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# HOUSE RESEARCH ORGANIZATION

## daily floor report

Thursday, May 11, 2023  
88th Legislature, Number 62  
The House convenes at 10 a.m.  
Part Five

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Individual bill analyses can also be found online at TLIS, CapCentral, and at <https://hro.house.texas.gov/BillAnalysis.aspx>.



Gary VanDeaver  
Chairman  
88(R) - 62

# HOUSE RESEARCH ORGANIZATION

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Thursday, May 11, 2023

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Part 5

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- SUBJECT:** Providing for the designation of highway safety corridors
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 9 ayes — Canales, Raney, Davis, Gámez, Landgraf, Lujan, Ordaz, Perez, Romero
- 3 nays — Ashby, Caroline Harris, Patterson
- 1 absent — Lozano
- WITNESSES:** For — Tom Kilgore, City of Lakeway; Stacy Suits, Travis Constable Pct 3 (*Registered, but did not testify*: Anne ORyan, AAA Texas; Carissa Cox, American Planning Association - Texas Chapter; Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Jay Crossley, Farm&City; David Crossley, Houston Tomorrow; Bill Kelly, Mayor’s Office, City of Houston; Saul Medrano, Travis County Constable Pct Three; Robert Garza, Travis County Precinct 3; Lance Hamm, Vision Zero South Texas; Thomas J Henry; Wendy Johnson; Ayaan Moledina)
- Against — Terri Hall, Texas TURF, Texans for Toll-Free Highways, Grassroots America-We the People; Fran Rhodes, True Texas Project; Rachel Hale, TX Eagle Forum; Jack Finger (*Registered, but did not testify*: Christina Drewry, Texas Freedom Coalition; Rick Briscoe; Don Dixon; Chris Drewry; Tom Glass)
- On — (*Registered, but did not testify*: Brandye Hendrickson, TxDOT; Thomas Parkinson)
- BACKGROUND:** Some have suggested that providing for the designation of portions of roadway as highway safety corridors could reduce fatalities and improve safety on Texas roads.
- DIGEST:** HB 1855 would require the Texas Department of Transportation (TxDOT) to designate a portion of roadway as a highway safety corridor if a governing body of a political subdivision identified a portion of a roadway in its jurisdiction as containing a site with a high number of traffic

accidents that led to serious injury or fatality. TxDOT could also identify and designate such a site itself. TxDOT could remove a designation made based on TxDOT's own identification at its discretion.

The bill would require TxDOT to remove the corridor designation after 10 years unless the governing body of the political subdivision notified TxDOT that the designation should be removed earlier or extended. Each extension would be for a period of 10 years unless a shorter period was requested by the governing body. An extension also could be removed or extended.

TxDOT could by rule prescribe forms for use by a political subdivision for the designation of a highway safety corridor and the removal or extension of a highway safety corridor designation.

TxDOT would have to erect a sign at each end of a designated portion of a roadway and at appropriate sites along the roadway indicating that the roadway was a highway safety corridor and stating "Fines double: highway safety corridor."

The bill would authorize TxDOT to distribute literature to the public concerning highway safety corridors designated under this section.

If a violation of the rules of the road, other than certain specified rules, were committed on a highway safety corridor, the minimum and maximum fines applicable to the offense would be twice the minimum and maximum fines that would normally be applicable.

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

- SUBJECT:** Authorizing certain safety and mental health elective courses for schools
- COMMITTEE:** Youth Health & Safety, Select — committee substitute recommended
- VOTE:** 6 ayes — S. Thompson, Allison, Dutton, A. Johnson, T. King, Lozano  
1 nay — Hull  
2 absent — Capriglione, Landgraf
- WITNESSES:** For — Leesa Ross, Lock Arms for Life; Molly Voyles, Texas Council on Family Violence; Nicole Golden, Texas Gun Sense; Andrew Brown, Texas Public Policy Foundation (*Registered, but did not testify*: James Parnell, Dallas Police Association; Larry Young, Game Warden Peace Officers Association; Ray Hunt, HPOU; Hannah Gill, NAMI Texas; Robert Watson, Texas Impact; John Wilkerson, Texas Municipal Police Association; Chelbi Mims, Texas Public Charter Schools Association; AJ Louderback, Texas Sheriffs Regional Alliance; Ashley Harris, United Ways of Texas; Eve Margolis)  
Against — (*Registered, but did not testify*: Leigh Gibson, Wesley Virdell, Gun Owners of America; Michael Belsick; Adam Cahn)  
On — (*Registered, but did not testify*: Jennifer Fleck, Texas Education 911; Eric Marin, Shelly Ramos, John Scott, Texas Education Agency)
- BACKGROUND:** Some have suggested that Texas students would benefit from elective courses that educate them on community and firearm safety, family violence, and mental health.
- DIGEST:** CSHB 2090 would allow a school district or charter school to offer 12th grade students an elective course on community safety, firearm safety, and mental health that met the requirements for an elective credit.  
The first half of the course would include instruction relating to family violence prevention, sexual assault prevention, self defense tactics, and mental health education. The second half of the course would include

firearm safety instruction, information on state and federal laws governing the use of firearms, and information contained in the classroom instruction portion of a Department of Public Safety handgun proficiency course for handgun license applicants.

