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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, April 29, 2025
89th Legislature, Number 52
The House convenes at 10 a.m.
Part Four

One bill is on the Major State Calendar, two resolutions are on the Constitutional Amendments Calendar, and 137 bills are on the General State Calendar for second reading consideration today. The list of bills in Part Four of the *Daily Floor Report* appears on the following page.

Gary VanDeaver
Chairman
89(R) - 52

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Tuesday, April 29, 2025

89th Legislature, Number 52

Part 4

SUBJECT: Amending requirements for Parks and Wildlife Department contracts

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

VOTE: 7 ayes — Metcalf, Flores, Kerwin, Martinez Fischer, Orr, Vasut, Ward Johnson

0 nays

2 absent — Cole, DeAyala

WITNESSES: For – (*Registered, but did not testify*: John Shepperd, Texas Foundation for Conservation; John H. Martinez, The Regional Hispanic Contractors Association)

Against – None

On – (*Registered, but did not testify*: Andrea Lofye, Texas Parks and Wildlife Department)

BACKGROUND: Current law requires payment bonds for public work construction contracts greater than $25,000 and performance bonds for contracts greater than $100,000. Concerns have been raised that public works projects have become larger and more complex since these general threshold amounts were first established in the 1990s, and that the Texas Parks and Wildlife Department (TPWD) has faced difficulties finding contractors because these threshold amounts can be cost-prohibitive.

DIGEST: HB 3887 would amend the Parks and Wildlife Code to require TPWD, the TPWD executive director, or the executive director's designee to require a contractor to execute a performance bond and a payment bond to TPWD before beginning work if the value of the public work construction contract exceeded $150,000.

The bill would take effect September 1, 2025.

SUBJECT: Prohibiting local regulation of certain child-care facilities

COMMITTEE: Human Services — committee substitute recommended

VOTE: 11 ayes — Hull, Manuel, A. Davis, Dorazio, C. Morales, Noble, Richardson, Rose, Schatzline, Slawson, Swanson

0 nays

WITNESSES: For - Kim Kofron, Children at Risk; Carl Isett, Texas Licensed Child Care Association (*Registered, but did not testify*: Wendy Uptain, Early Matters Texas; Angel Carroll, Measure; David Feigen and Kate Murphy, Texans Care for Children; Stephanie O'Banion, United Ways of Texas; Tamitha Blackmon; Steven Deline)

Against - None

BACKGROUND: Concerns have been raised that there may be discrepancies between regulations imposed by political subdivisions on state-licensed child-care homes and family homes and state health and safety standards.

DIGEST: CSHB would prohibit a political subdivision from adopting or enforcing an ordinance, order, or other measure that required a group day-care home or family home licensed, registered, or listed under Human Resources Code provisions relating to child-care services to comply with health and safety standards that exceeded the standards established by statute or Health and Human Services Commission rule.

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, 2025.

SUBJECT: Adding required terms in contracts between DFPS and certain contractors

COMMITTEE: Human Services — favorable, without amendment

VOTE: 11 ayes — Hull, Manuel, A. Davis, Dorazio, C. Morales, Noble, Richardson, Rose, Schatzline, Slawson, Swanson

0 nays

WITNESSES: For — Charles Reed, Dallas County Commissioners Court (*Registered, but did not testify*: Bryan Mares, National Association of Social Workers-Texas; Stephanie Battaglia, Texas CASA; Kerrie Judice, TexProtects; Steven Deline)

Against — None

On — Audrey O'Neill, DFPS Resource Witness

BACKGROUND: Current law requires the Department of Family and Protective Services (DFPS) to evaluate the performance of community-based care single-source continuum contractors serving children and families. Some have suggested that a contract provision allowing DFPS to take additional formal measures to enforce compliance could help ensure high-quality service delivery.

DIGEST: HB 4129 would amend the Family Code to require a contract between DFPS and a single-source continuum contractor to allow DFPS to implement formal measures to ensure the contractor delivered high-quality service, including quality improvement plans, financial interventions, and other appropriate interventions or restrictions.

The bill would take effect September 1, 2025.

SUBJECT: Amending contract procedures for DFPS and single-source contractors

COMMITTEE: Human Services — favorable, without amendment

VOTE: 11 ayes — Hull, Manuel, A. Davis, Dorazio, C. Morales, Noble, Richardson, Rose, Schatzline, Slawson, Swanson

0 nays

WITNESSES: For - Charles Reed, Dallas County Commissioners Court (*Registered, but did not testify*: Bryan Mares, National Association of Social Workers-Texas; Stephanie Battaglia, Texas CASA; Kerrie Judice, TexProtects; Steven Deline)

Against - None

On - (*Registered, but did not testify*: Audrey O'Neill, DFPS Resource Witness)

BACKGROUND: Concerns have been raised that current law does not provide sufficient flexibility for early termination of contracts between single-source continuum contractors providing community-based care and the Department of Family and Protective Services (DFPS). Some have suggested that the deadline for contract termination should be extended and that DFPS should have clearer authority to enter into a new contract without a lengthy procurement process when necessary to ensure service continuity for children in its conservatorship.

DIGEST: HB 1413 would amend the Family Code to revise deadlines relating to the termination of a contract between DFPS and a single-source continuum contractor for child welfare services. The bill would extend the deadline for either party to give notice of an intent to terminate the contract to no later than the 180th day, rather than the 60th day, before the termination date.

Upon either party's notice of intent to terminate the contract, and without following a formal procurement process, DFPS would be authorized to

enter into a contract with a different single-source continuum contractor for the sole purpose of assuming the contract being terminated.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing receiverships for certain child welfare services contractors

COMMITTEE: Human Services — favorable, without amendment

VOTE: 11 ayes — Hull, Manuel, A. Davis, Dorazio, C. Morales, Noble, Richardson, Rose, Schatzline, Slawson, Swanson

0 nays

WITNESSES: For — Charles Reed, Dallas County Commissioners Court (*Registered, but did not testify*: Andrea Sparks, Buckner International; Christine Yanas, Methodist Healthcare Ministries; Bryan Mares, National Association of Social Workers-Texas; Stephanie Battaglia, Texas CASA; Kerrie Judice, TexProtects; Steven Deline)

Against — None

On — Audrey O'Neill, DFPS Resource Witness

BACKGROUND: Some have suggested allowing DFPS to petition a court for receivership of a single-source continuum contractors (SSCCs), local child welfare entities that enter into performance-based contracts with the Department of Family and Protective Services (DFPS) for the provision of community-based care, would enable the receiver to continue to carry out its contractual duties and ensure the safety and well-being of those served.

