HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
P.O. Box 2910, Austin, Texas 78768-2910
(512) 463-0752 • https://hro.house.texas.gov

HOUSE RESEARCH ORGANIZATION

daily floor report

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

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 Three 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) - 53

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Monday, May 01, 2023
88th Legislature, Number 53
Part 3

SUBJECT: Establishing a tax credit program for certain media production companies

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

VOTE: 8 ayes — Ashby, Martinez, Bailes, Collier, Flores, Garcia, Holland, Morrison

0 nays

1 absent — Troxclair

WITNESSES: For — Vincent Cordero, Jon Hockenyos, Mucho Mas Media; Sean Doherty, Sharpened Iron Studios LLC; Paul Jensen, Texas Media Production Alliance; Kyle Collinsworth; Mykle McCoslin; Jordan Willis (*Registered, but did not testify*: Jennifer Hutchins, Austin Entertainment Business; Jeffrey DeCoux, Autonomy Institute; Colby Gaines, Back Roads Entertainment; Bruce Barshop, Bardero Ventures LLC; Marc Rodriguez, Brooks San Antonio; TJ Patterson, City of Fort Worth; Alexa Aragonez, City of Houston, Mayor's Office; Michael Husband, Desert Pirate Productions; Grace Lanni, Giving Out Loud; Stephen Scurlock, Independent Bankers Association of Texas; James Barge, Lionsgate; Ryan Holliday, Painted Porch; Leticia Van de Putte, San Antonio Chamber of Commerce; Tommy Warren, Spiderwood Productions; Holly Collinsworth, Texas Accelerated Workforce Endowment; Stephanie Matthews, Texas Association of Business; Justin Yancy, Texas Business Leadership Council; Mindy Ellmer, Texas Cultural Trust; Carlton Schwab, Texas Economic Development Council; Chris Debiec, Texas Media Coalition; Ron Hinkle, Texas Travel Alliance; Ed Curtis, Y Texas; Christy Carlson Romano; Robert Hansen; Jeremy Latcham; Jamie Lynn Sigler)

Against — Dick Lavine, Every Texan

On — James LeBas, Texas Media Coalition (*Registered, but did not testify*: Stephanie Whallon, Texas Film Commission, Office of the Governor)

BACKGROUND: Some have suggested that a more robust media production program with better benefits could provide long-term predictability for large investment productions in Texas and capture more multimedia production investment for the state.

DIGEST: HB 3600 would require the Music, Film, Television, and Multimedia Office to implement and administer the Texas Multimedia Production Program, a tax credit program for production companies that produced moving image projects in the state. A moving image project would mean a visual and sound production, including a film, television program, national or multistate commercial, or education or instructional video. The term would not include a production that was obscene.

Procedure. The office would be required to develop a procedure by which a production company could apply for a certificate of eligibility for the tax credit program. The procedure would need to specify how an applicant would demonstrate their Texas residency. Before production of a project began, the procedure also would require the submission of:

- estimates of the applicant's total in-state project spending for the project;
- the shooting script or story board for the project;
- the estimated number of jobs for cast and production crew during the production and completion of the project; and
- any other information that the office required to determine the applicant's in-state spending.

Certificate of eligibility. HB 3600 would authorize the office to award a certificate of eligibility to a production company based only on in-state spending by the company that had been verified by the office. The office would deny an application for a production that the office determined to be obscene. The office would be required to provide written notice of the determination to the applicant within seven business days after the date the office made the determination.

The office could not award a certificate of eligibility unless the office reviewed a copy of the final script of the project and determined whether a

substantial change occurred during production that rendered the production ineligible for the certificate.

HB 3600 would require the office to include the amount of the tax credit on the face of a certificate of eligibility. An applicant who received a certificate would provide the certificate to the comptroller, along with any other information the comptroller required, to receive the tax credit.

The office could by rule impose an application fee that was sufficient to offset the office's and comptroller's administrative costs of implementing the tax credit.

Qualifications. To qualify for a certificate of eligibility for a moving image project, a production company would need to:

- demonstrate to the office that the production company had made at least $15 million in in-state spending for the project;
- film at least 25 percent of the project in the state, including additional pick-up days and second unit days;
- submit a ledger of expenses to the office that listed all in-state spending and included all documentation required by the office to determine the production company's in-state spending; and
- meet certain principal photography requirements.

Unless the office determined and certified in writing that not enough qualified crew, actors, and extras were available at the start of principal photography, the bill would require at least 25 percent of the production crew, actors, and extras for the project be Texas residents.

Amount of credit. HB 3600 would require the office to adopt rules establishing how it would calculate the amount of credit to list on a certificate of eligibility awarded to a production company for a project. The office would publish a written summary of how the office developed the amount of credit before the date the office began to award certificates.

The method adopted by the office would provide that the amount of credit listed on a certificate of eligibility equaled the sum of certain percentages. The office could not consider the production company's in-state spending

for the project when calculating the tax credit for the certificate of eligibility unless the production company provided the office with materials that could be used to promote economic development and tourism in the state, including a promotional video that met certain qualifications.

The office would be required to reduce the amount of credit listed on a certificate of eligibility by the amount equal to any delinquent amount owed to the state by the production company.

Tax credit. HB 3600 would amend the Tax Code to establish a tax credit for a production company that was awarded a certificate of eligibility by the Texas Multimedia Production Program. A production company would qualify for the tax credit if it submitted to the comptroller along with an application:

- a certificate of eligibility awarded by the Music, Film, Television, and Multimedia Office;
- an audited cost report prepared by a certified public accountant that itemized the costs and expenses to make the production and on which the amount of credit was based; and
- an attestation from the production company as to the total costs and expenses incurred to make the production.

An entity that sold or assigned the tax credit to another entity would be required to provide a copy of the certificate, audited cost report, and attestation to the buyer or assignee.

Amount of credit and limitations. Under the bill, the tax credit amount would be equal to the amount listed on a certificate of eligibility awarded to a production company. The bill would limit the total tax credit claimed for a report to the amount of franchise tax due for the report after any other applicable tax credits. An entity could not claim a credit on a report that was originally due before September 1, 2025, but could sell or assign a tax credit for which the entity qualified before that date.

Carryforward. If an entity was eligible for a tax credit that exceeded the above limitation, the entity could carry the unused credit forward for a

maximum of five consecutive reports. A carryforward would be considered the remaining portion of a tax credit that could not be claimed in the current year because of the above limitation.

Application. An entity would be required to apply to the comptroller for the tax credit on or with the report for the period for which the credit was claimed. An entity would be required to submit a certificate of eligibility, an audited cost report, and an attestation, along with an application and any other information the comptroller deemed necessary for determining whether the entity qualified for the credit. The burden of establishing eligibility for the tax credit and the amount of the tax credit would be on the entity.

Sale or assignment of credit. Under the bill, an entity awarded a certificate of eligibility could sell or assign all or part of the tax credit to one or more entities, who also could sell or assign all or part of the tax credit to another entity. There would be no limit on the number of transactions for sale or assignment of the tax credit. An entity that sold or assigned a tax credit and the entity to which the tax credit was sold or assigned would jointly submit to the comptroller within 30 days of the date of sale or assignment written notice of the sale or assignment that contained certain required information.

The sale of assignment of a tax credit would not increase the total amount of the tax credit that could be claimed. After an entity claimed a tax credit for a production company expenditure that formed the basis for the certificate of eligibility, another entity could not use the same expenditure as the basis for another certificate.

Certain provisions of the bill would apply to the partners, members, or shareholders of a partnership, limited liability company, S corporation, or other pass-through entity that earned, bought, or was assigned the tax credit. The bill also would allow for the ability to claim the tax credit against certain premium taxes and would exempt entities that earned, bought, or were assigned the tax credit from paying any additional retaliatory tax levied as a result of claiming that credit.

The comptroller would be required to adopt rules and forms necessary to implement the bill.

The bill would take effect September 1, 2023.

NOTES:

According to estimates by the Legislative Budget Board, the bill would have a negative impact to general revenue related funds of $1,010,596 during fiscal 2024-25. For fiscal 2026-27, implementing the provisions of the bill would have a negative impact to general revenue related funds of about $783,993,096. The bill also would have a direct impact of a revenue loss to the Property Tax Relief Fund of $137,000,000 for fiscal 2026-27. Any loss to the Property Tax Relief Fund would have to be made up with an equal amount of General Revenue to fund the Foundation School Program.

SUBJECT: Relating to a grant program for crime victim notification systems

COMMITTEE: Homeland Security & Public Safety — committee substitute recommended

VOTE: 9 ayes — Guillen, Jarvis Johnson, Bowers, Canales, Dorazio, Goodwin, Harless, Holland, Troxclair

0 nays

WITNESSES: For — (*Registered, but did not testify*: James Parnell, Dallas Police Association; David Batton, Harris County Deputies Organization FOP 39; Nikki Pressley, Texas Public Policy Foundation; Mandy Smith, Versaterm)

Against — None

BACKGROUND: Some have suggested that establishing crime victim notification systems for more law enforcement agencies could allow victims to access necessary services and resources in a more timely manner.

DIGEST: HB 4318 would require the criminal justice division of the Governor's Office to establish and administer a grant program to provide financial assistance to a law enforcement agency for purchasing or developing a crime victim notification system.

The division would be required to establish eligibility criteria for grant applicants, application procedures, criteria for evaluating and selecting grant applications, grant amount guidelines, and procedures for monitoring grant use and compliance.

A crime victim notification system for which a law enforcement agency could seek a grant would be required to:

- automatically, and without the requirement to download software to opt in to notifications, notify a victim or relative of a deceased

victim by e-mail or text message of certain information regarding the victim's case;

- interface with the law enforcement agency's system of records;
- provide configurable triggers to directly send messages;
- provide capabilities to attach electronic attachments to messages, transmit notifications in English and Spanish, respond to questions via artificial intelligence, and allow a person to check the case status;
- monitor the number and types of messages sent and enable a user to visualize that data; and
- provide a survey tool allowing the law enforcement agency to solicit feedback on victims services.

