowner would include a copy of the report of decreased value form issued by the comptroller.
The attorney general would make the landowner’s bill of rights statement required by the bill available online by January 1, 2024.
The bill would take effect September 1, 2023.

- SUBJECT:** Altering certain allocations to the ESF and the state highway fund
- COMMITTEE:** Appropriations — favorable, without amendment
- VOTE:** 25 ayes — Bonnen, González, Allison, C. Bell, Bryant, DeAyala, Gates, Gervin-Hawkins, Howard, Isaac, Jetton, Martinez, Martinez Fischer, Morrison, Orr, Ortega, Rose, Spiller, Stucky, Tepper, E. Thompson, Toth, VanDeaver, Walle, Wu
- 0 nays
- 2 absent — Jarvis Johnson, Thimesch
- WITNESSES:** For — Drew Campbell, TAOT (*Registered, but did not testify*: Billy Phenix, AAA TX; Gilbert Turrieta, ACEC Texas; Karen Rove, Advanced Drainage Systems; Steven Albright, AGC of Texas- Highways, Heavy, Utilities, and Industrial Branch; Corbin Van Arsdale, AGC-Texas Building Branch; Don Rodman, Alliance for I-69 Texas; Ray Sullivan, HNTB; Daniel Hodge, Pape-Dawson Engineers; Karen Rove, Parsons; Cheri Huddleston, Ports to Plains Alliance; Jerry Haddican, S & B Infrastructure; Leticia Van de Putte, San Antonio Chamber of Commerce; Victor Boyer, San Antonio Mobility Coalition (SAMCo); Robert Braziel, Texas Automobile Dealers Association; Seth Juergens, Texas Realtors)
- Against — None
- On — (*Registered, but did not testify*: Tetyana Melnyk, Texas Comptroller of Public Accounts; Stephen Stewart, TxDOT)
- BACKGROUND:** Texas Constitution art. 3, sec. 49-g requires the comptroller to transfer a certain portion of revenue from oil and gas production taxes to the economic stabilization fund (ESF) and state highway fund (SHF) in each fiscal year.
- Subsection (c-2) requires the Legislature to provide through general law for a procedure by which this allocation can be increased. For this purpose, Government Code sec. 316.092 requires the comptroller to adopt

an amount of seven percent of the general revenue appropriations for a state fiscal biennium. Subsection (b) sets this section to expire December 31, 2034.

Sec. 316.093(c) requires the comptroller, for any fiscal year beginning on or after September 1, 2035, to transfer the entire portion of oil and gas production tax revenue allocated under Texas Constitution Art. III, sec. 49-g to the ESF.

In 2014, voters approved a constitutional amendment establishing a temporary diversion of certain oil and gas production tax revenue from the ESF to the SHF. Some have suggested that the provision for the expiration of the diversion should be repealed to allow the state to continue to use this funding mechanism for transportation infrastructure investments in the future.

DIGEST: HB 2230 would repeal Government Code sections 316.092(b) and 316.093(c).

NOTES: According to the Legislative Budget Board, any significant fiscal implications of HB 2230 would begin in fiscal year 2036.

- SUBJECT:** Allowing health insurers to provide certain incentives
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 7 ayes — Oliverson, Cain, Cortez, Caroline Harris, Hull, Paul, Perez
2 nays — A. Johnson, Julie Johnson
- WITNESSES:** For — Genevieve Collins, Americans for Prosperity; Shannon Meroney, National Association of Benefits Insurance Professionals; Charles Miller, Texas 2036; Carl Isett, Texas Association of Benefit Administrators; Blake Hutson, Texas Association of Health Plans (*Registered, but did not testify*: Samuel Sheetz, Americans for Prosperity; Mia McCord, Texans for Affordable Health Care/American Coalition for Affordable Health Care; Matt Abel, Texas Association of Business; David Reynolds, Texas Chapter American Chapter of Physicians Services; Carrie Simmons, Texas Employers for Affordable Healthcare; Jorge Martinez, The LIBRE Initiative; Colby Nichols, TML Health Benefits Pool)
- Against — (*Registered, but did not testify*: Sara Allen, Texas College of Emergency Physicians; Ben Wright, Texas Medical Association; Jill Sutton, Texas Osteopathic Medical Association; Michael Grimes, Texas Radiological Society; Marti Luparello, Texas Society of Pathologists; Bonnie Bruce, USAP; and six individuals)
- On — David Balat, Texas Public Policy Foundation (*Registered, but did not testify*: Debra Diaz-Lara, Texas Department of Insurance)
- BACKGROUND:** Some have suggested that allowing insurers to provide certain incentives could encourage patients to choose lower-cost care.
- DIGEST:** CSHB 2414 would allow health maintenance organizations and insurers to provide incentives for enrollees or insureds to use certain providers through modified deductibles, copayments, coinsurance, or other cost-sharing provisions. A health maintenance organization or insurer that encouraged an enrollee to use specific physicians or providers, introduced or modified a tiered network plan, or assigned physicians or providers into