DIGEST: HB 4131 would authorize a court of competent jurisdiction to appoint a receiver for a single-source continuum contractor (SSCC), meaning an entity that had entered into a contract with the Department of Family and Protective Services (DFPS) or the Health and Human Services Commission (HHSC) for the provision of child welfare services through community based care.

Appointment of a receiver. A court could appoint a receiver for the SSCC or any of its parts, divisions, components, or companies on the petition of DFPS if:

- after being subject to a quality improvement plan, corrective action plan, or other remedial statutory or contract measures, the SSCC continued to fail to satisfactorily perform under the community-based care contract;
- the SSCC provided DFPS notice of intent to cease operations not later than the 60th day before the date the SSCC intended to cease operations and had not made arrangements for another SSCC or DFPS to continue the uninterrupted provision of services under the community-based care contract;
- conditions existed, as determined by DFPS, within the SSCC that presented an imminent danger to the health, safety, or welfare of the children under the conservatorship of DFPS in the SSCC's care;
- the SSCC had failed to provide adequate information to DFPS regarding a child under DFPS conservatorship in the SSCC's care;
- the SSCC had failed to comply with a court order or incurred a sanction against DFPS due to failure to comply; or
- the SSCC could not meet or was unlikely to be able to meet financial obligations related to services provided under the community-based care contract, including financial obligations to employees, contractors, or foster parents.

The issuance of a check without sufficient money by the SSCC or the existence of delinquent obligations for salaries, utilities, or essential services or commodities for the SSCC would be prima facie evidence that the contractor did not satisfy this condition.

The bill would require a court to give precedence to a petition for the appointment of a receiver under the bill over other matters, except as otherwise provided by law. The bill would require a court to conduct an evidentiary hearing on a petition for the appointment of a receiver not later than the fifth day after the date the petition was filed. DFPS would have to make reasonable efforts to notify the SSCC of the hearing. A court would be required to grant a petition for the appointment of a receiver on finding that one of the above conditions existed and continued to jeopardize the health, safety, or welfare of a child under the conservatorship of DFPS. The court could grant a petition ex parte.

Qualifications, powers, and duties of a receiver. To be appointed a receiver, a person would have to be qualified by education, training, or

experience to carry out the duties of the receiver. The bill would require a court to appoint a receiver selected from a list of qualified persons developed by DFPS and filed with the court. A receiver could be an employee of DFPS, and such an employee would not be required to execute a bond.

A receivership would expire on the 90th day after the date the receiver was appointed, subject to one or more 60-day extensions as requested by DFPS. Every 60 days while the receivership was ongoing, DFPS would have to file an assessment of the ability of the SSCC under receivership to ensure the health, safety, and welfare of the children under the conservatorship of DFPS in the SSCC's care.

HB 4131 would require a receiver to take all actions that were ordered by the court and necessary to ensure the continued health, safety, and welfare of children under DFPS conservatorship and in the care of the SSCC under receivership, which could include:

- taking actions reasonably necessary to protect or conserve the assets or property of the SSCC;
- using the property of the SSCC for the provision of care and services to children under DFPS conservatorship and their families in the geographic service area for providing child protective services that was identified as part of community-based care, or "catchment area";
- entering into contracts with or hiring agents or employees to carry out the powers and duties of the receiver;
- directing, managing, hiring, or discharging employees or agents of the SSCC; and
- honoring leases, mortgages, and contractual obligations of the SSCC as those payments become due during the period of the receivership.

A contract entered into by a receiver acting in accordance with the receiver's duties would not be subject to advertising, competitive bidding, or proposal evaluation requirements. The bill would require a receiver to compensate any employee it hired during the receivership at a compensation rate approved by the appointing court.

A receiver would be authorized to petition the appointing court for temporary relief from contractual obligations of the SSCC under

receivership if the rent, price, or rate of interest substantially exceeded what was reasonable at the time the contract was made or if any material provision of the contract was unreasonable when compared to similar contracts. Any relief granted by a court would be limited to the life of the receivership, unless the court determined otherwise.

The bill would require a receiver to deposit all money related to the receivership in a separate account to be used for all disbursements related to the receivership. A payment to a receiver of a sum owed to the SSCC under receivership would be considered a payment to the SSCC with respect to the discharge of the obligation.

A receiver who was not a DFPS employee would be required to coordinate with DFPS to ensure the continued health, safety, and welfare of the children in DFPS's conservatorship and compliance with all state and federal laws relating to child welfare.

The bill would require a receiver to make a reasonable effort to facilitate the continued operation of the community-based care program in the applicable catchment area.

The appointing court would be required to order compensation for a receiver to be paid by the SSCC under receivership. If the receiver were a DFPS employee, DFPS would pay the receiver, and the SSCC would reimburse DFPS.

Liability of a receiver. A person would not have a cause of action against a receiver for an action taken within the scope of the receivership unless the cause of action arose from a breach of fiduciary duty or the gross negligence or intentional acts of the receiver. This section would not waive the sovereign immunity of DFPS or its employees acting in their official capacity.

Obligations and liability of the SSCC. The appointment of a receiver would not relieve the SSCC under receivership or any of its employees or agents of:

- civil or criminal liability arising out of an act or omission that occurred before the appointment of the receiver;
- an obligation for the payment of taxes, operational or maintenance expenses, mortgages, leases, contractual obligations, or liens; or

- a duty imposed by law.

An SSCC under receivership could sell or lease a facility under receivership, subject to the approval of the appointing court.

Termination of a receivership. The appointing court could terminate a receivership if:

- the court determined that the receivership was no longer necessary because the conditions that gave rise to the receivership no longer existed;
- DFPS had entered into a new contract with an SSCC, and that SSCC was ready and able to assume the duties of the SSCC under receivership; or
- DFPS was ready and able to assume the duties of the SSCC under receivership.