Information in the crime victim notification system would be confidential and not subject to disclosure. As a condition to receiving a grant, a law enforcement agency would be required to annually report to the criminal justice division the number and types of notifications sent using the system. The criminal justice division would be required to compile the information into a written report provided to the Legislature by December 1 of each year.

The bill would take effect September 1, 2023.

SUBJECT: Expanding requirements for CPR/AED training in certain schools

COMMITTEE: Public Education — favorable, without amendment

VOTE: 9 ayes — Buckley, Allison, Cunningham, Cody Harris, Harrison, Hefner, K. King, Schaefer, Talarico

1 nays — Hinojosa

3 absent — Allen, Dutton, Longoria

WITNESSES: For — Jamie Moore, American Heart Association and CHRISTUS Health (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Mary Lowe, Families Engaged; Mark Terry, Texas Elementary Principals and Supervisors Association; Joshua Houston, Texas Impact; Suzi Kennon, Texas PTA)

Against — None

On — (*Registered, but did not testify*: Eric Marin, Monica Martinez, Texas Education Agency)

BACKGROUND: Under Education Code sec. 28.0023, public and open-enrollment charter schools are required to educate students in grades seven through 12 on cardiopulmonary resuscitation (CPR). The code also establishes other provisions related to the operation and funding of such programs.

Some have suggested that requiring training on automated external defibrillators (AEDs) in public schools could improve public safety.

DIGEST: HB 4375 would require students in grades seven through 12 to be instructed on how to use automated external defibrillators (AEDs). The bill would include conforming language establishing that provisions regarding instruction in CPR, and any equipment donated for such programs, would also apply to AED education.

From funds appropriated or otherwise available for that purpose, the education commissioner would be required to develop and award grants to school districts and charter schools to assist in providing CPR and AED instruction.

The bill would apply beginning with the 2023-24 school year.

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

NOTES:

According to estimates by the Legislative Budget Board, the bill would have an estimated negative impact of $720,661 to general revenue related funds through fiscal 2024-25, with reduced impact in subsequent biennia. The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provision of the bill.

SUBJECT: Amending requirements for certain personal financial statements

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 7 ayes — Hunter, Hernandez, Dean, Metcalf, Slawson, Smithee, S. Thompson

0 nays

4 absent — Geren, Guillen, Raymond, Spiller

2 PNV — Anchía, Turner

WITNESSES: For — Andrew Cates

Against — (*Registered, but did not testify*: Adam Cahn)

On — (*Registered, but did not testify*: J.R. Johnson, Texas Ethics Commission)

BACKGROUND: Some have suggested that the current financial statement document for public officeholders and candidates could be streamlined.

DIGEST: HB 4053 would specify that the name of a person with an interest in a property that held a mortgage on the property that was otherwise required to be reported in a personal financial statement filed by certain public officers or candidates for office would not be required to be listed.

The bill would eliminate requirements, under certain conditions, for an individual to categorize the amount of certain fees, sales, income, assets, liabilities, compensation, shares of stock, or trusts in a personal financial statement.

The bill would eliminate the requirement that a person identify certain business associations by description in which 5 percent or more of the outstanding ownership was held, acquired, or sold.

Certain requirements would be amended to include in a financial statement a list of all boards of directors from which the individual received compensation and executive positions, only if the executive position held was president, vice president, secretary, treasurer, or chairman under certain conditions.

The bill would eliminate certain requirements that members of the Legislature who provided bond counsel services to an issuer provide certain details regarding the date and amount of fees paid of each issuance.

The Texas Ethics Commission would be required to reduce redundancies in reporting requirements for financial statements through forms the commission prescribed.

Under certain conditions, an individual whose financial activity was managed by a disinterested third party would not be required to report that information if the individual submitted a sworn statement with the financial statement that included certain information.

The bill would apply only to financial statements of officeholders and candidates for public office on or after the effective date of the bill. The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, HB 4053 would have a negative impact of $52,500 in general revenue related funds during fiscal 2024-25.

SUBJECT: Revising prompt payment deadlines for certain health benefit plan claims

COMMITTEE: Insurance — favorable, without amendment

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

0 nays

WITNESSES: For — (*Registered, but did not testify*: Omodele Ojomo, Autism Society of Texas; Shannon Meroney, National Association of Health Underwriters - Texas; Maureen Milligan, Teaching Hospitals of Texas; David Reynolds, Texas Chapter American Chapter of Physicians Services; Sara Allen, Texas College of Emergency Physicians; John Carlo, Texas Medical Association; Ben Wright, Texas Medical Association; Tilden Childs, Texas Medical Society; Bobby Hillert, Texas Orthopaedic Association; Jill Sutton, Texas Osteopathic Medical Association; Michael Grimes, Texas Radiological Society; Marti Luparello, Texas Society of Pathologists; G. Sealy Massingill, TMA; Bonnie Bruce, USAP; and 14 individuals)

Against — None

On — (*Registered, but did not testify*: Debra Diaz-Lara, Texas Department of Insurance)

BACKGROUND: Some have suggested that clarifying certain statutes could solve regulation issues regarding claim submissions and payment deadlines during emergencies like the COVID-19 pandemic.

DIGEST: HB 3196 would specify that if a physician or provider failed to submit a claim regarding pay to a health maintenance organization or a preferred provider benefits plan, the physician or provider would forfeit the right to payment. The period for submitting a claim could be extended under certain circumstances, including a contract or extenuating circumstances.

An insurer would not be liable for failure to pay if the claim was the result of a catastrophic event and the Texas Department of Insurance commissioner published a notice allowing an extension of the applicable prompt payment deadline or the department approved the health maintenance organization request for an extension.

The bill would take effect September 1, 2023, and would only apply to claim submissions on or after the effective date.

SUBJECT: Authorizing the adoption of wells by certain geothermal operations

COMMITTEE: Energy Resources — committee substitute recommended

VOTE: 8 ayes — Goldman, Anchía, Anderson, Bailes, Craddick, Darby, Gerdes, Thierry

0 nays

3 absent — Morales, Guerra, Zwiener

WITNESSES: For — Dario Guerra, Marco Vega, McAllen Public Utility; James McAllen Jr, Rio Grande Geothermal LLC; Barry Smitherman, Texas Geothermal Energy Alliance. (*Registered, but did not testify*: Randy Cain, Advanced Power Alliance; Julie Williams, Chevron; Jason Sabo, Environment Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Jeremy Mazur, Texas 2036; Kenneth Flippin, US Green Building Council Texas chapter)

Against — None

BACKGROUND: Some have suggested that creating a mechanism for geothermal operators to adopt orphan wells could help reduce the number of orphan wells in Texas and save money that may otherwise be spent plugging these wells.

DIGEST: CSHB 3131 would specify that, in addition to established statute, the Railroad commission would be required to designate a person as the operator of an orphaned well if the person filed with the commission a factually supported claim based on a continuing possessory right in:

- documentation of interest in the mineral estate;
- the geothermal energy and associated resources estate accessed by the well, as established by a current geothermal lease, a recorded deed conveying a fee interest in the geothermal estate, or any other documentation of an interest in a geothermal estate; or
- the geologic space accessed by the well for the purpose of an energy conservation well, as established by a recorded deed

conveying a fee interest in the spaces accessed by the well or any other documentation of an interest in that space.

The bill would take effect September 1, 2023.

SUBJECT: Establishing a military service credit and amending related processes

COMMITTEE: Pensions, Investments & Financial Services — committee substitute recommended

VOTE: 9 ayes — Capriglione, Lambert, Bhojani, Bryant, Frazier, Leo-Wilson, Plesa, VanDeaver, Vo

0 nays

WITNESSES: For — (*Registered, but did not testify*: Rahul Sreenivasan, Texas 2036; Emily Amps, Texas AFL-CIO; Ann Bishop, TPEA; Joe Hamill)

Against — None

On — (*Registered, but did not testify*: Robin Hardaway, Employees Retirement System; Amy Cardona, Pension Review Board)

BACKGROUND: Under Government Code sec. 804.001, a "domestic relations order" is any judgment, decree, or order, including approval of a property settlement agreement, which relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a pubic retirement system member or retiree, and is made pursuant to a domestic relations law, including a community property law of any state.

Some have suggested that certain technical changes could be made to the Employees Retirement System to ensure the cash balance benefit structure is implemented as intended.

DIGEST: CSHB 3056 would require that the board of trustees of the Employees Retirement System (ERS) adopted rules to comply with the Uniformed Services Employment and Reemployment Rights Act of 1994, including rules governing how a member could establish a military service credit.

For military service, the state would be required to contribute a certain amount based on a member's contribution. The state's contribution would

be required to be paid from the fund from which the member received compensation at the time of service or, if the member did not hold a position at that time, from the fund from which the member received compensation when the member most recently held a position.

Instead of the standard cash balance annuity, a retiring member could elect to receive an optional cash balance annuity.

Members who selected an optional lifetime cash balance annuity would be required to designate one beneficiary before the selection became effective to receive the annuity on the death of the person making the selection. Members who selected an optional cash balance annuity payable for a guaranteed period could designate, before or after retirement, one or more beneficiaries to receive the annuity on the death of the person making the selection.

The bill would establish options from which a person eligible to select an optional cash balance annuity could choose. If a designated beneficiary predeceased the retiree who selected an optional lifetime annuity, the reduced annuity would be increased to the standard cash balance annuity to which the retiree would have been entitled, adjusted as appropriate for postretirement increased in benefits authorized since the date of retirement.

The computation of an optional cash balance annuity would be required to be made without regard to the gender of the annuitant or designated beneficiary. The beneficiary designation could not be changed or revoked after the effective date of the retirement except under certain conditions.

An optional retirement annuity would be available to a member eligible to receive enhanced service retirement annuity, but the same optional plan and beneficiary would have to be selected for the portion of the annuity payable from the law enforcement and custodial officer supplemental retirement fund and the portion payable from the member’s individual account in the employees saving account.

A person who retired and selected an optional cash balance annuity could change the optional annuity to a standard cash balance annuity only under certain conditions.