tiers would have a fiduciary duty to the enrollee, insured person, or group contract holder to engage in that conduct only for the primary benefit of the enrollee, insured person, or group contract holder.

The bill would take effect September 1, 2023.

SUBJECT: Revising rule requirements for electric utility fuel factor adjustment

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — Hunter, Hernandez, Anchía, Dean, Metcalf, Slawson, Smithee,
Turner

0 nays

5 absent — Geren, Guillen, Raymond, Spiller, S. Thompson

WITNESSES: For — Mark Bell, Association of Electric Companies of Texas; Erika Kane, Xcel Energy (*Registered, but did not testify*: Scott Hutchinson, Entergy Texas; Michael Ruggieri, Southwestern Elec. Power Co.; Damon Withrow, Xcel Energy)

Against — John Gordon

On — Thomas Gleeson, Public Utility Commission; Katie Coleman, Texas Association of Manufacturers

BACKGROUND: Some have suggested that the current process governing the recovery of fuel costs by certain electric utilities is overly complicated and litigious and should be made more efficient.

DIGEST: HB 2073 would revise the rules for procedures to adjust an electric utility's fuel factor required to be implemented by the Public Utility Commission (PUC). The rules would be required to ensure that:

- the utility collected electric fuel and purchase power costs as contemporaneously as possible; and
- the utility's under-collected or over-collected balance of fuel and power costs were collected from or refunded to customers through fuel factor adjustment within 90 days of the balance being accrued.

Upon finding that a utility had an under-collected balance due to extraordinary fuel and power costs that were unlikely to continue, PUC

would be authorized to direct the utility to adjust its fuel factor to defer recovery to take place over a period of up to two years. The bill would not require PUC to hold a hearing on the fuel factor adjustment.

A utility customer, a municipality with jurisdiction over the utility, or the Office of Public Utility Counsel could protest a fuel factor as provided for by the bill. If PUC found that the utility was substantially and persistently over-collecting or under-collecting reasonably-stated fuel and power costs, PUC would be required to order the utility to modify its fuel factor for accuracy and attempt to remedy any over-collection or under-collection within 90 days.

An electric utility would be required to apply to reconcile fuel and power costs at least once every two years. Any resulting change to the utility's under-collected or over-collected fuel balance would have to be incorporated into the utility's fuel factor to eliminate the balance over a three month period. PUC could extend the three month period for a reasonable time if the utility demonstrated that the fuel balance change would impact financial integrity.

The bill would take effect September 1, 2023.

SUBJECT: Creating a chronic kidney disease centralized resource center

COMMITTEE: Public Health — committee substitute recommended

VOTE: 11 ayes — Klick, Campos, Collier, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith, Tinderholt

0 nays

WITNESSES: For — Rita Littlefield, Chronic Kidney Disease Taskforce; Tiffany Jones-Smith, State of Texas Kidney Foundation (*Registered, but did not testify*: Omodele Ojomo, Autism Society of Texas; Elizabeth Stoll, Baxter Healthcare; Dennis Borel, Coalition of Texans with Disabilities; Lauren Fairbanks, Donate Life Texas; Aaron Gregg, Fresenius Medical Care; Maureen Milligan, Teaching Hospitals of Texas; Tom Banning, Texas Academy of Family Physicians; David Reynolds, Texas Chapter American College of Physicians Services; Danielle Lobsinger Bush, Texas Healthcare and Bioscience Institute; Matt Dowling, Texas Medical Association, Texas Public Health Coalition; Jill Sutton, Texas Osteopathic Medical Association; Brittani Bilse, Travers Therapeutics; Russell Hayter)

Against — None

On — (*Registered, but did not testify*: Keisha Rowe, Ellen Watkins, Health & Human Services Commission; Venus Alemanji)

BACKGROUND: Some have suggested that a centralized resource center could provide awareness, education, and resources on kidney diseases for patients and doctors.