Not later than the 60th day after the date a receivership terminated or expired, unless such time was extended by court order, the receiver would be required to file with the clerk of the appointing court a full and final and sworn account of all property received by the receiver, all money collected and disbursed, and the expenses of the receivership.

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, 2025.

SUBJECT: Prohibiting cities from regulating certain agricultural operations

COMMITTEE: Agriculture & Livestock — committee substitute recommended

VOTE: 7 ayes — Guillen, Cain, Hopper, Kitzman, J. Lopez, McLaughlin, Money

0 nays

2 absent — Guerra, Muñoz

WITNESSES: For — Brian Adamek, Texas Farm Bureau; James Lockridge, Texas Farmer Ranchers (*Registered, but did not testify*: Peyton Schumann, Texas & Southwestern Cattle Raisers Association; Joe Morris, Texas Beekeepers, Texas Sheep and Goat Raisers Association; J Pete Laney, Texas Citrus Mutual; Kenneth Hodges, Texas Corn Producers Association; Rob Hughes, Texas Forestry Association; Steven Deline)

Against — (*Registered, but did not testify*: Jon Weist, City of Irving)

BACKGROUND: Concerns have been raised that certain municipal ordinances regulating agricultural operations, such as the maintenance of vegetation along public road rights-of-way, could interfere with accepted agricultural practices and burden farmers.

DIGEST: HB 4163 would prohibit cities from imposing a governmental requirement that directly or indirectly required the owner or lessee of an agricultural operation to mow, bale, shred, or hoe material on the right-of-way of a public road adjacent to the operation.

The bill would take effect September 1, 2025, and would apply to governmental requirements adopted before, on, or after the bill's effective date.

SUBJECT: Amending Texas Historical Commission authorities and responsibilities

COMMITTEE: Culture, Recreation & Tourism — committee substitute recommended

VOTE: 6 ayes — Metcalf, Flores, DeAyala, Orr, Vasut, Ward Johnson

0 nays

3 absent — Cole, Kerwin, Martinez Fischer

WITNESSES: For – (*Registered, but did not testify*: Joel Romo, Washington-on-the-Brazos Historical Foundation, President; Arthur Mann)

Against – (*Registered, but did not testify*: Steven Deline)

On – (*Registered, but did not testify*: Joseph Bell, Kristen Worman, Texas Historical Commission)

BACKGROUND: Some have suggested that updating statutory provisions for the Texas Historical Commission could help to address current limitations that have slowed contract awards, limited collaborations with nonprofits, and restricted flexibility in operations and funding.

DIGEST: CSHB 4187 would authorize the executive director of the Texas Historical Commission to negotiate with and award a contract for goods or services to any qualified vendor if the executive director:

- solicited bids for goods and services through a competitive process in compliance with all applicable laws that failed to result in competitive responsive bids;
- made a written determination that resoliciting bids for the goods or services would be unlikely to result in responsive bids, would increase costs to the commission, or would delay the ability of the commission to address a critical need; and
- determined that the vendor met the requirements of the original solicitation.

To the extent practicable, the executive director could combine the procurement of multiple goods or services into a single competitively bid contract to enhance the contract's attraction for potential vendors.

The bill would authorize the commission to participate in the establishment and operation of an affiliated nonprofit organization whose purpose was to raise funds for or provide services or other benefits to the commission or one or more historic sites.

Historic infrastructure sustainability trust fund. The bill would amend provisions regarding the historic infrastructure sustainability trust fund include improving historic sites throughout the state as a fundable purpose of the trust fund. The bill would remove the requirement that the commission certify that fund money would not be used to acquire new real property before receiving an additional distribution from the fund.

Preservation, maintenance, and repair of certain historical markers. The bill would establish that certain Civil War or Republic of Texas centennial markers were state property, regardless of whether the markers were located on public or private property. The commission would have jurisdiction over and be responsible for the preservation, maintenance, and repair of such markers. The bill could not be construed as transferring ownership or control of a museum, exhibition building, or other building that was associated with or located near such a marker and owned or operated by a private entity, municipality, county, or higher education institution or university system. On September 1, 2025, the commission would replace the Texas Facilities Commission as the state agency responsible for the preservation, maintenance, and repair of such markers.

Affiliated nonprofit organizations and Friends of the Texas Historical Commission. The bill would require the commission to designate each affiliated nonprofit organization, including the Friends of the Texas Historical Commission, as responsible for providing services and other benefits to the commission or a historic site and for providing financial support as requested by the commission and approved by the organization's board. The bill would require the commission to adopt certain rules and establish guidelines for identifying and defining the

administrative and financial support the commission could provide for an organization.

Agreements. The bill would authorize an organization and the commission to enter into an agreement to use state money for purposes regarding the preservation and support of historic sites, the promotion and conducting of archeological studies, and the creation of educational programs. Each agreement entered into under this section would have to be approved by the commission.

Collection and use of certain fee and revenue receipts. An agreement could authorize an organization to charge and collect fees in connection with the organization's activities and collect revenue from gift shop and concession sales. An organization would have to hold, invest, manage, use, and apply money received from the fees and sales only for the benefit of the commission and could exercise discretion regarding business operations, exhibits, programming, management, preservation, restoration, and site development.

Disposition of organization assets on dissolution. In the event of an organization's dissolution, the commission would be the sole beneficiary of all items held in the organization's name that related to the commission.

The bill also would establish provisions regarding financial accountability and expenditure limits for such agreements.

List of historic sites. The bill would amend the list of historic sites in the state under the commission's jurisdiction by revising the names of certain sites, and adding the following:

- Barrington Living History Farm State Historic Site;
- Bush Family Home State Historic Site;
- Fort Martin Scott State Historic Site;
- Goodnight Ranch State Historic Site;
- Harvey House State Historic Site;
- Iwo Jima Monument and Museum State Historic Site;

- Old Socorro Mission State Historic Site;
- Palmito Ranch Battlefield State Historic Site;
- Port Isabel Lighthouse State Historic Site;
- Presidio La Bahia State Historic Site;
- San Jacinto Battleground State Historic Site;
- Star of the Republic Museum State Historic Site; and
- Stephen F. Austin Memorial State Historic Site.