A member who was eligible for a cash balance annuity could select a standard cash balance annuity or an optional cash balance annuity together with a partial lump-sum distribution under certain conditions. The board of trustees could adopt rules for the implementation of this provision and authorize the option to be used for a death benefit annuity. The provision would not apply to a disability retirement annuity.

CSHB 3056 would provide an exception to certain provisions regarding benefit payment depending on the qualification status of domestic relations orders. The exception would require payment of segregated amounts by a public retirement system, or applicable carrier if under the optional retirement program, related to a benefit payable with respect to a member or retiree subject to cash balance benefits to include annual interest and gain sharing interest.

The bill would make changes to the calculations of gain sharing interest rates, concluding the calculation with multiplying the resulting difference, rather than sum determined, by 50 percent.

The bill would further amend provisions for gain sharing interest adjustments such that, in addition to the deposited amount under the annual interest adjustment, the retirement system each fiscal year would be required to deposit into each member's individual account in the employees saving account an amount equal to the gain sharing interest rate for the fiscal year multiplied by the member's accumulated account balance as of the end of the preceding fiscal year and recalculate the annuity payment of a retiree or annuitant by:

- multiplying the annuity payment amount as of the end of the preceding fiscal year by, rather than of an amount equal to, the gain sharing interest rate; or
- if the retiree or annuitant was not entitled to an annuity payment as of the end of the preceding fiscal year, multiplying the retiree's or annuitant's first annuity payment amount by the gain sharing interest rate.

The bill would eliminate an exemption from certain provisions applicable to cash balance group members for custodial officer service.

The bill also would make conforming changes.

The bill would apply only to a domestic relations order entered on or after the effective date of the act. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

SUBJECT: Creating a penalty for tampering with certain electronic monitors

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 — (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); James Parnell, Dallas Police Association; Robin Foster, Harris County Deputies' Organization FOP #39; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; Carlos Ortiz, San Antonio Police Officers Association; Lauren Lluveras, Texas Council on Family Violence)

Against — (*Registered, but did not testify*: Henry Bohnert; Benny Hernandez)

On — Tim McDonnell, Board of Pardons and Paroles; Jennifer Toon, Lioness Justice Impacted Women's Alliance; Rene Hinojosa, Texas Department of Criminal Justice; Marci Simmons

BACKGROUND: Concerns have been raised that violations of electronic monitoring orders are currently a technical violation of parole and not a violation of state law.

DIGEST: HB 2984 would amend the Penal Code to establish that person who was required to submit to electronic monitoring of the person's location as part of an electric monitoring program or as a condition of certain sentences would commit an offense if the person knowingly removed or disabled a tracking device that the person was required to wear.

This 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), unless the person was in the super-intensive supervision program, in which case, the offense would be

a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000).

The bill would take effect September 1, 2023.

NOTES:

According to estimates by the Legislative Budget Board, the fiscal implications of the bill could not be determined due to lack of statewide data regarding the number of individuals who would be required to submit to electronic monitoring as a condition of certain supervision and the number of individuals who knowingly removed or disabled a required electronic monitoring device.

SUBJECT: Amending criteria for liquidity stress tests for certain insurance companies

COMMITTEE: Insurance — favorable, without amendment

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

0 nays

WITNESSES: For — (*Registered, but did not testify*: Deborah Polan, AIG; Jennifer Cawley, Texas Association of Life and Health Insurers)

Against — None

On — (*Registered, but did not testify*: Amy Garcia, Texas Department of Insurance)

BACKGROUND: Some have suggested that the Texas Department of Insurance should adopt a liquidity stress test framework to ensure certain insurers have enough cash on hand in case a large number of customers demanded a payout.

DIGEST: HB 2839 would specify that the ultimate controlling person of an insurer would be required to file the insurer's results of a specific year's liquidity stress test performed using a liquidity stress test framework that the Texas Department of Insurance commissioner adopted by rule if Texas was the lead state of the insurer's group and the insurer or the insurer's group met the scope criteria.

The filing required by the insurer would be considered proprietary information and to contain trade secrets, and the commissioner or any other person, including the National Association of Insurance Commissioners (NAIC), who received the filing could not testify in any private civil action concerning the filing.

The filing would have to be made on the reporting template that the commissioner adopted. The commissioner could exempt an insurer from

the filing requirement after the commissioner consulted with other state insurance commissioners regarding the impact that exempting the insurer could have on the aggregation of liquidity stress test results filed by other insurers in those states.

The commissioner would be required to adopt by rule a liquidity stress test framework consistent with frameworks established by NAIC to facilitate the aggregation of results from liquidity stress tests filed in other states.

The commissioner would be required to collect the results filed and report them to NAIC.

The bill would take effect September 1, 2023.

SUBJECT: Standardizing procedures for transferring certain cases between courts

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 — (*Registered, but did not testify*: Lisa David, Cary Roberts, County and District Clerks' Association of Texas; Guy Herman, Statutory Probate Courts of Texas)

Against — None

BACKGROUND: Some have suggested that the Legislature should standardize the methods for transferring probate and guardianship matters similarly to civil and family cases.

DIGEST: CSHB 2893 would add provisions relating to the electronic transfer of records for probate proceedings, guardianship proceedings, and certain other cases.

Transfer of probate and guardianship proceedings. If a probate or guardianship proceeding was transferred to a court in another county, the clerk of the transferring court would be required to send to the clerk of the other court, using the electronic filing system, the following:

- a transfer certificate and index of transferred documents;
- a copy of each final order;
- a copy of the order of transfer signed by the transferring court;
- a copy of the original papers filed in the transferring court;
- a copy of the transfer certificate and index of transferred documents from each previous transfer; and
- a bill of any costs accrued in the transferring court.

The clerk of the transferring court would be required to keep a copy of these documents. When transferring a proceeding, the clerk would be required to use the standardized transfer certificate and index of transferred documents form developed by the Office of Court Administration (OCA).

The clerk of the transferee court would be required to accept the transferred documents and docket the proceeding or suit. The clerk also would be required to, using the electronic filing system, notify all parties to the proceeding or suit, the clerk of the transferring court, and if appropriate, the transferring court's local registry that the proceeding or suit had been docketed. CSHB 2893 would require the clerk of the transferee court to physically or electronically mark or stamp the transfer certificate and index of transferred documents to indicate the date and time of acceptance. The clerk could not, however, mark or stamp any other transferred document.

The clerks of both courts each could produce certified and uncertified copies of the transferred documents but would be required to include a copy of the transfer certificate and index of transferred documents with each document produced.

A court could not send any of the applicable documents using mail or electronic mail.

Probate proceedings. For probate proceedings, the clerk also would be required to transfer a copy of any will, along with all other documents specified by the bill. The clerk of the transferring court would be required to deliver the original will to the clerk of the other court by registered or certified mail, common or contract carrier, or a designated delivery service, with a proof of receipt. The party requesting the transfer would be required to pay the cost of delivery.

Guardianship proceedings. CSHB 2893 would require the clerk to record any unrecorded papers of the guardianship within 10 days after the date an order of transfer was signed.

For guardianship proceedings, the clerk of the transferring court also would be required to send a certified copy of the order directing payments to the transferee courts to:

- any party affected by the order and, if appropriate, to the local registry of the transferee court using the electronic filing system; and
- an employer affected by the order, through first class mail or electronically.

The bill would specify that the order of transfer or guardianship would not take effect until the clerk of the transferee court accepted and docketed the case record. This provision would replace provisions relating to the filing of case files and other records in electronic or paper form.

Transfer of cases between courts. The bill would specify that the electronic filing system requirements for a transfer of a case from a district to a county court also would apply to a transfer from a district court to a constitutional or statutory county court or another district court. These requirements also would apply to a transfer from a county court to a statutory county court or a county court of another county.

For the transfer of cases between any of the applicable courts, the clerks of both courts each could produce certified and uncertified copies of the transferred documents but would be required to include a copy of the transfer certificate and index of transferred documents with each document produced. These provisions related to the transfer of cases would apply regardless of whether the transferring court and transferee court were in the same or different counties.

Rulemaking authority. OCA would be required to develop and make available a standardized transferred certificate and an index of transferred documents form to be used for the transfer of probate and guardianship proceedings. As soon as practicable, OCA would be required to adopt rules and develop and make available all forms and materials.

Other provisions. CSHB 2893 would make conforming changes relating to the transfer of court files throughout established code.

The bill also would repeal, throughout statute, provisions relating to the transfer of the original case file and copy of an index in a probate proceeding.

The bill would take effect September 1, 2023.

SUBJECT: Amending regulations relating to the relocation of commercial signs

COMMITTEE: Transportation — committee substitute recommended

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

0 nays

2 absent — Ashby, Landgraf

WITNESSES: For — Jerod Hruska; Billy Reagan; Tim Anderson, Outdoor Advertising Assn of Texas; Richard Rothfelder, Reagan; Dan Foster, Reagan Signs *(Registered, but did not testify*: Cathy Hentschel, Lamar Advertising; Alan Reeder, LAMAR ADVERTISING; Drew DeBerry, Media Choice LLC; Annie Spilman, NFIB; J. McCartt, Reagan Outdoor Advertising; John McCord, Texas Retailers Association)

Against —Andrea French, Scenic Houston, Scenic Texas (*Registered, but did not testify*: Brie Franco, City of Austin; TJ Patterson, City of Fort Worth; Nadia Islam, City of San Antonio; Harris Masterson, Concourse Development; Christian Bionat, Greater Houston Partnership; Bill Kelly, Mayor's Office, City of Houston; Justin Yancy, Texas Business Leadership Council; Monty Wynn, Texas Municipal League; Gregory Porter)

On — (*Registered, but did not testify*: Brandye Hendrickson, TxDOT; Kyle Madsen, TxDOT)

BACKGROUND: Some have suggested that requiring municipalities to allow for the relocation of commercial signs under certain conditions could address the issue of some commercial sign relocation applications being denied despite TxDOT approval.