A student could not enroll in the second half of such a course unless the student had satisfactorily completed the first half.

The bill would require the teacher of such a course to provide information regarding appropriately licensed health professionals to a student if, during the course of instruction, a student disclosed to the teacher that the student had been a victim of or was experiencing issues relating to family violence, sexual assault, or mental health.

The bill would apply beginning with the 2024-2025 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.

- SUBJECT:** Removing cap on sales and use tax refund for certain entities
- COMMITTEE:** Ways & Means — favorable, without amendment
- VOTE:** 11 ayes — Meyer, Thierry, Button, Craddick, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner
- 0 nays
- WITNESSES:** For — Gerry Keegan, CTIA The Wireless Association; Walt Baum, Texas Cable Association (*Registered, but did not testify*: John T. Montford, Libby Nezda Orr, AT&T; Julia Zinsmeister, Charter Communications; Velma Cruz, Comcast; Harrison Hiner, Communications Workers of America; Ben Stratmann, Dallas Regional Chamber; John Espinosa, Greater Austin Hispanic Chamber of Commerce; Crystal Brown, Greater Houston Partnership; Jennifer Rodriguez, North Texas Commission; Todd Morgan, T-Mobile; Megan Mauro, Texas Association of Business; Nora Belcher, Texas e-Health Alliance; Dale Craymer, Texas Taxpayers and Research Association; Dana Chiodo, Texas Technology Consortium; John Hubbard; Ian Randolph, Mark Seale, Texas Telephone Association; Travis Krogman, The Greater Austin Chamber of Commerce; Richard Lawson, Verizon)
- Against — None
- On — (*Registered, but did not testify*: Shannon Brandt, Comptroller of Public Accounts)
- BACKGROUND:** Tax Code sec. 151.3186(b)(1) entitles a provider of a cable television service, Internet access service, or telecommunications services to a refund of a sale, excise, and use tax imposed on the sale, lease, or rental or storage, use, or other consumption of tangible personal property if the property is sold, leased, or rented to or stored, used, or consumed by the provider or a subsidiary of the provider.
- Tax Code sec. 151.3186(d) specifies that the amount of refund to which a provider or subsidiary is entitled to is equal to:

- The amount of the tax paid by the provider or subsidiary during the calendar year on property eligible for a refund, if the total amount was not more than \$50 million; or
- a pro rata share of \$50 million, if the total amount of tax paid on eligible property was more than \$50 million.

Some have suggested that removing the cap on the sales and use tax refund for which certain internet and telecommunications providers are eligible could attract more broadband investment in the state.

**DIGEST:** HB 3358 would remove the \$50 million refund maximum and amend Tax Code sec. 151.3186(d)(1) to specify that the amount of refund to which a provider or subsidiary would be eligible was equal to the amount of tax paid by the provider or subsidiary during the calendar year on property eligible for a refund. This provision would only apply to the 2024-2029 calendar years.

The bill would take effect September 1, 2023, and would expire January 1, 2034.

**NOTES:** According to the Legislative Budget Board, HB 3358 would have a negative impact to general revenue related funds of \$81,415,000 through the biennium.

- SUBJECT:** Establishing liabilities for damages arising from obscenity
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 5 ayes — Leach, Murr, Schofield, Slawson, Vasut
- 3 nays — Julie Johnson, Flores, Moody
- 1 absent — Davis
- WITNESSES:** For — Jon Schweppe, American Principles Project; Kevin Whitt, Mass Resistance; Kelly Neidert, Protect Texas Kids; Anne Newman; Deborah Simmons (*Registered, but did not testify*: Christin Bentley, Republican Party of Texas; Michelle Evans; Natalie Ibe; Thomas Parkinson; Calvin Tillman)
- Against — Servando Esparza, TechNet (*Registered, but did not testify*: Lee Ann Alexander, American Property Casualty Insurance Association; Velma Cruz, Comcast; Walt Baum, Texas Cable Association; Lisa Kaufman, Texas Civil Justice League; Carl Jacob)
- On — (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)
- BACKGROUND:** Under Penal Code sec. 43.24, harmful material means material whose dominant theme taken as a whole:
- appeals to the prurient interest of a minor, in sex, nudity, or excretion;
  - is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
  - is utterly without redeeming social value for minors.
- Penal Code ch.43 subchapter B describes certain offenses which fall under the categories of:
- obscene display or distribution;
  - obscenity;

- sale, distribution, or display of harmful material to a minor;
- sexual performance by a child;
- employment harmful to children;
- possession or promotion of child pornography; and
- possession or promotion of lewd visual material depicting a child.