Texas Historical Commission retail operations fund. The bill would authorize the commission's retail operations fund to include, rather than require the fund to consist of, revenue from the commission's retail operations and earned revenue from operating receipts. Appropriated money could be used to provide financial support for and grow retail operations. The commission's retail operations would be considered an auxiliary enterprise.

Washington-on-the-Brazos Historical Foundation. The bill would establish the Washington-on-the-Brazos Historical Foundation as a nonprofit historical association to support the operations of:

- the Washington-on-the-Brazos State Historic Site;
- the Fanthorp Inn State Historic Site;
- the Barrington Living History Farm State Historic Site; and
- the Star of the Republic Museum State Historic Site.

The commission and the historical foundation would be required to enter into an agreement establishing the operations of the foundation in relation to the commission. The foundation and the commission would be authorized to enter into agreements to use state money for certain purposes regarding the historic sites operated by the foundation.

An agreement could authorize the foundation to, at the site that was the subject of the agreement, charge and collect fees from operating the site and collect revenue from gift shop and concession sales at the site. The commission would have to advise the foundation on the operation, interpretation, and presentation of the historical site and could appoint two nonvoting members to the foundation's board. The bill would establish

provisions regarding foundation fundraising, ownership and acquisition of property, and the disposition of foundation assets on dissolution.

Repeal. CSHB 4187 would repeal Government Code sec. 442.0055, which pertains to commission-affiliated nonprofit organizations.

The bill would take effect September 1, 2025.

SUBJECT: Specifying uses for proceeds from sales of saltwater sportfishing stamps

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

VOTE: 6 ayes — Metcalf, Flores, DeAyala, Orr, Vasut, Ward Johnson

0 nays

3 absent — Cole, Kerwin, Martinez Fischer

WITNESSES: For - Joey Park, Coastal Conservation Association (*Registered, but did not testify*: Fred Shannon, Copano Oyster Company; Cyrus Reed, Lone Star Chapter Sierra Club; John Shepperd, Texas Foundation for Conservation; Steven Deline)

Against - None

On - Robin Riechers, TPWD

BACKGROUND: Parks and Wildlife Code sec. 43.402 establishes that, with certain exceptions, no person may engage in saltwater sport fishing or unload certain fish or other aquatic life taken for sporting purposes in the state unless the person has acquired a saltwater sportfishing stamp endorsement issued by the Texas Parks and Wildlife Department (TPWD).

Some have suggested that state law should be amended to clarify that the sale of saltwater fishing stamps is intended to provide dedicated funding for managing saltwater fish populations.

DIGEST: HB 4229 would specify that net receipts from saltwater sportfishing stamps sold by the Texas Parks and Wildlife Department could be used only for coastal fisheries management, including:

- repair, maintenance, renovation, and construction of saltwater fish hatcheries and related management and research facilities;
- restoration, enhancement, and management of saltwater fish habitats;

- development of shoreline-based projects allowing saltwater angler access; and
- purchase of licenses under certain finfish and shellfish license buyback programs operated by TPWD.

The bill would remove a reference to the use of stamp sale receipts for coastal fisheries enforcement.

The bill would take effect September 1, 2025, and would apply only to receipts collected on or after that date.

SUBJECT: Prohibiting collection of certain consumer debts relating to identity theft

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

VOTE: 7 ayes — Lambert, Plesa, Bryant, L. Garcia, Hayes, Holt, Vo

0 nays

2 absent — Bumgarner, Schoolcraft

WITNESSES: For - Bronwyn Blake, Texas Advocacy Project; Molly Voyles, Texas Council on Family Violence; Brittany Kinsey (*Registered, but did not testify*: Stephanie Mace, AARP Texas; Wendy Foster, Independent Bankers Association of TX; Jennifer Allmon, The Texas Catholic Conference of Bishops; Roxanne Jones, United Ways of Texas)

Against - None

On - Angela Littwin (*Registered, but did not testify*: Matthew Nance, Office of Consumer Credit Commissioner)

BACKGROUND: Concerns have been raised about the long-term financial effects on victims of coerced debt, a type of identity theft in which a perpetrator incurs credit-related transactions using the victim's identity without their consent. Some have suggested that providing streamlined access to debt collection protections for certain victims of identity theft and coerced debt could help address this issue.

DIGEST: Under HB 4238, a creditor, debt collector, or third-party debt collector could not attempt to collect a consumer debt or a portion of a consumer debt from a consumer if the consumer provided:

- a criminal complaint alleging the Finance Commission of the offense of fraudulent use or possession of identifying information or a substantially similar federal law or law in another state, for which the consumer was a victim, accompanied by a statement

identifying the consumer debt or the portion of consumer debt that resulted from the offense;
- a court order issued under provisions regarding identity theft, or a substantially similar federal law or law in another state, declaring the consumer a victim of identity theft; or
- a copy of a Federal Trade Commission identity theft victim's report, completed, signed, and filed by the consumer affirming the consumer was a victim of identity theft and identifying the consumer debt or affected portion of consumer debt incurred as a result of identity theft.

A creditor, debt collector, or third-party debt collector who received notice from a victim of identity theft that a consumer debt was a result of identity theft:

- would be required to immediately cease efforts to collect the disputed debt or the disputed portion of the debt from the victim;
- would be required to send to each person who had received a report relating to that debt from the creditor, debt collector, or third-party debt collector notice that the debt was disputed and not collectible from the victim;
- could not sell the debt or transfer it for consideration, except to collect the debt from the alleged perpetrator of identity theft or from a responsible person other than the victim; and
- could, if the disputed debt or disputed portion of the debt was secured by tangible personal property, enforce a security interest, but could not collect or seek to collect any deficiency from the victim.

The bill would not apply to consumer debt that was a home loan or to the collection of a judgment already obtained.

If a creditor, debt collector, or third-party debt collector had a good faith reason to believe that a consumer had disputed a consumer debt or portion of a consumer debt based on a material misrepresentation that the consumer was a victim of identity theft, the creditor, debt collector, or third-party debt collector could file suit in a court of competent jurisdiction to collect the debt from the consumer. In a suit, the creditor, debt collector, or third-party debt collector would be required to show by a

preponderance of the evidence that the consumer was not a victim of identity theft.

