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# HOUSE RESEARCH ORGANIZATION

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## daily floor report

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Friday, May 2, 2025  
89th Legislature, Number 55  
The House convenes at 9 a.m.  
Part Two

One resolution is on the Constitutional Amendments Calendar and 56 bills are on the General State Calendar for second reading consideration today. The list of bills in Part Two of the *Daily Floor Report* appears on the following page.



Gary VanDeaver  
Chairman  
89(R) - 55

# HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Friday, May 02, 2025

89th Legislature, Number 55

Part 2

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- SUBJECT:** Establishing the Rural Infrastructure Disaster Recovery Program
- COMMITTEE:** Homeland Security, Public Safety & Veterans' Affairs — committee substitute recommended
- VOTE:** 10 ayes — Hefner, R. Lopez, Canales, Cortez, Dorazio, Hickland, Holt, Isaac, McLaughlin, Pierson
- 0 nays
- 1 absent — Louderback
- WITNESSES:** For — Rick Thompson, County Judges and Commissioners Association of Texas; Danny Martin (*Registered, but did not testify*: Bobby Whitson, Bell County; Lisa Johnson, Hemphill County; Ron Cunningham, Llano County and Texas County Judges and Commissioners Association; Christine Yanas, Methodist Healthcare Ministries; Matt Gray, Montgomery County; Blake Roach, Texas Farm Bureau; Taylor Kilroy, Texas Public Power Association; Jason Ohrt; Kenneth Sexton; Colby Shawn; Kenny Siegel; Wanda J Watson)
- Against — None
- BACKGROUND:** Concerns have been raised that rural areas often struggle to recover from large disasters and extreme weather events due to a lack of financial resources to repair damaged infrastructure.
- DIGEST:** CSHB 3010 would establish the Rural Infrastructure Disaster Recovery Program and the Rural Infrastructure Disaster Recovery Account to be administered by the Texas Division of Emergency Management (TDEM).
- Rural Infrastructure Disaster Recovery Program.** The bill would require TDEM to establish and administer a Rural Infrastructure Disaster Recovery Program to benefit eligible political subdivisions. The program would have to be designed to provide grants to rural communities located in a disaster area, as declared by the governor, to rebuild and repair critical infrastructure damaged by a disaster. Critical infrastructure would be

defined as a road, public school, hospital or health care facility, certain water infrastructure and facilities, and certain airport facilities.

TDEM would be authorized to make a grant from the Rural Infrastructure Disaster Recovery Account to an eligible political subdivision to assist in rebuilding or repairing critical infrastructure damaged by a disaster that could reasonably be considered a public calamity. The proceeds of a grant could not be used by a recipient for any other purposes.

*Eligibility.* A political subdivision would be eligible to apply to TDEM for a grant under the program if the political subdivision was a county that had a population of less than 100,000, had a gross domestic product of less than \$2 billion, had a poverty rate greater than 15 percent, and was located wholly or partly in a disaster area. Eligibility also would require the total dollar amount of damages resulting from the disaster, as shown in an assessment of damages prepared afterward, to exceed 10 percent of the state and local sales and use taxes collected in the county during the fiscal year prior to the disaster. A political subdivision other than a county that was wholly or partly located in an eligible county also would be eligible.

*Applications.* The bill would require TDEM to establish an application process for a grant under the program. At a minimum, an application would have to include:

- a description of the infrastructure repair or rebuild project for which the applicant was requesting the grant;
- an estimate of the total project cost;
- documentation that the project did not qualify for federal funding through the Federal Emergency Management Agency; and
- any other information the TDEM requested to determine eligibility.

**Rural Infrastructure Disaster Recovery Account.** The bill would establish the Rural Infrastructure Disaster Recovery Account as an account to be administered by TDEM in the general revenue fund with the comptroller. TDEM could use the Rural Infrastructure Disaster Recovery

Account only for making a grant to an eligible political subdivision and paying the necessary and reasonable expenses of administering the grant.