DIGEST: CSHB 2806 would specify that if a commercial sign use, structure, or permit could not be constructed because of certain infrastructure-related projects by a public improvement district, the owner of the commercial

sign could relocate the use, structure, or permit to another location as permitted by statute.

If the view or readability of a commercial sign was obstructed due to certain circumstances or objects, the owner of the sign could relocate the sign to a permitted location. The owner would be responsible for all costs associated with relocation.

Under each of these circumstances, the municipality would be required to provide for the relocation by a special exemption to any applicable ordinance if the sign, use, or structure was located in the municipality.

CSHB 2806 would establish that the rights associated with a commercial sign that was lawfully erected but no longer complied with certain laws and regulations would be vested in the owner of the commercial sign.

The bill would take effect September 1, 2023.

SUBJECT: Creating requirements for opioid antagonists in campus residence halls

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — Kuempel, Paul, Bucy, Burns, Burrows, Clardy, Howard, Lalani

0 nays

3 absent — Cole, M. González, Raney

WITNESSES: For — (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Rebekah Chenelle, Dallas County Commissioners Court; Paul Sugg, Harris County Commissioners Court; Hannah Gill, NAMI Texas; Chelsea Biggerstaff, RecoveryPeople; Leela Rice, Texas Council of Community Centers; Linda Litzinger, Texas Parent to Parent; Michelle Evans)

Against — None

BACKGROUND: Some have suggested that requiring resident advisors in campus residence halls to be provided with opioid antagonists could help prevent fentanyl overdoses in higher education institutions.

DIGEST: HB 3338 would require each higher education institution to adopt and implement a policy providing for the availability of opioid antagonists at each residence hall on the institution's campus and the training of resident advisors in the proper use of those devices. Such a policy would be required to include provisions for the acquisition, maintenance, storage, administration, and disposal of opioid antagonists. A policy would provide that authorized and trained advisors could administer an opioid antagonist to a person who was reasonably believed to be experiencing an opioid-related drug overdose in a residence hall on the institution's campus.

The commissioner of the Texas Higher Education Coordinating Board (THECB), with advice from the commissioner of state health services, would adopt rules regarding the maintenance, storage, administration, and

disposal of an opioid antagonist to be used in residence halls. These rules would establish the process for each institution to check the opioid antagonist inventory at regular intervals for expiration and replacement and would establish the amount of training required for resident advisors to administer such drugs. Each institution would require all resident advisors be authorized and trained to administer an opioid antagonist and would include the policy in the institution's student handbook and publish the policy on the institution's website.

The supply of opioid antagonists at a campus would be required to be stored in a secure location at each resident hall and be easily accessible to authorized and trained persons.

Report on administering opioid antagonist. No later than the 10th business day after the date a resident advisor, employee, or volunteer administered an opioid antagonist, the institution would be required to report certain information to the physician who prescribed the opioid antagonist. The report would include:

- the age of the person who received the administration of the opioid antagonist;
- whether the recipient was a student, employee, or visitor;
- the physical location where the administration occurred;
- the number of doses of opioid antagonist administered;
- the title of the person who administered the opioid antagonist; and
- any other information required by the THECB commissioner.

Training. The bill would require each higher education institution to be responsible for training resident advisors in the administration of an opioid antagonist. Such training would include information on:

- recognizing the signs and symptoms of an opioid overdose;
- administering an opioid antagonist;
- implementing emergency procedures after administering an opioid antagonist;
- requirements for alerting emergency medical services during or immediately after administration; and
- properly disposing of used or expired opioid antagonists.

Required training also would be provided annually to resident advisors along with any other mandatory training imposed by the institution in a formal session or online. Such training would be required to provide an opportunity to address frequently asked questions. The bill would require each institution to maintain records on the required training.

Prescription of opioid antagonists. A physician could prescribe an opioid antagonist in the name of an higher education institution. The physician would provide the institution with a standing order for the administration of such a drug to a person reasonably believed to be experiencing an opioid overdose. The standing order would not be required to be patient-specific, and the opioid antagonist could be administered to a person without an established physician-patient relationship. Supervision or delegation by a physician would be considered adequate if the physician periodically reviewed the order and was available through direct telecommunications as needed. The bill would require a standing order to contain:

- the name and signature of the prescribing physician;
- the name of the institution to which the order was issued;
- the quantity of opioid antagonists to be obtained and maintained; and
- the date of issue.

A pharmacist could dispense an opioid antagonist to an institution without requiring the name or other identifying information relating to the user.

Immunities. A person who in good faith took, or failed to take, any action under the bill would be immune from civil or criminal liability or disciplinary action resulting from that act or failure to act. Such an action could include the possession, disposal, or administration of an opioid antagonist among other actions. The immunity provided by the bill would be in addition to other immunity or limitations of liability provided by law. The bill would not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provided the basis for a cause of action for an act or omission under the bill’s provisions.

A higher education institution would be immune from suit resulting from an act or failure to act of any person. A cause of action would not arise from an act or omission. A person acting in good faith who reported or requested emergency medical assistance for a person believed to be overdosing in a residence hall would be immune from civil and criminal liability for certain offenses under the Health and Safety Code. Such a person could not be subjected to any disciplinary action by the higher education institution at which the person was enrolled or employed for any violation of the institution's code of conduct unless suspension or expulsion from the institution was a possible punishment.

A higher education institution would be allowed to accept gifts, grants, donations, and federal funds to implement the bill's provisions.

Each higher education institution would implement the provisions of the bill as soon as practicable, but no later than the 2024 fall semester.

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: Amending the classification of grievances filed with the Texas State Bar

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

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

3 nays — Julie Johnson, Flores, Moody

1 absent — Davis

WITNESSES: For — Larry McDougal; Murtaza Sutarwalla, Muslim Bar Association of Houston

Against — Trey Apffel, State Bar of Texas (*Registered, but did not testify*: Seana "Shawna" Willing, State Bar of Texas; Randall Chapman; Randy Chapman)

On — (*Registered, but did not testify*: Grant Dorfman, Office of Texas Attorney General)

BACKGROUND: Some have suggested that revising classifications for grievances against Texas attorneys could improve the way the Texas State Bar uses its time and resources to address complaints and inquiries.

DIGEST: HB 5010 would the expand the criteria by which the State Bar of Texas' chief disciplinary counsel's office classified grievances. A grievance would be classified as a complaint if it was submitted by a person who had a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance.

A grievance would be classified as an inquiry if it was submitted by a person who did not have a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance. The chief disciplinary counsel would be required to refer each of these inquiries to the voluntary mediation and dispute resolution procedure.

The bill also would allow an attorney against whom a grievance was filed to appeal the classification of a grievance as an inquiry to the Board of Disciplinary appeals.

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

SUBJECT: Establishing the Texas Pharmaceutical Initiative

COMMITTEE: Health Care Reform, Select — committee substitute recommended

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

1 nay — Klick

WITNESSES: For — (*Registered, but did not testify*: Caroline Welton, Texas Public Policy Foundation)

Against — Glenn Hamer, Texas Association of Business (*Registered, but did not testify*: Michelle Apodaca, Cigna; Kay Ghahremani, Texas Association of Community Health Plans)

On — Debbie Garza, Texas Pharmacy Association (*Registered, but did not testify*: Maureen Milligan, Teaching Hospitals of Texas; Victoria Grady, Maurice McCreary, Trey Wood, Texas Health and Human Services Commission; Preston Streufert, Texas Juvenile Justice Department)

BACKGROUND: Some have suggested that establishing a Texas Pharmaceutical Initiative could help address the rising cost of prescription drugs.

DIGEST: CSHB 4990 would establish the Texas Pharmaceutical Initiative to provide cost-effective prescription drugs and other medical supplies to:

- employees, dependents, and retirees of public higher education systems and institutions;
- Employees Retirement System of Texas (ERS) members;
- Teacher Retirement System of Texas (TRS) members;
- people confined by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department; and
- Medicaid and the Child Health Insurance Plan recipients.

A state entity that provided health benefit plan coverage to covered individuals could elect to provide access to prescription drugs and other medical supplies under the initiative.

The initiative would be governed by a board composed of:

- the executive commissioner of the Health and Human Services Commission (HHSC) or a designee;
- the executive directors of ERS and TRS or their designees;
- three members appointed by the governor;
- one member appointed by the governor from a list submitted by the lieutenant governor;
- one member appointed by the governor from a list submitted by the speak of the House;
- the chancellor of The University of Texas System or a designee, who would serve in an ex-officio capacity.

Board members would serve staggered six-year terms and could receive reimbursement for travel and other expenses. The governor would choose the presiding officer. The board would be administratively attached to HHSC.

The board would be required to develop and implement the initiative, establish certain procedures and policies, and recommend rules necessary to implement the initiative to HHSC for adoption. The board could execute contracts, establish a committee to exercise certain delegated powers, employ an executive director and other necessary personnel for administrative support, and award grants to public or private persons. If the board determined that establishing the initiative was not feasible, it could refrain from doing so.

The bill would specify requirements for the board to contract with a statewide pharmacy benefit manager and implement a central service provider to provide prescription drugs and medical supplies. The board also would establish a pharmaceutical advanced preparation facility to manufacture and provide compounded and certain other drugs.

The board would be required to contract with a person to provide advanced health care claims analytics software to support the initiative and population health research.

The board could enter into an agreement with a person to establish a facility that manufactured generic biological products and generic drugs in compliance with any federal requirements. In entering an agreement, the board would prioritize savings and access to affordable medication. The board would develop criteria for evaluating applications or proposals submitted by a person seeking a contract.

CSHB 4990 would establish the Texas Pharmaceutical Initiative Fund as a trust fund held by the comptroller outside the state treasury. The fund would consist of:

- money from gifts, grants, and donations;
- any additional legislative appropriations;
- interest, dividends, and other income of the fund.

By December 31 of each year, the board would be required to submit a written report to the Legislature on the activities and objectives of the initiative, any cost savings for state entities that participated, and any recommendations for legislative or other action.

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

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill could not be determined due to the uncertainty of the costs to implement the initiative and potential savings.