A creditor, debt collector, or third-party debt collector could bring an action to exercise any right, seek any remedy, or use any lawful means to collect a consumer debt or a portion of consumer debt that was disputed from an alleged perpetrator of identity theft who by means of identity theft obtained, used, or possessed the money, goods, services, or property of the consumer who was a victim of the alleged perpetrator's identity theft.

The bill would take effect September 1, 2025.

SUBJECT: Amending regulations related to patient brokering

COMMITTEE: Public Health — committee substitute recommended

VOTE: 12 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, J. Jones, Olcott, Pierson, Schofield, Shofner

0 nays

1 absent — Simmons

WITNESSES: For — Elizabeth Henry, Texas Coalition for Healthy Minds and RecoveryPeople (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs & Texas Recovery Network; Sherri Layton, Association of Substance Abuse Programs, TX Association of Addiction Professionals, La Hacienda Treatment Center; Christine Yanas, Methodist Healthcare Ministries; Duane Galligher, Texas Association of Addiction Professionals / Association of Substance Abuse Programs; Steven Deline)

Against — None

BACKGROUND: Some have suggested establishing a task force on patient solicitation and revising the Treatment Facilities Marketing Practices Act would help to deter patient brokering and provide better enforcement against this practice.

DIGEST: CSHB 4454 would create a task force on patient solicitation and revise provisions and offenses related to marketing and patient solicitation.

Task Force on Patient Solicitation. CSHB 4454 would establish a task force to study and make recommendations on preventing conduct that violated statute concerning deceptive marketing practices and patient solicitation. The task force would be composed of eight members, including four appointed by the executive commissioner of the Health and Human Services Commission (HHSC) and four appointed by the attorney general. Each task force member would be required to have expertise in the field of health care or advertising and would serve without

compensation. The task force would be administratively attached to HHSC.

The bill would require the attorney general and HHSC to provide the task force with requested information to allow it to fulfill its duties. Information provided would be confidential and not subject to disclosure under the Public Information Act.

By December 1 of each even-numbered year, the task force would be required to submit to the Legislature a report that included:

- a summary of civil or criminal actions brought on behalf of the state and administrative actions by state regulatory agencies in the preceding biennium for conduct that violated provisions concerning deceptive marketing practices and patient solicitation; and
- legislative recommendations for preventing conduct that violated provisions concerning deceptive marketing practices and patient solicitation and improving enforcement of those provisions.

Treatment facilities marketing and admission practices. CSHB 4454 would amend the definition of "advertising" in the Health and Safety Code to include solicitation or inducement through the internet.

The bill would revise language to specify that a treatment facility or a person employed by or acting on behalf of a treatment facility could not, in relation to intervention and assessment services, contract with, offer to remunerate, or remunerate a person who operated an intervention and assessment service that made referrals to a treatment facility for outpatient treatment, in addition to inpatient treatment, except in certain circumstances.

The bill also would prohibit a facility or person employed by or acting on behalf of a facility from contracting with a marketing provider who agreed to provide general referrals or leads for the placement of prospective patients with a service provider or in a recovery residence through a call center or website presence, unless the terms of that contract were disclosed to the prospective patient.

The bill would add to the list of conduct that was a violation of treatment facilities' marketing and admission practices regulations to

establish that it was a violation in connection with the marketing of mental health services for a person to:

- disclose, in addition to obtain, confidential information about a person for the purpose of soliciting that person to use the treatment facility's services, unless consent was obtained from the person or another person with the authority to give that authorization;
- make a false or misleading statement or provide false or misleading information about the facility's services or location in its advertising media or on its website; or
- provide a link on the facility's website that redirected the user to another website containing such false or misleading statements or information.

The minimum civil penalty for a violation relating to treatment facilities marketing and admissions practices would be increased from $1,000 to $2,000.

Soliciting of patients. CSHB 4454 would expand certain offenses related to soliciting patients to include receiving any benefit or commission, in addition to renumeration, for securing or soliciting a patient or patronage for or from a licensed individual.

In relation to the offense of solicitation of patients, CSHB 4454 would prohibit advertising activities that were prohibited under provisions related to deceptive marketing practices.

The bill would take effect September 1, 2025.

SUBJECT: Limiting the control of aquatic vegetation in a public body of water

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

VOTE: 7 ayes — Metcalf, Flores, DeAyala, Kerwin, Orr, Vasut, Ward Johnson

0 nays

2 absent — Cole, Martinez Fischer

WITNESSES: For - (*Registered, but did not testify*: Stasi Vance, Brazos River Authority; Sarah Floerke, Lower Colorado River Authority; John Sierega, John Wilkerson, Texas Municipal Police Association (TMPA))

Against - None

On - (*Registered, but did not testify*: Timothy Birdsong, Texas Parks and Wildlife Department)

BACKGROUND: Concerns have been raised that the use of certain unapproved methods for controlling invasive aquatic plants can harm aquatic habitats, create safety hazards, and threaten the public drinking water supply. Some have suggested that to address this issue, violations of existing Texas Parks and Wildlife Department regulations for aquatic vegetation management should be subject to civil and criminal penalties.

DIGEST: HB 4588 would prohibit a person from undertaking any measure to control aquatic vegetation in a public body of surface water except in accordance with:

- generally accepted principles of integrated pest management;
- the state aquatic vegetation management plan;
- any applicable local aquatic vegetation management plan; and
- any relevant Texas Parks and Wildlife Department (TPWD) rule.

A person who violated Parks and Wildlife Code provisions on aquatic vegetation management would be subject to a civil penalty of between $100 and $10,000 for each act and day of violation.

If a person had violated, was violating, or was threatening to violate those provisions, the director of TPWD could bring an action to restrain the person from continuing the violation or threat of violation, to recover the civil penalty under the bill, or for both injunctive relief and the civil penalty. On the request of the TPWD director, the attorney general or the applicable county attorney would be required to bring such an action in the name of the state. In such an action, TPWD, the attorney general, or the county also could recover investigation costs, reasonable attorney's fees, and reasonable associated costs.

A violation of Parks and Wildlife Code provisions on aquatic vegetation management also would be a Class C Parks and Wildlife misdemeanor (minimum fine of $25 and maximum fine of $500).

The pendency or determination of a civil action brought under the bill or a criminal prosecution for the same violation would not bar the other action.