**Rules.** TDEM would be required to adopt rules necessary to administer the bill, including rules establishing procedures for the application for, award of, distribution of, and administration of grants and the grant program.

The bill would take effect September 1, 2025.

- SUBJECT:** Exempting certain information and meetings related to cybersecurity
- COMMITTEE:** Delivery of Government Efficiency — committee substitute recommended
- VOTE:** 11 ayes — Capriglione, Alders, Bowers, Cain, Campos, Cook, Curry, L. Garcia, Olcott, Tinderholt, Troxclair
- 0 nays
- 2 absent — Bhojani, Rodríguez Ramos
- WITNESSES:** For — Mark McBrayer, City of Lubbock (*Registered, but did not testify*: Matt Phillips, Brazos River Authority; Ricardo Ramirez, Carrie Rogers, City of Austin; T. J. Patterson, City of Fort Worth; Joshua Sanders, City of Houston; David (Mitchell) Satterwhite, City of Lubbock; Amber Hausenfluck, City of McAllen; Nadia Islam, City of San Antonio; Spencer Gutierrez, City of Sugar Land, Texas; Katherine Yoder, Parkland Health; Monty Wynn, Texas Municipal League; Taylor Kilroy, Texas Public Power Association; Cicely Kay, Travis County Commissioners Court; Elisa Hernandez, University Medical Center of El Paso)
- Against — None
- BACKGROUND:** Some have suggested that exemptions to the Open Meetings Act and the Public Information Act for certain information and meetings regarding cybersecurity measures would help protect the confidentiality, integrity, and availability of public records and meetings against the threat of cyber attacks.
- DIGEST:** CSHB 3112 would specify that the Open Meetings Act did not require a governmental body to conduct an open meeting to deliberate a cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility, as defined by the bill, in the governmental body's jurisdiction.

CSHB 3112 would exempt information from provisions of the Public Information Act requiring public information to be available to the public during the normal business hours of a governmental body if the information related to:

- a cybersecurity measure, policy, or contract solely intended to protect a critical infrastructure facility in the governmental body's jurisdiction;
- coverage limits and deductible amounts for insurance or other risk mitigation coverages acquired for the protection of information technology (IT) systems, critical infrastructure, operational technology systems, governmental data, or money set aside to self-insure against associated risks;
- cybersecurity incident information reported pursuant to state law; and
- network schematics, hardware and software configurations, or encryption information or information that identified detection, investigation, or response practices for cybersecurity incidents that would facilitate unauthorized access to data, information, or IT resources.

A governmental body could disclose information made confidential under CSHB 3112 to comply with applicable state or federal law or a court order. A governmental body required to disclose such information would be required to provide notice to the owner of the information and a person who was the subject of the information at least five business days before disclosing the information. The governmental body would have to retain all existing labeling on the information being disclosed.

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:** Establishing regulations for delivery network companies
- COMMITTEE:** Licensing & Administrative Procedures — committee substitute recommended
- VOTE:** 12 ayes — Phelan, Thompson, Gerdes, Geren, Harless, Harris, Hernandez, Longoria, McQueeney, Patterson, M. Perez, Romero
- 0 nays
- 1 absent — Walle
- WITNESSES:** For — Daniel Guzman, Favor Delivery (*Registered, but did not testify*); Patricia Shipton, DoorDash; Chris Miller, Uber Technologies, Inc)
- Against — None
- On — (*Registered, but did not testify*): Doug Jennings, TDLR; Thomas Parkinson)
- BACKGROUND:** Some have suggested that incorporating delivery network companies in statutory provisions regulating transportation network companies would provide regulatory clarity and uniform standards for these companies.
- DIGEST:** CSHB 4215 would provide regulatory and operational provisions for delivery network companies. The bill would define “delivery network company” as a business entity that offered or used a digital network to arrange for the delivery of food, beverages, or consumer goods from a restaurant or retail establishment to a delivery customer. The term would not include entities that only delivered products produced by the entity or stored on the entity’s premises.
- Permits and fees.** Delivery network companies would be required to obtain and maintain a permit from the Texas Department of Licensing and Regulation and pay the required fees in order to operate.