SUBJECT: Increasing the penalty in certain cases of unlawful possession of a firearm

COMMITTEE: Community Safety, Select — favorable, without amendment

VOTE: 11 ayes — Guillen, Bowers, Burrows, Canales, Dorazio, Goodwin, Harless, Holland, Landgraf, Moody, Troxclair

0 nays

1 absent — T. King

1 present not voting — Jarvis Johnson

WITNESSES: For — Gary Zimmerman (*Registered, but did not testify*: James Parnell, Dallas Police Association; Julio Gonzalez, Dallas Police Department; Larry Young, Game Warden Peace Officers Association; Jessica Anderson, Houston Police Department; Ray Hunt, Houston Police Officers' Union; Ray Scifres, Sheriffs' Association of Texas; Dallas Reed, Texas Municipal Police Association; Britt Hicks)

Against — Ian Kress (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Wesley Virdell, Gun Owners of America; Shea Place, Texas Criminal Defense Lawyers Association; Chris McNutt, Texas Gun Rights; Cynthia Van Maanen, Travis County Democratic Party; and 12 individuals)

On — (*Registered, but did not testify*: Tara Mica, National Rifle Association; Michael Belsick; John Bolgiano)

BACKGROUND: Some have suggested that increasing penalties for the unlawful possession of a firearm by a convicted felon could improve public safety.

DIGEST: HB 4843 would increase the penalty for the offense of unlawful possession of a firearm by a person convicted of a felony from a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000) to a second-degree felony (two to 20 years in prison and an

optional fine of up to $10,000), with a minimum term of imprisonment of 10 years.

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

SUBJECT: Amending provisions for certain authorized peace officers

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

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

0 nays

WITNESSES: For —Wayne Sneed, Combined Law Enforcement Association of Texas (CLEAT); Jason Smith (*Registered, but did not testify*: Thomas Villarreal, Austin Police Association; Christopher Irwin, Austin Police Association PAC; Chris Jones, Jennifer Szimanski, Marvin Ryals, Combined Law Enforcement Associations of Texas (CLEAT); M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Carlos Ortiz, San Antonio Police Officers Association; Suzi Kennon, Texas PTA; Justin Berry; Liinda Durnin)

Against — (*Registered, but did not testify*: Offis Erdownohwell; Eve Margolis)

On — Paul Shepherd, University of Texas System

BACKGROUND: Some have suggested that authorizing school peace officers to apply for or be issued a search warrant could help to ensure the evidentiary integrity of criminal cases in which they are involved and improve school safety.

DIGEST: For provisions regarding the installation and use of tracking equipment and access to communications, CSHB 4906 would amend the definition of "authorized peace officer" to include a peace officer commissioned for secondary and post-secondary educational institutions.

The bill would take effect September 1, 2023.

SUBJECT: Adjusting provisions governing the unlawful sale or purchase of shark fins

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 — John Shepperd, Texas Foundation for Conservation (*Registered, but did not testify*: Ian Randolph, Animal Legal Defense Fund; Joey Park, Coastal Conservation Association Texas; Larry Young, Game Warden Peace Officer's Association; Cyrus Reed, Lone Star Chapter Sierra Club; Stacy Sutton Kerby, Texas Humane Legislation Network; Susan Stewart)

Against — None

On — Les Casterline, Texas Parks and Wildlife

BACKGROUND: Concerns have been raised that some cases of illegal sale and purchase of shark fins have not been prosecuted due to confusion regarding current statutory language.

DIGEST: HB 4692 would amend Parks and Wildlife Code sec. 66.2161 to allow a person to process a shark carcass into steaks or fillets in a place of business or restaurant only if the steaks and fillets did not contain any part of a shark fin and each of the shark's fins was destroyed and discarded in a manner prescribed by Texas Parks and Wildlife immediately upon detaching the fins from the remainder of the carcass.

The bill would amend the definition of "sale" to include barter and exchange.

The bill would amend restrictions on the purchase and sale of a shark fin such that a person would commit an offense if the person:

- failed to immediately destroy and discard a shark fin as required by the bill;
- transported for the purpose of sale or advertised for sale a shark fin, regardless of where the shark was taken or caught; or
- violated a proclamation or rule establish by the bill.

An offense under the amended section would be a class B Parks and Wildlife Code misdemeanor. If the defendant had previously been convicted of such an offense within the previous five years, the offense would be a class A Parks and Wildlife Code misdemeanor.

Each shark fin a person purchased or possessed for the purpose of sale would constitute a separate offense.

Any proof that a person possessed a shark fin other than a shark fin that had been destroyed in a place of business or restaurant or on any commercial vessel on the water of this state would be prima facie evidence that the person possessed the shark fin for the purpose of sale.

Proof that the person advertised a shark fin, a product containing shark fin, or a product that represented to be or to contain shark fin would be prima facie evidence that the person offered a shark fin for sale.

The bill would remove a provision allowing for the attempted or real sale, purchase, transportation, shipment, barter, or exchange of a shark carcass that retained all of its fins naturally attached to the carcass through some portion of uncut skin.

The bill would add language to exempt the prohibitions from applying to scientific research purposes. The bill also would require a warden or peace officer to seize, hold as evidence, and, upon a final court ruling, destroy any product containing or representing to contain shark fin when a person was charged with violating the provisions.

The bill would eliminate provisions allowing a person to possess a shark fin under certain licenses or permits.

The Texas Parks and Wildlife Commission could adopt rules as necessary to implement the bill.

The bill would take effect September 1, 2023.

SUBJECT: Transferring certain investigative functions from DFPS to HHSC

COMMITTEE: Human Services — committee substitute recommended

VOTE: 9 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos, Shaheen

0 nays

WITNESSES: For — Carmen Tilton, Texas Assisted Living Association (*Registered, but did not testify*: Alyse Meyer, LeadingAge Texas; Eric Knustrom, Private Providers Association of Texas; Heather Asek, Provider Alliance for Community Services of Texas; Leela Rice, Texas Council of Community Centers; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

On — John Woodley, Advocates for Disability Access (*Registered, but did not testify*: Kezeli Wold, Stephen Black, Christine Steinberg, DFPS; Michelle Dionne-Vahalik, Jordan Dixon, Health and Human Services Commission)

BACKGROUND: Some have suggested that, due to the different duties of Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS), requiring the HHSC to conduct certain investigations could allow reports of abuse, neglect, and exploitation to be addressed more efficiently.

DIGEST: CSHB 4696 would transfer certain functions from DFPS to HHSC. Under the bill, HHSC would be required to investigate reports of abuse, neglect, or exploitation of a child receiving services from certain providers, including:

- certain facilities providing community services for people with mental illness or intellectual disabilities or a person contracting with a health and human services agency to provide inpatient mental health services;

- intermediate care facilities for individuals with intellectual disabilities;
- certain providers providing services related to mental health, behavioral health, and intellectual and developmental disabilities;
- certain providers providing home and community-based services;
- managed care organizations;
- certain individuals involved in the consumer-directed service option; and

This list also would be amended to include residential child-care facilities at which an elderly person or a person with disabilities resided or was in the facility's care.

Other providers also would be required report the abuse, neglect, or exploitation of an elderly person, a person with a disability, or an individual receiving services from certain providers to HHSC. These providers would include:

- a provider under the home and community-based services waiver program;
- a provider under the Texas home living waiver program;
- a licensed intermediate care facility; and
- a licensed home and community support services agency.

Procedures for receiving and investigating certain reports of abuse, neglect, or exploitation that previously applied to DFPS would apply to HHSC. The bill also would specify specific timelines in which the reports for certain facilities should be submitted, investigated, and responded to. DFPS would be required to forward relevant reports to HHSC.

If a home and community support services agency had cause to believe that a person receiving services had been abused, neglected, or exploited by an employee, the agency would be required to report the information to HHSC rather than DFPS. A person who had cause to believe that a resident of an intermediate care facility had been subjected to abuse, neglect, or exploitation would have to report that information to HHSC, and HHSC would investigate the allegation. HHSC would be required to

file a petition for temporary care and protection of a resident of an intermediate care facility before completing an investigation if it determined that immediate removal was necessary to protect the resident.

HHSC would be required to investigate allegations of abuse, neglect, or exploitation of a resident at nursing facilities and related institutions and assisted living facilities. The bill would specify a process for these facilities or service providers to report allegations to HHSC and amend provisions related to investigation procedures.

CSHB 4696 would amend the definition of "facility" for the purposes of the employee misconduct registry to include nursing facilities, intermediate care facilities, assisted living facilities, and certain other facilities licensed by HHSC. HHSC would amend certain provisions related to the posting of required notices and signage in intermediate facilities, specifying that such notices and signage be prescribed by and make reference to HHSC.

CSHB 4696 would require DFPS to immediately notify the HHSC of reports related to a child with an intellectual disability receiving services in a state supported living center. The bill also would repeal certain provisions requiring DFPS to receive, investigate, and disclose reports on these allegations of abuse, neglect, or exploitation.

As soon as practicable after the effective date, but by December 1, 2024, the commissioner of DFPS would transfer any DFPS funds and resources allocated to the investigation of such reports to HHSC. HHSC would not be required to comply with any of the bill's changes until the transfer was complete.

The bill would take effect September 1, 2023.

NOTES: According to the Legislative Budget Board, CSHB 4696 would have a negative impact of $272,686 on general revenue related funds for fiscal 2024-25.

SUBJECT: Biennial legislative housekeeping bill

COMMITTEE: House Administration — committee substitute recommended

VOTE: 10 ayes — Metcalf, Cole, Anchía, Harless, Cody Harris, Kuempel, Landgraf, Orr, Walle, Zwiener

0 nays

1 absent — Moody

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

BACKGROUND: The biennial legislative housekeeping bill revises certain statutes related to legislative organization and operations to help improve the efficiency and accountability of the Legislature and its operations.

DIGEST: CSHB 5125 would make the following additions and other revisions to statute governing the organization and operations of the Legislature.