The bill would take effect September 1, 2025, and would apply only to conduct that occurred on or after that date.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined, as the number of violations that may occur and the amount of penalties that would be assessed and collected as well as the number of offenses that may be committed and associated court costs is unknown.

SUBJECT: Expanding access to criminal history records for public benefits providers

COMMITTEE: Human Services — committee substitute recommended

VOTE: 10 ayes — Hull, Manuel, Davis, Aicha, Dorazio, C. Morales, Noble, Richardson, Rose, Schatzline, Slawson

0 nays

1 absent — Swanson

WITNESSES: For — None

Against — (*Registered, but did not testify*: AD Tincopa, Girls Empowerment Network; Roland Leal, Nursing Home Coalition)

On — (*Registered, but did not testify*: Diane Salisbury, Office of Inspector General for Health and Human Services)

BACKGROUND: Under current law, the Health and Human Services Commission (HHSC) has the authority to obtain criminal history record information for providers and applicants under Medicaid and other state health programs. Concerns that been raised that current law may inhibit HHSC's Office of Inspector General (OIG) from obtaining critical criminal history information after April 1, 2026, when a grace period granted by the FBI expires, which could hinder its ability to conduct necessary background checks on providers in public benefits programs administered by HHSC.

DIGEST: CSHB 4643 would expand the authority of HHSC and its OIG to obtain criminal history record information related to providers and provider applicants under public benefits programs administered by HHSC.

The bill would provide that HHSC and OIG could obtain criminal history record information related to a provider or applicant and certain individuals associated with the provider or applicant, including:

- a person with a direct or indirect ownership interest of five percent or more;
- a person who owned an interest of five percent or more in a mortgage, deed of trust, promissory note, or other obligation secured by the provider or applicant, if the interest equaled at least five percent of the value of the property or assets;
- an officer or director if the provider or applicant was organized as a corporation;
- a partner if the provider or applicant was organized as a partnership; and
- a managing employee or managing member of the provider or applicant.

CSHB 4643 also would define "managing employee," "ownership interest," and "provider" for the purposes of the bill.

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, 2025.

SUBJECT: Amending the Texas Emergency Services Retirement System

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

VOTE: 7 ayes — Lambert, Plesa, Bumgarner, Hayes, Holt, Schoolcraft, Vo

0 nays

2 absent — Bryant, L. Garcia

WITNESSES: For - Virginia (Jeenny) Moore (*Registered, but did not testify*: Rahul Sreenivasan, Texas 2036)

Against - None

On - (*Registered, but did not testify*: Mark Fenlaw, Texas Emergency Services Retirement System)

BACKGROUND: Under Government Code ch. 861, governing the Texas Emergency Services Retirement System (TESRS), "actuarially sound pension system" is defined as a system in which the amount of contributions is sufficient to cover the normal cost and amortize the unfunded accrued liability in a period that does not exceed 30 years.

Government Code sec. 865.015 requires the state to contribute the amount necessary to make TESRS actuarially sound each year with the exception that the state's contribution may not exceed one-third of the total of all contributions by governing bodies in a particular year.

Under Government Code sec. 864.0135, the TESRS board may by rule authorize the governing body of a participating department to make one or more supplemental payments to its retirees and beneficiaries or to provide an increase in the annuity amount paid to those retirees and beneficiaries.

Some have suggested that a statutory framework should be implemented to ensure that TESRS can cover the normal cost of benefits accrued annually and pay down its unfunded liabilities.

DIGEST:

HB 4736 would revise the exception to the required state contribution to TESRS under Government Code sec. 865.015 to establish that for each fiscal year in which the legacy liability, meaning the total unfunded actuarial accrued liability of TESRS, had not been fully paid, the state would have to make the actuarially determined payment necessary to amortize that liability by no later than the fiscal year ending August 31, 2055.

The bill would require TESRS's actuary to biennially determine the required contribution amount that was consistent with actuarial standards of practice and principles regarding liability layers as specified by the bill. Before each regular legislative session, TESRS would be required to provide the Legislative Budget Board (LBB) with the required payment amount to make TESRS actuarially sound. LBB's director, as directed by LBB, would be required to include that payment in the general appropriations bill for the legislative session. These provisions would expire on September 1, 2057.

HB 4736 also would place the term "actuarially sound pension system" with the term "actuarially sound," defined as circumstances under which the amount of contributions to TESRS was sufficient to cover the normal cost of and amortize the unfunded actuarial accrued liability of TESRS in a period that did not exceed the later of 15 years after the date of the determination of whether TESRS was actuarially sound or September 1, 2055.

HB 4736 would amend provisions related to the optional annuity increase or supplemental payments for TESRS to establish that the rules adopted by the state board could include procedures for the governing body of a participating department to request the approval of the TESRS board to make a supplemental payment or increase an annuity and could prohibit such a governing body from making a supplemental payment or increasing an annuity without approval from the board.

The bill would prohibit state contributions from being used to fund any option elected under TESRS rules for participating departments to make a supplemental payment or increase an annuity.

HB 4736 would require the governing body of a political subdivision associated with a participating department that elected to provide a supplemental payment or annuity increase to contribute the money necessary to cover the costs of all increased benefits provided. The TESRS board could adopt rules for the regular payment of such money.

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, 2025.

SUBJECT: Removing allowances for certain fee use by the Finance Commission

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

VOTE: 6 ayes — Lambert, Bumgarner, Hayes, Holt, Schoolcraft, Vo

0 nays

3 absent — Plesa, Bryant, L. Garcia

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Phillip Ashley, Comptroller of Public Accounts)

BACKGROUND: Some have suggested that removing provisions allowing a portion of administrative fees associated with certain loan contracts to be directed to the Finance Commission, which collects minimal revenue from the fees, could improve government efficiency and eliminate unnecessary fee collection.

DIGEST: HB 4738 would remove provisions allowing one dollar of each administrative fee for non-real property loans and 50 cents for secondary mortgage loans to be deposited with the comptroller for use in carrying out the Finance Commission's responsibilities related to a financial services study.

The bill would take effect January 1, 2026, and would not affect tax liability accruing before that date.