DIGEST: CSHB 1876 would establish the Rita Littlefield Chronic Kidney Disease Centralized Resource Center within the Health and Human Services Commission (HHSC) as a centralized system through which people could request and obtain information on chronic kidney disease and related illnesses, genetic testing, and counseling for genetic kidney diseases.

People also could use the resource center to register for a kidney health clinical trials registry.

The structure and operation of the resource center would be required to allow individuals to access aggregated information on:

- chronic kidney disease awareness, prevention, and professional education;
- patient and family resources;
- resources on chronic kidney disease treatment options and modalities; and
- genetic testing and counseling for genetic kidney diseases.

In collaboration with the Chronic Kidney Disease Task Force, the resource center would maintain a website through which employees and members of the public could exchange information, and people could register for the clinical trials registry. Information would be provided in English and Spanish.

HHSC could solicit and accept gifts, grants, and donations from any source to implement the bill.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, CSHB 1876 would have no fiscal impact on general revenue related funds for the 2024-25 biennium and a negative impact of about \$5.2 million on general revenue related funds for fiscal 2026-27.

- SUBJECT:** Amending requirements for certain toll notices
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 11 ayes — Canales, Raney, Ashby, Davis, Gámez, Caroline Harris, Lozano, Lujan, Ordaz, Perez, Romero
- 0 nays
- 2 absent — Landgraf, Patterson
- WITNESSES:** For — Terri Hall, Texas TURF, Texans for Toll-free Highways
(*Registered, but did not testify:* Rebecca Young Montgomery, North Texas Commission; Arturo Ballesteros, North Texas Tollway Authority)
- Against — None
- On — (*Registered, but did not testify:* Brian Barth, TxDOT)
- BACKGROUND:** Some have suggested that establishing requirements for certain toll notices could improve transparency and communication between toll entities and customers.
- DIGEST:** HB 2170 would specify that a toll project entity would be required to immediately notify the holder of an electronic toll collection customer account that a payment by the credit card or debit card payment was declined or could not be processed.
- A notice or invoice of unpaid toll sent by mail would have to clearly indicate on the outside of the envelope that the document enclosed was a bill, and the recipient was expected to pay the amount indicated. Such an invoice or notice could be sent by text message if the recipient had provided a phone number and elected to receive notices by text message.
- The bill would take effect September 1, 2023, and would apply only to the collection of a toll on or before the effective date.

SUBJECT: Increasing compensatory time that TDCJ employees could accrue

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 — Jeff Ormsby, Texas Correctional Employees Council; Ann Bishop, Texas Public Employees Association (*Registered, but did not testify*: Tyler Sheldon, Texas State Employees Union)

Against — None

On — Jason Clark, Texas Department of Criminal Justice; Renee Monroe, TxCURE Inc

BACKGROUND: Concerns have been raised regarding a discrepancy as to how much compensatory time various Texas Department of Criminal Justice employees may accrue.

DIGEST: HB 1914 would amend the Government Code by including all employees of the Texas Department of Criminal Justice in the requirement to take compensatory time off during the 24-month period following the end of the workweek in which the compensatory time was accrued, or the compensatory time would lapse.

The bill would take effect September 1, 2023.