Administration committees. The bill would authorize each house of the Legislature to establish an administration committee by rule or resolution. The Senate administration committee would be required to perform the duties and function assigned by rule or resolution. The House administration committee would be required to adopt policies and determine guidelines for the effective and efficient operation of the House and distribute, including for employment and use of state property, and distribute a manual of policy statements to all House members no later than the 60th day after a regular session was convened.

Administrative heads. For any law applicable to the Legislature that required action by an administrative head of agency, the Senate would be

required by resolution to designate its administrative head for the Senate. For the House, the administrative head of agency would be the speaker unless otherwise directed by resolution. The speaker could make any expenditures or transfers and perform any function deemed necessary for the effective and efficient operation of the House. The Senate and the speaker could delegate all or part of authority granted to the administrative head of agency to a committee or legislative officer.

Interns. CSHB 5125 would authorize a member, officer, committee, or division of a legislative house or the lieutenant governor to accept uncompensated service from a participant in an internship program approved by the applicable administration committee and for which the student received academic credit.

Abolition of certain committees and other bodies. Any committee, council, board, commission, or other body created or authorized by state law that included members appointed by the lieutenant governor or speaker, or for which they designated the presiding officer, would be abolished upon sine die adjournment of the second regular legislative session that began after the entity was created or authorized. This provision would apply only to such an entity created or authorized on or after the effective date of the bill. The per diem and travel expenses of a member of such an entity would be required to be paid by the state agency providing administrative support to the entity or as directed by a rider in the general appropriations act.

Interim committees. The bill would specify that, in addition to joint committees, per diem and travel expenses for a member of an interim committee would be paid by the house to which the member belonged, unless statute provided otherwise. Per diem and travel expenses for a public member of a committee would be paid by the appointing entity.

Notice of maintenance or construction for state buildings. CSHB 5125 would require a state agency with charge and control of a state building to, as soon as practicable, notify each legislative office or agency occupying the building of any planned or anticipated maintenance or construction activity conducted, directed, or authorized by the state agency that would affect the legislative office or agency.

Facilities management services. The State Preservation Board would be responsible for providing facilities management services that were:

- designated by the administrative head of the senate for the Sam Houston Building;
- designated by the administrative head of the House for the John H. Reagan building; and
- designated by the administrative head of the Texas Legislative Council in consultation with other affected legislative agencies for the Robert E. Johnson Building and the attached parking facility.

The Texas Facilities Commission (TFC) would be required to transfer to the State Preservation Board sufficient money to reimburse the board for costs incurred in providing these services.

The Texas Facilities Commission would be required to:

- provide facilities management services for the buildings listed above that had not been designated to be performed by the State Preservation Board;
- operate and maintain the central utility plant in the Sam Houston Building;
- operate and maintain the chiller utility plant attached to the Robert E. Johnson building; and
- connect the Robert E. Johnson Building to the centralized chilled water distribution system established under the Capitol Complex master plan and subsequently decommission the building's chiller utility plant except for certain portions of the plant needed to provide backup chilled water.

The administrative head of agency for the appropriate legislative house would oversee all work related to audiovisual systems, including sound systems, for the chamber and committee rooms occupied by the House and Senate in the Capitol, Capitol Extension, and any legislative office building.

Legislative agency administrative functions and financial systems. The administrative head of a legislative agency would be required to oversee the agency's central business and administrative functions and other matters vested in or delegated to the administrative head. The director or other highest ranking employee, or that person's designee, would be the administrative head of a legislative agency other than the Senate or House of Representatives.

A legislative agency could use an internal financial system selected by the administrative head, or all or any part of a financial system provided by the comptroller as mutually agreed to by the agency's administrative head and the comptroller. The comptroller would be required to provide an application programming interface or other means mutually acceptable to an agency's administrative head and the comptroller for the agency's financial system in order to exchange data with the state's financial system of record as necessary for the comptroller to pay each agency's expenses from the agency's funds held by the comptroller.

Texas Legislative Council. The bill would specify that the Texas Legislative Council could perform administrative, accounting, purchasing, and facilities management services or other functions for or on behalf of either legislative house or a legislative agency. The bill also would revise statute to authorize, rather than require, the Council to provide office space and other support in Austin necessary for the state demographer to perform duties for the Legislature.

The bill would remove the Texas Legislative Council and the Legislative Budget Board from the entities required to assist the Texas Forensic Science Commission in its duties.

The bill would repeal the requirement for the Texas Legislative Council to draft any legislation recommended in the governor's report to the Legislature on the organization and efficiency of state agencies.

Other provisions. Rather than five physical copies, CSHB 5125 would require state agencies to send three physical copies and one electronic copy of each of its publications to the Legislative Reference Library.

Information held by a general investigating committee would not be subject to a request, inspection, or duplication under statute related to public information.

The bill would abolish the Interagency Data Transparency Commission.

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

SUBJECT: Amending provisions related to insulin refills and disciplinary action

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 — Aimee Lusson, Texas Federation of Drug Stores (*Registered, but did not testify*: Nicole Kralj, National Association of Chain Drug Stores; Januari Fox, Prism Health North Texas; Timothy Ottinger, St. Luke's Health; David Reynolds, Texas Chapter American College of Physicians Services; Janis Carter, Texas Federation of Drug Stores; Steve Wohleb, Texas Hospital Association; Karen Reagan, Texas Pharmacy Association; Adam Leggett, Texas Pharmacy Business Council; and 11 individuals)

Against — None

On — (*Registered, but did not testify*: Eamon Briggs, Megan Holloway, Texas State Board of Pharmacy; Venus Alemanji)

BACKGROUND: Concerns have been raised that current statute regarding limits on emergency insulin refills may not be flexible enough to consider an individual's dosage requirements.

DIGEST: CSHB 2088 would specify that the quantity of an emergency refill of insulin could not exceed a 30-day supply unless the smallest commercially available package exceeded a 30-day supply. A pharmacist could dispense multiple packages of insulin for an emergency refill if the total quantity dispensed did not exceed a 30-day supply.

Unless compliance would violate statutes or rules in the state in which the pharmacy was located, the Texas State Board of Pharmacy could discipline applicants for or holders of nonresident pharmacy licenses for violating certain provisions related to prescribing prescription drugs.

The bill would allow the Texas State Board of Pharmacy to take disciplinary action against an applicant for or the holder of a current or expired pharmacy technician or pharmacy technician trainee registration who engaged in fraud, deceit, or misrepresentation when practicing as a pharmacy technician or pharmacy technician trainee. The bill would remove the board's authority to take action against an applicant or registrant for selling an abusable volatile chemical without a permit.

To the extent of any conflict, CSHB 2088 would prevail over another act of the 88th Legislature relating to nonsubstantive additions to and corrections in enacted codes.

The bill would take effect September 1, 2023, and would apply only to disciplinary action regarding conduct that occurred on or after the effective date.

SUBJECT: Requiring HHSC approval of certain hospital at home programs

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Klick, Campos, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith

1 nay — Tinderholt

1 absent — Collier

WITNESSES: For — Anna Taranova, MD, University Health and the Texas Hospital Association (*Registered, but did not testify*: Andrea Earl, AARP Texas; Jessica Olson, Baylor Scott & White; Allison Greer, Center for Health Care Services; Michael Dole, Driscoll Health System; Maureen Milligan, Teaching Hospitals of Texas; David Reynolds, Texas Chapter American College of Physicians; Reed Clay, Texas Health Resources; Cameron Duncan, Texas Hospital Association; Jill Sutton, Texas Osteopathic Medical Association; Sheila Hemphill, Texas Right To Know)

Against — None

On — (*Registered, but did not testify*: Kristi Jordan, Health and Human Services Commission)

BACKGROUND: Some have suggested that legislative action is needed so that hospital at home programs can continue to operate past the end of the COVID-19 public health emergency.

DIGEST: CSHB 1890 would require hospitals to receive approval from the Health and Human Services Commission (HHSC) or the Center for Medicare and Medicaid Services before operating a hospital at home program.

HHSC would establish minimum standards for the operation of hospital at home programs that were at least as stringent as standards established by the Center for Medicare and Medicaid Services. An applicant for approval to operate a hospital at home program would be required to submit an

application to HHSC and pay a fee. HHSC would prescribe the manner in which applicants submitted an application and set the amount of the fee, which would be an amount reasonable and necessary to cover the costs of administration.

HHSC would be required to approve an application if the applicant met the minimum standards and satisfied other requirements of the bill. HHSC could request that the applicant submit additional information necessary to determine whether the applicant met the minimum standards.

HHSC could waive or modify a requirement or minimum standard if HHSC determined that the waiver or modification would facilitate the creation or operation of a hospital at home program and was in the best interest of the individuals who would be served by the program.

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

NOTES:

According to the Legislative Budget Board, CSHB 1890 would have a negative impact of $755,835 to general revenue related funds for fiscal 2024-25.

SUBJECT: Standardizing certain training for election workers

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Smith, Bucy, Burrows, Capriglione, DeAyala, Manuel, E. Morales, Swanson

0 nays

1 absent — Vo

WITNESSES: For — eight individuals (*Registered, but did not testify*: Cathy Cranston, Adapt of Texas/Personal Attendant Coalition of Texas; Chris Harris, Austin Justice Coalition; Cindy Najera, CCDF USA Travis County; Adrienne Lloyd, Children's Defense Fund-Texas; Roxy Williamson, Galveston Island Voter Education Resource and Services; Alan Vera, Harris County Republican Party Ballot Security Committee; Juan Cardoza-Oquendo, Houston in Action; Carol Olewin, Stephanie Swanson, League of Women Voters of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Amber Mills, MOVE Texas Action Fund; Darcy Caballero, Planned Parenthood Texas Votes; Adrian Shelley, Public Citizen; Joanne Richards, RCV for Texas; Devvie Duke, Republican Party of Texas; Bob Kafka, REV UP Texas; Joey Bennett, Secure Democracy USA; Trudy Hancock, Texas Association of Elections Administrators; Emily Eby French, Texas Civil Rights Project; Beth Biesel, Cindi Castilla, Texas Eagle Forum; Kathryn Williams, Texas Grassroots Alliance; and 38 individuals)

Against — Laura Pressley, True Texas Elections; James Keller; Marcia Strickler (*Registered, but did not testify*: Cathy Jaster; Claudia Torre Yañez; Lucy Trainor; Ruei Tuo; Jeanne Weido)

On — Lauren Gerken, Texas Council for Developmental Disabilities; Lori Gallagher, Texas First; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; Liz Case Pickens (*Registered, but did not testify*: Katya Ehresman, Common Cause Texas; Christina Adkins, Texas Secretary of State; Karen Darby)

BACKGROUND: Concerns have been raised that some election workers may not receive sufficient or consistent training.