SUBJECT: Repealing provision requiring remittance of certain delinquency charges

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

VOTE: 7 ayes — Lambert, Plesa, Bumgarner, Hayes, Holt, Schoolcraft, Vo

0 nays

2 absent — Bryant, L. Garcia

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Phillip Ashley, Comptroller of Public Accounts)

BACKGROUND: Finance Code sec. 345.157(d) requires a retail charge agreement holder to remit 50 cents of each delinquency charge in excess of $10 to the comptroller for deposit to the credit of an account in the general revenue fund. Half of the money may be appropriated only to finance research conducted by the finance commissioner and the other half may be appropriated only to finance educational activities and counseling services related to debt management.

Some have suggested that repealing the requirement that 50 cents of each delinquency charge on retail charge agreements be directed to the Finance Commission, which collects minimal revenue from the fees, could improve government efficiency and eliminate unnecessary fee collection.

DIGEST: HB 4739 would repeal Finance Code sec. 345.157(d).

The bill would take effect January 1, 2026, and would not affect tax liability accruing before that date.

SUBJECT: Requiring TRS conduct a study on offering benefits for certain members

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

VOTE: 9 ayes — Lambert, Plesa, Bryant, Bumgarner, L. Garcia, Hayes, Holt, Schoolcraft, Vo

0 nays

WITNESSES: For – None

Against – None

On – (*Registered, but did not testify*: Caasi Lamb, Teacher Retirement System; Lee Andersen, Texas A&M Forest Service)

BACKGROUND: Some have suggested that disparities between certain firefighters in qualification for retirement benefits under the Teacher Retirement Service of Texas (TRS) should be addressed to improve recruitment and retention.

DIGEST: CSHB 4945 would require the Teacher Retirement System of Texas (TRS) to conduct a study on the feasibility of offering members who were Texas A&M Forest Service wildland firefighters and were employed in positions related to wildland firefighting alternative service retirement benefits.

In conducting the study, TRS would have to assess the costs to and impact on the retirement system associated with offering such forest service members the following alternative service retirement benefits:

- a service retirement benefit under the existing benefit plan that provided retirement eligibility and a supplemental benefit with a new tier, to be named Hazardous Duty for certain members based on age and service; and
- a service retirement benefit under the existing plan that provided retirement eligibility and a supplemental benefit, as applicable,

within a new tier, to be named Hazardous Duty-Administrative Support for certain members based on certain service criteria.

The standard service retirement annuity for a member eligible to retire under the above mentioned benefits would be an amount computed on the basis of the member's average annual compensation for the five years of service, consecutive or not, in which the member received the highest annual compensation, times the sum of the percentage factor used in the computation of a standard service retirement annuity plus 0.5 percent. The standard service retirement annuity for an eligible member based on age and service requirements would be the standard service retirement annuity, provided the member was not entitled to the additional 0.5 percent.

By March 1, 2026, TRS would have to begin coordinating with the Texas A&M Forest Service to determine:

- positions that would qualify for benefits under the bill and the salaries of both existing and terminated employees who accrued service credit for service provided on or after September 2009, and who would be eligible to retire under the provisions of the bill based on the credit;
- the effectiveness of using either the standard service retirement annuity calculation plus 0.5 percent or a different annuity calculation that would provide similar or more benefits for a member who would be eligible to retire under the bill while maintaining the actuarial soundness of TRS;
- the additional percentage of salary contribution needed by both the employer and employee to provide for the alternative retirement benefits under the bill while maintaining the actuarial soundness of TRS;
- the cost computed as additional employer and employee contributions to provide the alternative retirement benefits attributable to service credit for service performed on or after September 1, 2009; and

- the cost and implications of the minimum age or service credit requirements under the bill, to the extent those requirements were less stringent than the minimum age or service credit requirements.

By December 31, 2026, TRS would have to prepare and submit a report to the Legislature that contained the study's findings and determinations. The Legislative Budget Board and the State Pension Review Board would have to, as necessary, assist TRS in conducting the study and provide TRS with any information needed to complete the report.

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, 2025.

SUBJECT: Revising applicability for the proportionate retirement program

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

VOTE: 7 ayes — Lambert, Plesa, Bumgarner, Hayes, Holt, Schoolcraft, Vo

0 nays

2 absent — Bryant, L. Garcia

WITNESSES: For - (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT))

Against - None

BACKGROUND: Some have suggested that the population threshold for a municipal employee retirement system to participate in the state's proportional retirement program, which allows employees to combine service time earned when they move from one retirement system to another, should be lowered to expand eligibility for qualified employees.

DIGEST: HB 5015 would revise statute related to participation by certain retirement systems in the proportionate retirement program to apply to a retirement system for general municipal employees in a municipality with a population of at least 900,000, rather than 950,000.

The bill would take effect September 1, 2025.

SUBJECT: Establishing the Texas Presidential Library Promotion Program and Fund

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

VOTE: 7 ayes — Metcalf, Flores, DeAyala, Kerwin, Orr, Vasut, Ward Johnson

0 nays

2 absent — Cole, Martinez Fischer

WITNESSES: For - None

Against - None

On - (*Registered, but did not testify*: Bradford Patterson, Texas Historical Commission)

BACKGROUND: Some have suggested that a program to promote and support presidential libraries in Texas would help to foster civic pride, historical literacy, and economic growth in the state.

DIGEST: HB 5616 would require the Texas Historical Commission (THC) to establish the Texas Presidential Library Promotion Program to:

- recognize that the presidential libraries in this state were vital historical and educational resources that attract visitors from across the country and contribute to this state's cultural and economic landscape; and
- provide funding and support to existing presidential libraries, promote tourism, and educate the public on the contributions of the presidents from the state.

The program would be required to:

- provide financial support to the presidential libraries for the renovation and enhancement of permanent exhibits;

- market and promote the libraries to increase tourism and public awareness; and
- in collaboration with the libraries, develop a mobile exhibit that featured for each president significant artifacts, multimedia presentations, and educational materials, and highlighted the historical impact and legacies of the presidents from Texas.

THC could contract with a nonprofit entity to administer and operate the program.

HB 5616 also would create the Texas Presidential Library Promotion Fund as a dedicated account in the general revenue fund to be used for the bill's purposes.

The bill would take effect September 1, 2025.