Some have suggested that imposing civil penalties on perpetrators of obscenity would help to hold accountable entities who distribute harmful material to minors.

DIGEST:

CSHB 3357 would establish civil liability for damages arising from obscenity as well as defenses and application procedures related to such liabilities. Obscenity would mean conduct that constituted an offense under Penal Code ch. 43 subchapter B.

**Liability.** A defendant would be liable to a person harmed for damages arising from obscenity if the defendant engaged in the obscenity or knowingly and intentionally benefitted from participating in an entity that engaged in obscenity. A person who engaged in obscenity and was found liable for any amount of damages arising from that conduct would be jointly and severally liable with any other defendant for the entire amount of damages arising from that conduct.

A commercial entity would be liable to a person harmed for damages arising from the distribution, transmission, or display of harmful material to a minor if, knowing the character and content of the material, the entity knowingly or intentionally benefitted from participating in the distribution, transmission, or display of harmful material to a minor by facilitating, aiding, encouraging, or contributing to the distribution, transmission, or display in a manner that was readily accessible to minors or included a minor's visual image, audio voice, or participation in any manner.

A shareholder or member of a corporation, limited liability corporation, or certain professional entity would be jointly and severally liable with the entity to the person harmed by the obscenity if the person demonstrated that the shareholder or member caused the entity to be used for the

purpose of engaging in obscenity that was for the direct personal benefit of the shareholder or member.

**Prohibited defenses.** It would not be a defense to liability under the bill that the defendant:

- had been acquitted or had not been prosecuted or convicted for obscenity;
- had been convicted of a different offense, type of offense, or class of offense for the conduct that was alleged to give rise to liability;
- claimed ignorance or mistake of law;
- had a belief that the requirements were unconstitutional;
- relied on any court decision that had been overruled on appeal or by subsequent court, even if that court decision had not been overruled when the defendant engaged in the conduct; or
- relied on any state or federal court decision that was not binding on the court in which the action was brought.

**Damages.** A court would be required to award a claimant who prevailed in an action:

- actual damages, including those for mental anguish even if an injury other than mental anguish was not shown;
- court costs; and
- reasonable attorney's fees.

In addition to an award described above, a claimant who prevailed in an action could recover exemplary damages.

**Cumulative cause of action.** The cause of action would be cumulative of any other remedy provided by common law or statute. Each obscenity occurrence that harmed a person, regardless of whether the occurrence was part of a pattern of conduct, would give rise to a separate claim for civil liability.

**Liberal construction and application.** These provisions would be liberally construed and applied to protect people from obscenity and

provide adequate remedies to those who were harmed by obscenity. The provisions could not be construed to:

- wholly or partly repeal, either expressly or by implication, any statute or part of a statute that prohibited obscenity;
- restrict a political subdivision from regulating or prohibiting obscenity in a manner that was at least as stringent as Texas laws;
- legalize any prohibited obscene conduct; or
- affect the rights of a news-gathering organization.

An internet service provider or its affiliates or subsidiaries, a search engine, or a cloud service provider could not be held to have violated these provisions solely for providing access or connection to or from a website or other information or content on the internet or on a facility, system, or network not under that provider's control to the extent the provider or search engine was not responsible for the creation of the content that constituted the obscenity or harmful material.

**Severability.** The bill would establish that every provision, section, subsection, sentence, clause, phrase, or word in the bill and every application of the provisions in the bill would be severable from each other.

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

- SUBJECT:** Requiring a study on the effectiveness of protective orders
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Leach, Julie Johnson, Davis, Flores, Murr, Schofield, Slawson, Vasut
- 0 nays
- 1 absent — Moody
- WITNESSES:** For — (*Registered, but did not testify:* M Paige Williams, Dallas County Criminal District Attorney John Cruzot; Heather Bellino, Texas Advocacy Project; John Wilkerson, Texas Municipal Police Association)
- Against — None
- BACKGROUND:** Some have suggested that conducting a study on the effectiveness of protective orders could help to improve enforcement of protective orders.
- DIGEST:** HB 3696 would require the Office of Court Administration (OCA) to conduct a study on the effectiveness of protective orders in protecting victims of violence in the state. OCA would be required to create a report based on the study that included:
- an evaluation concerning the effectiveness of protective orders in protecting victims of violence by deterring the person who was the subject of the order from engaging in the prohibited conduct; and
  - legislative recommendations on methods to improve the enforcement of protective orders.

By September 1, 2024, OCA would be required to submit the report to the governor, lieutenant governor, speaker of the House, and appropriate committees of the legislature.