DIGEST: CSHB 1632 would specify that a published handbook regarding election officer training would be required to be made available on the secretary of state's website for free.

The secretary of state would be required to make a standardized training program available entirely via the internet and at any time, without a requirement for prior registration. The training program would have to require the passage of an examination at the end and provide an individual who successfully completed the training with a certificate of completion, which would expire no later than one year after it was awarded.

Completion of the training program would not be a prerequisite to eligibility for service in an election for certain election-related workers.

The secretary of state also would be required to provide a standardized training program and materials for members of an early voting ballot board, a signature verification committee, and a counting station in accordance with standards for certain other election judge training.

The bill would take effect September 1, 2023.

SUBJECT: Allowing ERS to adopt an alternative definition of custodial officer

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

VOTE: 8 ayes — Capriglione, Lambert, Bhojani, Bryant, Frazier, Leo-Wilson, Plesa, VanDeaver

0 nays

1 absent — Vo

WITNESSES: For — Tyler Sheldon, Texas State Employees Union (*Registered, but did not testify*: Emily Amps, Texas AFL-CIO)

Against — None

On — Shack Nail, Employees Retirement System of Texas (*Registered, but did not testify*: Machelle Pharr, Employees Retirement System; Amy Cardona, Pension Review Board; Emily Anderson, Texas Juvenile Justice Department)

BACKGROUND: Some have suggested that including certain employees at the Texas Juvenile Justice Department (TJJD) in the Law Enforcement and Custodial Officer Supplemental Retirement Fund could help to improve staff retention and address staffing issues.

DIGEST: CSHB 1651 would define "juvenile justice officer" as a member of the Employee Retirement System of Texas (ERS) who was employed by TJJD and certified by TJJD as holding a position as a juvenile correctional officer, caseworker, or other position of which the primary duties included custodial supervision of or other close, regularly planned contact with youth in TJJD custody.

The ERS board of trustees by rule could adopt an alternative definition of "custodial officer" that included juvenile justice officers for the purpose of allowing juvenile justice officers to participate in the Law Enforcement

and Custodial Officer Supplemental Retirement Fund if the board made certain determinations after conducting an actuarial valuation. If the board adopted an alternative definition of custodial officer, it would by rule adopt certain standards for determining eligibility of a juvenile justice officer for service credit as a custodial officer.

The board of trustees would provide notice to TJJD if it adopted an alternative definition of custodial officer. After receiving the notice, TJJD would certify certain necessary information to ERS. Beginning with the first pay period that occurred after the board provided notice, TJJD would begin making deductions and collecting contributions for the Law Enforcement and Custodial Officer Supplemental Retirement Fund.

If the board of trustees adopted an alternative definition of custodial officer, it would be required to ensure that service credit established by a juvenile justice officer before the date of the rule's adoption was considered service credit for the purposes of determining eligibility for benefits under the Law Enforcement and Custodial Officer Supplemental Retirement Fund.

The bill would take effect September 1, 2023.

NOTES: According to the Legislative Budget Board, HB 1651 would have a negative impact of about $14.6 million on general revenue related funds for fiscal 2024-25.

SUBJECT: Creating the Music Therapist Licensing Act

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Klick, Campos, Collier, Jetton, J. Jones, Oliverson, Price, Smith, Tinderholt

0 nays

2 absent — A. Johnson, V. Jones

WITNESSES: For — Jennifer Townsend, Houston Methodist; Brittany Trinite (*Registered, but did not testify*: Molly Spratt, Certification Board of Music Therapists, American Music Therapy Association, Texas Music Therapy Task Force; Dennis Borel, Coalition of Texans with Disabilities; Nelda Hunter, Cook Children's Health Care System; Tara Jenkins, Harmony in Dementia; Daniel Morales, Houston Methodist; Ryan Ambrose, MHHS; Hannah Gill, NAMI Texas; Ann Graham, Texans for the Arts; Meredith Cooke, Texas Children's Hospital; Jim Brennan, Texas Coalition of Veterans Organizations; Lisa Kaufman, Texas Cultural Trust; Ashley Ford, The Arc of Texas; Kate Harrison, The Harrison Center for Music Therapy; Edward Campa; Carl Jacob; Eve Margolis; Abigail Perez; Luke Wallens)

Against — (*Registered, but did not testify*: Arif Panju, Institute for Justice)

On — (*Registered, but did not testify*: Jeff Copas, Texas Department of Licensing and Regulation)

BACKGROUND: Some have suggested that Texas should have standardized safety and care procedures to protect music therapy clients from potentially harmful practices.

DIGEST: CSHB 667 would add music therapists to the list of health-related professions regulated by the Texas Department of Licensing and

Regulation (TDLR) and make conforming changes to the Occupations Code.

The bill would establish the Music Therapist Licensing Act.

Music therapy. A "certifying entity" under the bill would mean the nationally accredited Certification Board for Music Therapists or another entity that was accredited by the National Commission for Certifying Agencies or the American National Standards Institute to issue credentials for music therapy, as approved by TDLR.

"Music therapy" would mean the clinical and evidence-based use of music interventions by a person who was in a therapeutic relationship with a client to help the client accomplish particular goals. The music interventions could include a broad variety of musical practices. The practice of music therapy would not include the diagnosis or assessment of or screening for any physical, mental, or communication disorder. The term would include:

- accepting certain referrals for music therapy;
- conducting assessments of clients to determine necessity of music therapy;
- developing and implementing individualized treatment plans;
- evaluating clients' responses to treatment;
- collaborating with clients' families and other appropriate people; and
- researching best practices.

Music therapists could provide consultation and evaluation, preventative care, wellness care, education, and specialized support without referral from a health professional. The bill would include a list of certain people to whom provisions would not apply.

Advisory board. The Texas Commission of Licensing and Regulation (TCLR) would be required appoint seven eligible members to the Music Therapy Advisory Board, including:

- four licensed music therapists;
- one physician or other health professional who was authorized to refer patients or clients to receive music therapy services; and
- two members who represented the public and who were either former recipients of music therapy services or the parent or guardian of a current or former recipient.

Members would serve staggered six-year terms with the terms of two or three members expiring February 1 of each odd-numbered year. If a vacancy occurred during a member's term, the TCLR presiding officer would be required to appoint a qualified replacement with the commission's approval. The bill would also require TCLR's presiding officer to appoint a presiding officer of the advisory board to serve for one year.

The advisory board could advise TCLR and TDLR on technical matters, standards of performance, license eligibility, examination content, and any other issue affecting music therapy.

Powers and duties. TCLR would be required to adopt certain administration and enforcement laws and establish ethical practices. TDLR would be required to:

- administer and enforce these changes;
- evaluate qualifications of license applicants;
- provide for the examination of applicants;
- issue licenses;
- issue subpoenas, examine witnesses, and administer oaths in connection with a hearing related to the bill's provisions; and
- investigate potential violations of the bill.

TCLR or TDLR's executive director could deny, revoke, or suspend a license or otherwise discipline a license holder according to certain provisions of Occupation Code.

TCLR would be required to set reasonable and necessary fees to cover administration and enforcement costs.

Licensure. With certain exceptions, a person could not practice music therapy unless the person held a music therapy license. Nor would the person be allowed to use the title "licensed professional music therapist" or any other designation that would imply they were a music therapist. The bill would specify grounds for license denial and disciplinary action.

Each applicant for a music therapy license would have to submit an application, pay the required fees, and pass a state-approved criminal background check.

To be eligible for a music therapy license, a person would have to:

- be at least 18 years of age;
- hold a bachelor's or graduate degree in music therapy or other approved field of study within an accredited institution of higher education approved by the department;
- successfully complete required clinical training hours;
- if applicable, be in good standing with any other jurisdiction from which the applicant held a music therapy license;
- pass the required examination for certification or provide proof of being transitioned into board certification by the certifying entity;
- be certified as a music therapist by a certifying entity;
- be in compliance with all required standards; and
- not be subject to any disciplinary action by the certifying entity.

TCLR would be required to provide requirements and procedures for music therapy license renewal.

Implementation. As soon as practicable after the effective date of the bill, the presiding officer of TCLR would be required to appoint the advisory board according to the established requirements. The bill would required that TCLR adopt all necessary rules, procedures, and fees by April 1, 2024. Music therapists would not have to be licensed in order to practice as a licensed music therapist until September 1, 2024.

With the exception of certain licensure requirements that would take effect September 1, 2024, the bill would take effect September 1, 2023.

SUBJECT: Authorizing issuance of educator certificates for certain veterans

COMMITTEE: Public Education — committee substitute recommended

VOTE: 9 ayes — Buckley, Allison, Cunningham, Cody Harris, Harrison, Hefner, K. King, Longoria, Schaefer

3 nays — Allen, Hinojosa, Talarico

1 present not voting — Dutton

WITNESSES: For — Jim Brennan, Texas Coalition of Veterans Organizations (*Registered, but did not testify*: Bryce Adams, Texas Public Charter Schools Association)

Against — (*Registered, but did not testify*: Alejandro Pena, Texas American Federation of Teachers; Paige Williams, Texas Classroom Teachers Association; Carrie Griffith, Texas State Teachers Association)

On — Tricia Cave, Association of Texas Professional Educators (*Registered, but did not testify*: Marilyn Cook, Eric Marin, Texas Education Agency)

BACKGROUND: Some have suggested that issuing temporary educator certificates to certain qualified individuals, such as veterans, could help lessen the negative impact of the state's teacher shortage.