SUBJECT: Creating a statewide firefighting equipment database

COMMITTEE: Agriculture & Livestock — favorable, without amendment

VOTE: 8 ayes — Guillen, Guerra, Hopper, Kitzman, J. Lopez, McLaughlin, Money, Muñoz

0 nays

1 absent — Cain

SENATE VOTE: On final passage (March 11) — 31 - 0

WITNESSES: For — None

Against — None

BACKGROUND: Concerns have been raised that volunteer fire departments in rural areas lack access to firefighting equipment essential for responding to wildfires. Some have suggested that an equipment tracking system could improve coordination among volunteer fire departments and the state to enhance wildfire response.

DIGEST: SB 767 would require the Texas A&M Forest Service to create and maintain a comprehensive database that showed in real time the statewide inventory of firefighting equipment available for use in responding to wildfires.

The database would have to include a description of the type of firefighting equipment each fire department in the state had available for responding to wildfires and the fire departments' contact information. The bill would require that the database be searchable by location and equipment type and accessible by all fire departments in the state.

The bill would require the Texas A&M Forest Service to assist fire departments that provided equipment information in updating the database annually or as soon as practicable after changes in equipment availability. Using an electronic notification system, the Forest Service would be

required to remind departments to update their equipment availability at least once each year.

“Fire department” would include a volunteer fire department or an emergency services district.

The bill would take effect September 1, 2025.

SUBJECT: Amending the use of epinephrine delivery devices by certain entities

COMMITTEE: Public Health — favorable, without amendment

VOTE: 13 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, J. Jones, Olcott, Pierson, Schofield, Shofner, Simmons

0 nays

SENATE VOTE: On final passage (April 1) — 31 - 0

WITNESSES: For — None

Against — None

BACKGROUND: Concerns have been raised that current law regarding epinephrine access does not reflect advancements in FDA-approved epinephrine delivery devices, such as nasal sprays, which could provide additional options for treating anaphylaxis. Some have suggested that replacing references to "epinephrine auto-injector" with "epinephrine delivery device" across relevant statutes would expand access to treatment and ensure consistency for authorized entities.

DIGEST: SB 1619 would amend various statutes to replace references to "epinephrine auto-injector" with "epinephrine delivery device" and make conforming changes throughout. The bill would define an "epinephrine delivery device" as a medical device approved by the U.S. Food and Drug Administration that delivers a dose of epinephrine to treat anaphylaxis, including an auto-injector and a nasal spray.

Education Code. The bill would amend provisions of the Education Code related to:

- maintenance, storage, administration, and disposal of epinephrine delivery devices and medication for respiratory distress by public schools, open-enrollment charter schools, and higher education institutions;
- prescription and reporting requirements for administering epinephrine delivery devices; and

- immunity from liability for the good faith use or non-use of an epinephrine delivery device.

The bill also would transfer rulemaking authority from the Department of State Health Services (DSHS) to the executive commissioner of the Health and Human Services Commission (HHSC), with advice from the advisory committee, regarding the maintenance, storage, administration, and disposal of epinephrine delivery devices at higher education institutions.

Health and Safety Code. The bill would amend provisions of the Health and Safety Code related to:

- possession and administration of epinephrine by emergency medical services personnel;
- possession and administration of epinephrine by certain entities, including amusement parks, restaurants, child-care facilities, day camps, private or independent higher education institutions, sports venues, and youth centers; and
- minimum standards requiring emergency medical services vehicles to be equipped with an epinephrine delivery device; and
- immunity from liability for the good faith use or non-use of an epinephrine delivery device.

Human Resources Code. The bill would make conforming changes to references in the Human Resources Code relating to the use of epinephrine delivery devices and immunity from liability for the good faith use or non-use of an epinephrine delivery device.

Occupations Code. The bill would amend provisions of the Occupations Code related to:

- possession and administration of an epinephrine delivery device by a pharmacist;
- immunity from liability for the good faith use or non-use of an epinephrine delivery device by a pharmacist;
- administration, prescription, maintenance, and notification requirements for administering epinephrine delivery devices by law enforcement agencies;
- the administration of an epinephrine delivery device by a peace officer did not constitute unlawful practice of health care; and

- immunity from liability to a peace officer or law enforcement agency for the administration of an epinephrine delivery device.

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, 2025.

SUBJECT: Revising Judicial Retirement System Plan Two for returning retirees

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

VOTE: 9 ayes — Lambert, Plesa, Bryant, Bumgarner, L. Garcia, Hayes, Holt, Schoolcraft, Vo

0 nays

SENATE VOTE: On final passage (April 2) — 31 - 0

WITNESSES: None (*Considered in a formal meeting on April 17*)

BACKGROUND: Current law authorizes certain retirees under the Judicial Retirement System of Texas Plan Two (JRS 2) who resume judicial service to elect to rejoin the system and receive credit for resuming service if, before taking the oath of office, the retiree has been separated from judicial service for at least six consecutive months. It has been suggested that the law should provide additional clarity regarding credit for salary increases and the contribution rates for judges who resume service.

DIGEST: SB 1738 would require certain JRS 2 retirees who resume judicial service to provide notice of an election to rejoin JRS 2 within 60 days after taking the oath of office. The bill would require a person rejoining under the section to resume making contributions at 9.5 percent of the person's compensation. The bill also would specify that the section applied to a person resuming full-time service.

For a person who rejoined JRS 2 and completed at least 24 months of resumed judicial service, on the person's subsequent retirement, the system would be required to recompute the person's annuity to reflect the highest annual state salary earned by the person while holding a judicial office included in JRS 2 and the additional service credit established during the person's resumed service.

For a person who rejoined JRS 2 but did not complete at least 24 months of resumed service, on the person's subsequent retirement, the system would be required to resume suspended annuity payments and issue a refund of the person's accumulated contributions made during resumed service.

SB 1738 also would revise the contribution rate for judicial officers who are members of JRS 2 and who had accrued 20 years of service credit or served at least 12 years on an appellate court and attained the rule of 70. The bill would raise the contribution rate for these officers for each subsequent year of service credit from 6 percent to 9.5 percent of the member's compensation for each payroll period.

The bill would repeal a subsection implementing the law regarding resumption of judicial service only if the system was considered actuarially sound. The bill would repeal the subsection immediately if finally passed by a two-thirds record vote of the membership of each house. If the bill did not receive the vote necessary for immediate effect, the repeal would have no effect.

The bill would otherwise take effect September 1, 2025.