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. The bill would expire January 1, 2025.

- SUBJECT:** Revising notice and filing requirements in certain court proceedings
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Schofield, Slawson, Vasut
- 0 nays
- 1 absent — Davis
- WITNESSES:** For — Guy Herman, Statutory Probate Courts of Texas (*Registered, but did not testify*); Greg Hansch, National Alliance on Mental Illness (NAMI) TX; Cicely Kay, Travis County Commissioners Court)
- Against — None
- BACKGROUND:** Health and Safety Code ch. 571 provides the Texas Mental Health Code and relates to the provision of care and treatment for mental illness.
- Some have suggested that certain provisions for the filing of court documents have become outdated since the implementation of e-filing technology.
- DIGEST:** HB 1042 would amend method of notice provisions of the Texas Mental Health Code to require that personal delivery of a copy of a notice or document to satisfy certain requirements of the code be made by a constable or sheriff of the county. The bill would remove the requirement for a person who filed a copy of a paper with the county clerk under the code to provide an original signed copy within a specified time, with certain exceptions, after the initial filing. Instead, a person who filed a reproduced, photocopied, or electronically transmitted paper would be required to maintain possession of the original signed copies and make the original paper available for inspection on request by the parties of the court.

The bill would repeal a provision authorizing a judge to dismiss a proceeding and, if it was dismissed, to order the immediate release of a proposed patient if the court clerk did not receive the original signed copy of the paper within a certain specified period.

The bill would take effect September 1, 2023.

- SUBJECT:** Providing information about deceased persons on the voter registration list
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 9 ayes — Smith, Bucy, Burrows, Capriglione, DeAyala, Manuel, E. Morales, Swanson, Vo  
0 nays
- WITNESSES:** For — Alan Vera, Harris County Republican Party Ballot Security Committee; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; Mike Brewster; Ed Johnson (*Registered, but did not testify*: Laura Rogers, County and District Clerks Assoc; Devvie Duke, Jill Glover, Tom Nobis, Republican Party of Texas; Andrew Eller, State Republican Executive Committee SD24 and Republican Party of Texas; Chris Davis, Texas Association of Elections Administrators; Cindi Castilla, Texas Eagle Forum; Tisha Crow, Texas GOP; Cicely Kay, Travis County Commissioners Court; and 20 individuals)  
  
Against — (*Registered, but did not testify*: Andrew Hendrickson, ACLU of Texas; Maggie Stern, Children's Defense Fund - Texas; Katya Ehresman, Common Cause Texas; Amber Mills, MOVE Texas Action Fund; Emily Eby French, Texas Civil Rights Project; Rocio Fierro-Perez, Texas Freedom Network; and 22 individuals)  
  
On — Christina Adkins, Texas Secretary of State (*Registered, but did not testify*: Manda Hall, Texas Department of State Health Services)
- BACKGROUND:** Some have suggested that regularly updating the statewide computerized voter registration list to omit deceased individuals would help maintain election integrity.
- DIGEST:** HB 5259 would require the Department of State Health Services (DSHS) to implement an efficient and effective method to provide death information to the secretary of state to assist in maintaining the statewide computerized voter registration list. The method would be required to

provide at least the following information on each deceased person for whom a death certificate was filed with a local registrar:

- the decedent's county of residence;
- the decedent's birth date; and
- the decedent's full name.

DSHS would be required to enter into a memorandum of understanding with the secretary of state to implement the bill. The memorandum would be required to include a mechanism for DSHS to provide the secretary with death information that included unique identifiers necessary to accurately match death records with names on the voter registration list.

DSHS would require death certificates to include the county where the decedent died and the decedent's county of last legal residence.

The bill would revise certain provisions of the Election Code pertaining to information related to deceased voters. The bill would require that once each week on a certain day, the vital statistics unit, rather than the Bureau of Vital Statistics, would be required to furnish to the secretary of the state available information relating to deceased residents of the state as provided by the above provisions.

The bill would take effect September 1, 2023.

- SUBJECT:** Establishing requirements for certain judicial interpretation of state law
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 5 ayes — Leach, Murr, Schofield, Slawson, Vasut  
4 nays — Julie Johnson, Davis, Flores, Moody
- WITNESSES:** For — Daniel Dew, Pacific Legal Foundation  
Against — (*Registered, but did not testify*: Rebekah Chenelle, Dallas County Commissioners Court; James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers' Union; Mitch Landry, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs' Regional Alliance)  
On — Shea Pearson, Texas Chemical Council
- BACKGROUND:** Concerns have been raised that state agencies may have an advantage over citizens if a court interprets a law with deference towards the state agency's interpretation.
- DIGEST:** In interpreting a provision of state law, HB 1947 would require a reviewing court or administrative law judge to interpret the meaning and effect of the provision de novo without deference to a state agency's interpretation of the provision. In an action brought by or against a state agency concerning an ambiguous provision of state law, after applying all other rules and canons of interpretation, a judge would be required to resolve the ambiguity in favor of limiting state agency authority.  
  