- SUBJECT:** Establishing provisions for certain prekindergarten classes
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 10 ayes — Buckley, Allen, Allison, Cunningham, Cody Harris, Harrison, Hinojosa, K. King, Longoria, Talarico
- 0 nays
- 3 absent — Dutton, Hefner, Schaefer
- WITNESSES:** For — Kathlyn McHenry, Early Care and Education Consortium; Amanda Pecina, Kindercare Learning Centers; Brian Gutman, Learning Care Group; Melissa Hoisington, Primrose Schools; Megan Mauro, Texas Association of Business (*Registered, but did not testify*: Amanda List, AList Consulting; Sharon Perry, Kids R Kids; Eric Knustrom, KinderCare Learning Centers; David Fincher, NCCC; Whitney Broughton, Texas Association of School Boards; Bryce Adams, Texas Public Charter Schools Association; Brenda Schultz, The Learning Experience; Seth Winick, The Learning Experience, Childcare Network, and Primrose Schools; Quynh-Huong Nguyen, Woori Juntos; and seven individuals)
- Against — Tricia Cave, Association of Texas Professional Educators; Cody Summerville, Texas Association for the Education of Young Children (*Registered, but did not testify*: Diane Goyette, Early Childhood Specialties LLC; Alejandro Pena, Texas American Federation of Teachers; Paige Williams, Texas Classroom Teachers Association; Carrie Griffith, Texas State Teachers Association; and nine individuals)
- On — Catherine Davis, Child Care Associates; Kimberly Kofron, Children at Risk; David Feigen, Texans Care for Children; Bryan Daniel, Texas Workforce Commission (*Registered, but did not testify*: Eric Marin, Monica Martinez, Texas Education Agency)
- BACKGROUND:** According to Education Code section 29.167, a teacher working in a prekindergarten program must have one or more additional qualifications,

including at least eight years' experience of teaching in a nationally accredited child care program.

Some have suggested that revising qualifications required of prekindergarten teachers and requirements for entities that are contracted by school districts to provide programs could help expand access to prekindergarten services.

DIGEST: CSHB 2729 would amend the qualifications under which a teacher could be qualified to teach Pre-K to include at least eight years' experience in a Texas Rising Star program.

The bill also would create requirements for each prekindergarten teacher for a class provided by an entity with which a school district contracted, establishing that a teacher would be required to either have one of the qualifications established in code or be supervised by a person who met those requirements. A person who supervised a prekindergarten teacher could supervise multiple classes.

The bill would specify that an entity contracted to provide a Pre-K program would be required to attempt to maintain an average ratio of no less than one qualified teacher or teacher's aide for each 11 students. The condition that such a teacher be a "certified teacher" would be replaced with "qualified teacher."

The bill would apply beginning with the 2023-2024 school year.

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.

- SUBJECT:** Establishing certain fees for municipal and county construction
- COMMITTEE:** Land & Resource Management — favorable, without amendment
- VOTE:** 8 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Ortega, Reynolds, Schofield
- 1 nay — Sherman
- WITNESSES:** For — Frank Murphy, Dallas Builders Association; Ned Muñoz, Texas Association of Builders (*Registered, but did not testify*: Trey Lary, Allen Boone Humphries Robinson LLP; Phil Crone, Donnie Evans, Dallas Builders Association; Don Allen, Greater Fort Worth Builders Association; Brett Martin, Greater Houston Builders Association; T. Justin MacDonald, Hill Country Builders Association; Ben Stratmann, Texans for Reasonable Solutions; Scott Norman, Texas Association of Builders; Julia Parenteau, Texas Realtors; Linda Vo)
- Against — (*Registered, but did not testify*: Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Andrew Fortune, City of Plano)
- BACKGROUND:** Concerns have been raised that certain regulatory fees assessed by municipalities and counties for construction may constitute an unauthorized occupations tax.
- DIGEST:** HB 3492 would prohibit a municipality or county from considering the cost of constructing or improving the public infrastructure for a subdivision, lot, or related property development in determining the amount of a fee. The municipality or county would determine the fee by considering the actual cost to review and process the engineering or construction plan or to inspect the public infrastructure improvement. A municipality's or county's actual cost for reviewing and processing such a plan or inspecting public infrastructure improvement would be calculated at the lowest amount of:
- the fee that would be charged by a qualified third-party entity for those services;

- the hourly rate for the estimated actual direct time of the municipality's or county's employees performing those services; or
- the actual costs assessed to the municipality or county by a third-party entity that provided those services.

A municipality or county could not require the disclosure of information related to the value or cost of constructing or improving residential dwellings or public infrastructure improvements as a condition of obtaining approval for construction or for the acceptance of improvements except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.

A municipality or county that imposed a fee for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement would be required to annually publish the fee, along with the hourly rate and estimated direct time incurred by the municipal or county employees for a fee, as calculated under the bill's provisions. The municipality or county would be required to publish the information on its website or a certain general circulation newspaper.

The bill would apply only to a fee assessed by a municipality or county on or after the effective date of the bill.

The bill would take effect September 1, 2023.