DIGEST: CSHB 621 would require the State Board for Educator Certification to propose rules for the issuance of a temporary certificate to a person who served in the U.S. armed forces and was honorably discharged, retired, or released from active duty and met all other eligibility requirements for standard certification.

Such a person could substitute certain educational requirements with military service. For an associate degree from an accredited higher education institution, the person could substitute 48 months of active duty service. For a bachelor's degree, the person could substitute 48 months of

active duty service and 60 semester credit hours completed at a higher education institution with a grade point average of at least 2.50 on a four point scale.

Rules proposed by the board would provide that the certificate was valid for no more than five years, limited to a one-time issuance, and not subject to renewal.

The bill would allow a person issued a temporary educator certificate under the bill to be issued a standard certificate if the person completed all eligibility requirements for that certification. A school district would require a new employee who held a temporary certificate to obtain at least 20 hours of classroom management training, unless the new employee had documented experience as an instructor or trainer while in the military.

A school district would assign a mentor teacher to a classroom teacher who was issued a temporary certificate under the bill.

The bill would take effect September 1, 2023.

SUBJECT: Authorizing a vehicle registration fee by referendum in certain counties

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Canales, Raney, Ashby, Davis, Gámez, Caroline Harris, Landgraf, Lozano, Ordaz, Perez

1 nay — Patterson

2 absent — Lujan, Romero

WITNESSES: For — Jorge Reyes, El Paso County; Eduardo Calvo, El Paso MPO (*Registered, but did not testify*: Steven Albright, Associated General Contractors of Texas- Highway Heavy Utility and Industrial Branch; Guadalupe Cuellar, City of El Paso; Tom Forbes, El Paso Chamber of Commerce; Elisa M. Tamayo, Claudia Russell, El Paso County; Jay Crossley, Farm&City; Scott White, Velo Paso Bicycle-Pedestrian Coalition)

Against — Rick Briscoe (*Registered, but did not testify*:; Ruth York, Tea Party Patriots of Eastland County, Texas Family Defense Committee; Terri Hall, Texas TURF, Texans for Toll-free Highways; Tom Glass; Gregory Porter; Fran Rhodes)

On — (*Registered, but did not testify*: Annette Quintero, Texas Department of Motor Vehicles)

BACKGROUND: Some have suggested that allowing El Paso County to seek voter approval for additional vehicle registration fees could help to fund long-term transportation projects.

DIGEST: HB 78 would authorize the commissioners court of a county that bordered Mexico and contained a municipality that had unilaterally created a regional mobility authority to impose an additional fee of up to $10 for a vehicle registered in the county if approved by a majority of voters in an election. The commissioners court could order and hold an election for that purpose.

Fee revenue would be required to be sent to a regional mobility authority in the county to fund long-term transportation projects that were consistent with constitutionally allowed purposes and included in a plan approved by the metropolitan planning organization that served the county.

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

SUBJECT: Requiring use of body worn cameras by certain correctional officers

COMMITTEE: Corrections — favorable, without amendment

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

1 nay — Toth

1 absent — Murr

WITNESSES: For —Clifton J Buchanan, AFSCME Texas Correctional Employees Council 907; Charlie Malouff, Texas C.U.R.E., Inc; Amite Dominick, Texas prisons Community Advocates; Charles Roberts; (*Registered, but did not testify* Lauren Johnson, ACLU of Texas; Joshua Sanders, Axon Enterprise, Inc; Chase Bearden, Coalition of Texans with Disabilities; Jennifer Toon, Lioness Justice Impacted Women's Alliance; Ana Gonzalez, Texas AFL-CIO; John Litzler, Texas Baptists Christian Life Commission; Alexis Bay, Texas Civil Rights Project; Jenny Hixon, Texas Civil Rights Project; Mary Sue Molnar, Texas Voices; Cynthia Van Maanen, Travis County Democratic Party; Renee Monroe, TxCURE Inc; Nicole Ma, Quynh-Huong Ngyuen, and Steven Wu, Woori Juntos; and 12 individuals)

Against — None

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

BACKGROUND: Some have suggested that adopting a policy to require the use of body worn cameras by correctional officers could provide for more consistent accountability and increase safety and security in correctional facilities.

DIGEST: HB 1524 would require the Texas Department of Criminal Justice to adopt a policy for the use of body worn cameras worn by correctional officers in its facilities. The policy would require that each correctional officer be equipped with a body worn camera during the officer's shift and

require each officer to keep the camera activated during the performance of the officer's duties.

The department would be required to adopt the policy by January 1, 2024.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board HB 1524 would have a negative impact of about $23.9 million dollars through August 31, 2025.

SUBJECT: Allowing expansion of the Texas State Technical College System

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 9 ayes — Kuempel, Paul, Bucy, Burns, Clardy, Cole, M. González, Howard, Lalani

0 nays

2 absent — Burrows, Raney

WITNESSES: For — Kent Conne, Dallas Builders Association; Richard Kyle Kinateder, Midlothian Economic Development (*Registered, but did not testify*: Travis Broussard, Bombardier; Fred Shannon, David White, Gerdau; Mike Meroney, Texas Association of Manufacturers; Erin Valdez, Texas Public Policy Foundation)

Against — None

On — (*Registered, but did not testify*: Richard Froeschle, Texas State Technical College; Mike Reeser, Texas State Technical College System)

BACKGROUND: Some have suggested that provisions should be amended to allow the Texas State Technical College System (TSTCS) to expand in light of growing workforce demand.

DIGEST: HB 875 would amend that TSTCS include a campus that operated as a collective unit of one of more locations in Ellis County. This change would replace the requirement that a TSTCS campus was located in the city of Red Oak.

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

SUBJECT: Amending local regulation authority for massage establishments

COMMITTEE: Licensing & Administrative Procedures — committee substitute recommended

VOTE: 9 ayes — K. King, Walle, Goldman, Harless, Hernandez, Herrero, Patterson, Schaefer, Shaheen

1 nays — T. King

1 absent — S. Thompson

WITNESSES: For — TJ Gilmore, City of Lewisville; Kevin Deaver, Lewisville Police Department (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Monty Wynn, Texas Municipal League; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — None

BACKGROUND: Some have suggested that more flexibility for local law enforcement to regulate massage establishments could help to address certain human trafficking violations.

DIGEST: CSHB 2134 would expand conditions exempting certain local regulations from certain massage therapy licensing and regulation provisions. Added conditions for exemption would include:

- conditional use permits;
- hours of operation; or
- other similar regulations similar.

The bill would provide exceptions to provisions prohibiting a political subdivision from restricting massage establishments more than other health care establishments, including for:

- municipal and county authority to regulate sexually-oriented businesses;
- regulations regarding massage establishment operating hours; or
- regulations related to the location, ownership, or operation of a massage establishment where certain offenses were committed related to prostitution, organized criminal activity, money laundering, or human trafficking, or that was operating at a location where another massage establishment committed certain violations and received sanctions.

The bill would take effect September 1, 2023.

SUBJECT: Specifying persons with authority to conduct marriages

COMMITTEE: Juvenile Justice & Family Issues — committee substitute recommended

VOTE: 5 ayes — Dutton, Lujan, Martinez Fischer, Talarico, Wu

3 nays — Cook, Leo-Wilson, Smithee

1 absent — J. Lopez

WITNESSES: For — Jamila English, Emgage, Texas Chapter; Shariq Ghani, Minaret Foundation (*Registered, but did not testify*: Elisa M. Tamayo, El Paso County; John Litzler, Texas Baptists Christian Life Commission; Amy Bresnen, Texas Family Law Foundation; Joshua Houston, Texas Impact; Shahmeen Khan; Mubeen Khumawala)

Against — Jonathan Covey, Texas Values (*Registered, but did not testify*: Jonathan Saenz, Texas Values; Mary Elizabeth Castle, Texas Values Action)

BACKGROUND: Some have suggested that the law should be more clear regarding which religious entities and persons have authority to conduct a marriage.

DIGEST: CSHB 1884 would add to the list of people authorized to conduct a marriage ceremony:

- a Buddhist monk or priest;
- a Hindu pundit;
- a Muslim imam; and
- a Sikh granthi.

The bill would remove language specifying that a person be an officer of a religious organization and would make conforming changes.

The bill would take effect September 1, 2023, and only would apply to a marriage ceremony conducted on or after the effective date.

SUBJECT: Revising provisions related to suspension of certain money judgments

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Leach, Flores, Murr, Schofield, Slawson, Vasut

2 nays — Julie Johnson, Moody

1 absent — Davis

WITNESSES: For — James Holmes (*Registered, but did not testify*: Ray Sullivan, American Property and Casualty Insurance Association; Annie Spilman, NFIB; Lee Parsley, Texans for Lawsuit Reform; Megan Mauro, Texas Association of Business; Kyle Bush, Texas Association of Manufacturers; Todd Morgan, Fred Shannon, Carol Sims, Texas Civil Justice League; Shannon Rusing, Texas Oil and Gas Association)

Against — None

BACKGROUND: Concerns have been raised that the current laws regarding superseding money judgments may pose challenges for small businesses.

DIGEST: CSHB 4381 would amend the Civil Practice and Remedies Code to allow a judgment debtor to post alternative security if the judgement debtor had a net worth of less than $10 million, and could show that posting security in the amount required would substantially liquidate the debtor's interests in real or personal property necessary to the normal course of the debtor's business. The trial court would allow the judgement debtor to post alternative security with a value sufficient to secure the judgment. The measure would go into effect if posting security would exceed 50 percent of the judgement debtor's total net worth or $25 million.

During an appeal, the judgment debtor would be required to continue to manage, use, and receive earnings from interests in real or personal property in the normal course of business. If an appellate court reduced the amount that the trial court used to set security, the judgment debtor would be entitled, pending appeal to a court of last resort, to a

redetermination of the amount of security required to suspend enforcement of a judgment.

The bill would take effect September 1, 2023 and would only apply to civil actions that began on, or after, the effective date of the bill.