The bill would take effect September 1, 2023.
- NOTES:** According to the Legislative Budget Board, the fiscal implications of HB 1947 cannot be determined because the decline in revenues and increased costs to the state that would be realized due to courts being required to rule in favor of individuals and entities challenging agency authority is unknown.

- SUBJECT:** Revising provisions for reimbursement of certain health care services
- COMMITTEE:** Insurance — favorable, without amendment
- VOTE:** 5 ayes — Oliverson, A. Johnson, Cortez, Julie Johnson, Perez  
4 nays — Cain, Caroline Harris, Hull, Paul
- WITNESSES:** For — Thomas Kim, Texas Medical Association (*Registered, but did not testify*: Stacy Wilson, Children’s Hospital Association of Texas; Nelda Hunter, Cook Children’s Medical Center; Greg Hansch, National Alliance on Mental Illness (NAMI) TX; Maureen Milligan, Teaching Hospitals of Texas; Ben Wright, Texas Medical Association)  
  
Against — Robert Baratta, Teladoc Health (*Registered, but did not testify*: Annie Spilman, NFIB; Matt Abel, Texas Association of Business; Blake Hutson, Texas Association of Health Plans)  
  
On — (*Registered, but did not testify*: Rachel Bowden, Texas Department of Insurance)
- BACKGROUND:** Concerns have been raised that the payment for telehealth services may discourage some providers from expanding the use of telehealth. Some have suggested that requiring health plans to pay providers the same rate whether the service is delivered in-person or via telehealth would expand access to care and reduce overall health care costs.
- DIGEST:** HB 1726 would require health plans to reimburse a preferred or contracted health professional for providing a covered health care service or procedure to a covered patient as a telemedicine medical service, teledentistry dental service, or telehealth service on the same basis and at least at the same rate that the plan provided reimbursement to the health professional for the service or procedure in an in-person setting.  
  
A health plan would not be required to pay more than the billed charge on a claim or to reimburse a preferred or contracted provider if the

telemedicine, teledentistry, or telehealth service had been provided as part of a mutually agreed upon risk-based payment arrangement.

A health plan also could not require a preferred or contracted health professional to provide documentation of a covered service or procedure delivered to a patient beyond that which would be required for the service or procedure in an in-person setting.

HB 1726 would add mental health professionals to the list of professionals that could receive payment for providing telehealth services and would specify the qualifications a mental health professional would need to meet to receive payment for delivering a telehealth service.

The requirements of HB 1726 could not be waived, voided, or nullified by contract.

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

SUBJECT: Revising eligibility for TDHCA homeless housing and services program

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Lozano, Gates, Bernal, Cortez, J. González

2 nays — Cunningham, Tepper

2 absent — Hayes, Romero

WITNESSES: For — (*Registered, but did not testify*: Tammy Narvaez, Harris County Commissioners Court; Cicely Kay, Travis County Commissioners Court; Maggie Armendariz; Madeline Doyle)

Against — None

On — (*Registered, but did not testify*: Eric Samuels, Texas Homeless Network)

BACKGROUND: Government Code sec. 2306.2585(a) authorizes the Texas Department of Housing and Community Affairs to administer a homeless housing and services program in each municipality with a population of at least 285,500 to provide for the construction, development, or procurement of housing for homeless persons and to provide local programs to prevent and eliminate homelessness.

Some have suggested that decreasing the minimum population of a municipality in which the Texas Department of Housing and Community Affairs may administer a homeless housing and services program would allow more municipalities to receive help in serving their homeless populations.

DIGEST: HB 2131 would lower the minimum population of a municipality for which the Texas Department of Housing and Community Affairs could administer a homeless housing and services program from 285,500 to 250,000.

The bill would take effect September 1, 2023.

- SUBJECT:** Authorizing use of secure digital deposition transcripts
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Julie Johnson, Davis, Flores, Moody, Murr, Vasut  
3 nays — Leach, Schofield, Slawson
- WITNESSES:** For — Lucile Wyatt, Texas Deposition Reporters Association (*Registered, but did not testify*; Connor Oakley, Texas Deposition Reporters Association; Guy Herman)  
Against — None
- BACKGROUND:** Some have suggested that paper deposition transcripts are more easily damaged or altered than records in a secure digital format, and that allowing court reporters to use a digital format for deposition records could help to protect the integrity of the records.
- DIGEST:** HB 4032 would establish that a deponent and the attorneys of record and parties to a case would be entitled to obtain a copy of the deposition transcript from the court reporter or court reporting firm, which could require reasonable fees for providing the transcript.
- On request of the deponent or the deponent's attorney, the court reporter or firm would have to notify the deponent or attorney when the secure digital deposition transcript was available for review. If the deponent or attorney preferred a paper transcript, the reporter or firm would be required to deliver the paper transcript and could charge a reasonable fee.
- The reporter or firm would be required to provide the deponent at least 20 days to review the digital or paper transcript and provide a separate signed document that listed desired changes to the transcript and the reasons for those changes. The reporter or firm would retain possession of the digital transcript during the review period. On the earlier of the review period's expiration or receipt of the relevant signed document, the reporter or firm would have to promptly deliver the secure digital transcript to the

custodial attorney responsible for protecting the integrity of the manuscript.

The bill would establish that an attorney who takes a deposition and the attorney's firm would be jointly and severally liable for a shorthand reporter's charges for a secure digital deposition transcript.

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

- SUBJECT:** Revising provisions related to auto insurance rating plans
- COMMITTEE:** Insurance — favorable, without amendment
- VOTE:** 5 ayes — Oliverson, Cain, Caroline Harris, Hull, Paul  
4 nays — A. Johnson, Cortez, Julie Johnson, Perez
- WITNESSES:** For — Austin Bailey, Branch Financial Inc.; John Marlow, Chubb; Beaman Floyd, Texas Coalition for Affordable Insurance Solutions (*Registered, but did not testify*: Scot Kibbe, American Property Casualty Insurance Association (APCIA); J. McCartt, Farmers Insurance; Marti Luparello, Germania Farm Mutual Insurance Association; Jon Schnautz, National Association of Mutual Insurance Companies; Thomas Parkinson)  
Against — Andrew Kirkpatrick, Old American County Mutual Fire Insurance Company; Luke Bellsnyder, Texas Independent County Mutual companies (*Registered, but did not testify*: Don Hanson, Geico; Chris Britton, Redpoint County Mutual)  
On — (*Registered, but did not testify*: David Bolduc, Office of Public Insurance Counsel; Marianne Baker, Brock Childs, TX Dept of Insurance)
- BACKGROUND:** Concerns have been raised that only certain auto insurers are allowed to assign a rate consequence or increase premiums for traffic violations, which could provide an unfair competitive advantage for some insurers that may result in higher auto insurance rates for many Texans.
- DIGEST:** HB 3365 would allow all auto insurers to develop a rating plan that assigned a rate consequence to a charge or conviction for a traffic violation or otherwise caused premiums for automobile insurance to be increased because of a charge or conviction related to a traffic violation.  
The bill would take effect September 1, 2023 and would apply only to an auto insurance policy delivered, issued for delivery, or renewed on or after January 1, 2024.

- SUBJECT:** Amending requirements for sale of dogs and cats by pet stores
- COMMITTEE:** Business & Industry — favorable, without amendment
- VOTE:** 6 ayes — Longoria, Cole, J. González, Hinojosa, Lambert, Neave Criado
- 1 nay — Vasut
- 1 absent — Frazier
- 1 present not voting — Isaac
- WITNESSES:** For — Rachael Gearing, City of Dallas - Dallas Animal Services; Patti Dawson, Dallas Dog Rescue Rehab Reform; Randy Turner, Law Offices of Randall E. Turner, PLLC; Angelita Sampaio, Unity for a Solution; Judy LeUnes, Wienerspiel; Sebastian Torres (*Registered, but did not testify*: John Hubbard, Ian Randolph, Animal Legal Defense Fund; LaRessa Quintana, City of Denton; Guadalupe Cuellar, City of El Paso; Nadia Islam, City of San Antonio; Alex Gamez, Humane Society; Bill Kelly, Mayor’s Office, City of Houston; Courtney Leigh, Puppy Mill Awareness Day Texas; Ashley Johnson, Righteous Paws Rescue; Jamey Cantrell, Texas Animal Control Association; Stacy Sutton Kerby, Texas Humane Legislation Network; Katie Jarl, Texas Pets Alive; Shelby Bobosky, THLN; and 31 individuals)
- Against — Vanessa Gagne, National Animal Interest Alliance; John Barron-Ethridge, Pet City Houston; Elizabeth Kunzelman, Joshua Nie, Petland; Noah Hennen, Jake Patel, Petland Frisco; David Moreno, Petland Shavano Park; Richard Evans, Pamela Evans, Pets Plus, LLC; Jonathan Gonzalez, You Pets Vets; Karla Montanez Torres (*Registered, but did not testify*: Jay Suk, Petcenter; Leticia Van de Putte, San Antonio Chamber of Commerce; John McCord, Texas Retailers Association)
- BACKGROUND:** Concerns have been raised about the sale of dogs and cats with undisclosed health defects and the increased veterinary costs this may place on the pet owner.

DIGEST: HB 870 would prohibit a pet store from selling a dog or cat that was not obtained from an animal control agency, an animal shelter, or an animal rescue organization. The prohibition would apply to pet stores that were for-profit businesses selling dogs or cats in a county with a population of 200,000 or more. This would not include an individual who sold, gave, or otherwise transferred dogs or cats raised or bred by the individual.

The pet store would be required to maintain records documenting from which agency, shelter, or organization the store obtained each dog or cat for at least one year after obtaining the dog or cat. The records would have to be reasonably available for inspection by the applicable agency, shelter, or organization.

The pet store would be required to post in a certain conspicuous location the name of the agency, shelter, or organization from which the dog or cat was obtained. Pet stores that violated the sales prohibition would be liable to the state for a civil penalty of up to \$500 for each dog or cat sold in violation of the prohibition, and the attorney general could bring an action to collect the penalty.

The bill would take effect September 1, 2023, and would apply only to a dog or cat obtained by a pet store on or after that date.

- SUBJECT:** Creating a task force on certain missing persons statewide alert systems
- COMMITTEE:** Homeland Security & Public Safety — favorable, without amendment
- VOTE:** 7 ayes — Guillen, Jarvis Johnson, Bowers, Canales, Dorazio, Goodwin, Troxclair
- 0 nays
- 2 absent — Harless, Holland
- WITNESSES:** For — Linda Litzinger, Amy Litzinger, Texas Parent to Parent; Chenique Lewis (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Bryan Mares, National Association of Social Workers-Texas; Anna Sciarillo, Texas Association of Behavior Analysis Public Policy Group; Amy Fawell)
- Against — None
- On — (*Registered, but did not testify*: Cullen Grissom, Texas Commission on Law Enforcement; Lexi Quinney, Texas Department of Public Safety)
- BACKGROUND:** Concerns have been raised that children with intellectual disabilities and children with mental illnesses are labeled differently for the purposes of responding to a missing child case, but one prompts a quicker response than the other, which can create problems when missing children are mislabeled.
- DIGEST:** HB 3330 would create a task force on the statewide alert systems for abducted children and missing persons with intellectual disabilities. The task force would be composed of 16 members appointed by the presiding officer of the Texas Commission on Law Enforcement (TCOLE) by November 1, 2023. Membership would have to include children with disabilities and mental illness, family members of individuals with a disability or mental illness, attorneys, and individuals from certain agencies and health professions. The task force would elect a presiding officer from its membership. The task force would be required to meet at

least quarterly, in person or electronically, at the call of the presiding officer.

A task force member would not be entitled to compensation for service on the task force but, if authorized by the presiding officer of the task force, could be reimbursed from funds available for actual and necessary expenses incurred in performing task force duties. The task force would be allowed to accept gifts, grants, and donations to carry out its duties.

The task force would conduct a study on the classification of cases for the statewide alert systems for abducted children and missing persons with intellectual disabilities. The study would include an analysis of children and persons with intellectual disabilities reported missing throughout the state that included:

- whether a statewide alert system was activated as a result of the report;
- certain personal information for each missing person; and
- certain information about the law enforcement response to the missing persons report.

The study also would include a description of any trends or patterns in the analyzed data that indicated that a group or subset of missing persons cases were treated differently than others based on a characteristic of the missing person.

The task force would be required to compile information regarding each law enforcement agency and agency providing 911 dispatch operations. The information would have to include:

- whether the agency had a written mental health policy applicable to alleged victims or offenders, including whether the policy had specific provisions relating to victims or offenders who were children;
- the number of employees of the agency that had received specialized training in mental health related fields;

- a description of each training course attended by an employee of the agency; and
- the frequency with which each employee attended a training course.

Based on the result of the study and the compiled information, the task force would be required to develop recommendations to increase the consistent application of the statewide alert systems for abducted children and missing persons with intellectual disabilities, including by standardizing case classifications and other law enforcement procedures for missing persons cases, including cases involving a missing person with a mental illness.

By September 1 of each even-numbered year, the task force would be required to prepare and submit to each member of the Legislature, the Commission on Jail Standards, the Department of Public Safety, the Texas Juvenile Justice Department, the Texas Civil Commitment Office, and TCOLE a written report that included the study results, the compiled information, and certain recommendations.

Provisions regarding state agency advisory committees would not apply to the task force. The task force would be abolished and the bill would expire September 1, 2030.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, HB 3330 would have a negative impact of \$271,838 on general revenue related funds during fiscal 2024-25.

- SUBJECT:** Amending the definition of a security deposit
- COMMITTEE:** Business & Industry — committee substitute recommended
- VOTE:** 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado
- WITNESSES:** For —Dewey Marshall, Texas Tenants’ Union; Gene Roberts;  
(*Registered, but did not testify:* Alex Gamez, Humane Society; Bill Kelly, Mayor’s Office, City of Houston; Christine Yanas, Methodist Healthcare Ministries; Ben Martin, Texas Housers; Hilary Shurtleff, Texas Pets Alive!; Cynthia Van Maanen, Travis County Democratic Party; Susana Carranza; Idona Griffith; Linda Guy; Francesca Leahy; Thomas Parkinson; Maria Person)
- Against — David Mintz, Texas Apartment Association
- BACKGROUND:** Some have suggested that revising laws regarding security deposits could help ensure a fee or charge imposed by a landlord for the purposes of a security deposit was treated as such and would provide more transparency.
- DIGEST:** CSHB 1756 would amend the definition of security deposit for residential tenancies to include any advance of money, other than a rental application deposit or an advance payment of rent, that is intended primarily to secure payment for damage to the leased premises. The bill also would establish that the following would be presumed to be a security deposit:
- any deposit that a landlord required a prospective tenant to provide to the landlord to lease a dwelling or that the lease required a tenant to provide to the landlord or maintain in effect for all or part of the lease term; and
  - any refundable or nonrefundable fee or charge required by a landlord for damages, no matter how designated.

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, and would apply only to a lease entered or renewed on or after the effective date.

**SUBJECT:** Revising vote threshold for approval of open-enrollment charter schools

**COMMITTEE:** Public Education — favorable, without amendment

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

4 nays — Allen, Allison, Hinojosa, Talarico

**WITNESSES:** For —Stephanie Matthews, Texas Association of Business; Bryce Adams, Texas Public Charter Schools Association; Michael Barba, Texas Public Policy Foundation; SaJade Miller; Susie Spencer (*Registered, but did not testify*: Celeste Brown, Compass Rose Public Schools; Bibi Yasmin Katsev, District Charter Alliance; Michelle Wittenburg, Good Reason Houston; Addie Gomez, KIPP Texas Public Schools; Amanda List, Schulman, Lopez, Hoffer & Adelstein, LLP; Gabriel Grantham, Texas 2036; Justin Yancy, Texas Business Leadership Council; Gray Rutledge, Texas Conservative Coalition Research Institute; Michelle Evans)

Against — Tony Hanson, Jean Mayer, Pflugerville ISD Trustee; Alejandro Pena, Texas AFT; HD Chambers, Texas School Alliance; Carrie Griffith, Texas State Teachers Association; Meg Bakich; Lynn Davenport; Susybelle Gosslee; Mary Lowe (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Jolene Foster Sanders, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Charles Luke, Pastors for Texas Children; Cindy Gee, Pflugerville ISD School Board; Lauren Wolf, Pflugerville Area Democrats; Leonard Aguilar, Texas AFL-CIO; Barry Haenisch, Texas Association of Community Schools; Whitney Broughton, Texas Association of School Boards; Paige Williams, Texas Classroom Teachers Association; Andrea Chevalier, Texas Council of Administrators of Special Education; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Denishea Williams, Texas Freedom Network; Suzi Kennon, Texas PTA; Dee Carney, Texas School Alliance; Christy Rome, Texas School Coalition; Elaina Fowler, Texas State Teacher Association; Alice Linahan, Women On The Wall; and 21 individuals)

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

**BACKGROUND:** Some have suggested that the vote threshold to veto the granting of a charter for a charter school should be raised.

**DIGEST:** HB 2890 would revise provisions regarding the authorization of an eligible entity to operate a charter school. The bill would establish that the commissioner of education's proposal to grant a charter to an eligible entity would take effect unless, before the 90<sup>th</sup> day after the date on which the State Board of Education (SBOE) received a required notice from the commissioner of education of each proposed charter, two-thirds of the total membership of the board, rather than a majority of the members of the board present and voting, voted against the grant of that charter.

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:** Repealing and replacing certain provisions of the Property Code
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Vasut  
0 nays  
1 absent — Slawson
- WITNESSES:** For — William Locke, Texas Real Estate and Probate Institute  
(*Registered, but did not testify:* Craig Hopper, Texas Real Estate and Probate Institute; Ware Wendell, Texas Watch; Guy Herman)  
  
Against — None
- BACKGROUND:** Some have suggested that the Property Code would benefit from nonsubstantive corrections that would remove references to repealed provisions and replace obsolete references with references to current statute to avoid confusion.
- DIGEST:** HB 3422 would remove references to the repealed Property Code Title 16. The bill would make conforming changes throughout to remove references to processes and procedures in Title 16, in addition to repealing certain statutes that reference Title 16.  
  
The bill also would remove references to certain provisions, including those in Vernon's Statute, and replace them with references to recodified versions of these provisions in the Business Code, the Business Organization Code, the Human Resources Code, and the Insurance Code, and make conforming changes.  
  
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.