**Delivery person requirements.** Before a delivery network company authorized an individual to access the company's digital network to begin making digitally prearranged deliveries, the company would be required to confirm that the individual was at least 18 years of age and had a valid government-issued photo ID or a valid driver's license issued by this state or another state if the individual intended to make deliveries by motor vehicle.

The bill also would require a delivery network company to conduct a criminal background check and obtain and review an individual's driving record if the individual intended to make deliveries by motor vehicle.

The bill would prohibit a delivery network company from allowing an individual to log in as a delivery person on the company's digital network if the individual:

- had been convicted in the past seven years of certain crimes involving intoxication, motor vehicles, or serious criminal conduct;
- was found to be registered in the national sex offender public website maintained by the U.S. Department of Justice or a successor agency; or
- who was authorized to undertake deliveries by motor vehicle had been convicted in the past three years of more than four offenses classified by the Department of Public Safety as moving violations or one or more offenses regarding unlawful driving.

The bill would require a delivery network company to restrict a delivery person's access to a company's digital network at the request of law enforcement or on receipt of a court order.

**Delivery persons as independent contractors.** A delivery person would be considered an independent contractor if the company and the delivery person agreed in writing that the delivery person was an independent contractor, and the company did not:

- prescribe the specific hours during which the delivery person was required to be logged in to the company's digital network;

- impose restrictions on the delivery person’s ability to use other delivery network companies’ digital networks;
- prescribe the territory within which the delivery person could provide deliveries; or
- restrict the delivery person from engaging in another occupation or business.

**Intoxication policy.** A delivery network company would be required to implement an intoxicating substance policy that prohibited a delivery person who was logged in to the company’s digital network from any amount of intoxication. The company would be required to provide notice of the policy and the means of reporting a suspected violation on its website or digital network application and maintain records relevant to a complaint for at least two years after the complaint was received.

**Nondiscrimination.** A delivery network company would be required to adopt a policy that prohibited a delivery person logged in to the company’s digital network from discriminating on the basis of a delivery customer’s or potential delivery customer’s geographical location or destination, race, color, national origin, religious belief or affiliation, sex, disability, or age. A delivery network company would have to provide notice of the policy to each person authorized to log in as a delivery person on the company’s digital network.

Additionally, a delivery network company could not impose an additional charge for delivery to individuals with physical disabilities because of those disabilities.

The bill would require a delivery network company to maintain records evidencing compliance with these provisions for two years.

**Conforming changes.** The bill would make conforming changes to include delivery network companies in general provisions for transportation network companies, such as permitting requirements, fees, record keeping, passenger disclosure, and data sharing.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, the bill would have a positive impact of \$820,000 on general revenue related funds through the biennium.

SUBJECT: Reducing repose period for private commercial construction claims

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 11 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, Hayes, LaHood, Landgraf, Moody, Schofield

0 nays

WITNESSES: For — William Westcott, ABC of Texas; Corbin Van Arsdale, AGC-Texas Building Branch (*Registered, but did not testify*: Steven Albright, AGC of Texas; Peyton McKnight, American Council of Engineering Companies of Texas; Geoffrey Tahuahua, Associated Builders and Contractors of Texas; CJ Tredway, Independent Electrical Contractors of Texas; Lee Parsley, Texans for Lawsuit Reform; Jennifer Fagan, Texas Construction Association; Eric Woomer, Texas Crane Owners Association, Precast Concrete Manufacturers Association Of Texas; Becky Walker, Texas Society of Architects; Perry Fowler, Texas Water Infrastructure Network (TXWIN); Jack Baxley, TEXO The Construction Association)

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

BACKGROUND: Civil Practice and Remedies Code secs. 16.008 and 16.009 establish the default statute of repose for claims brought by a person other than a government entity arising from the design, construction, or repair of improvements to real property, including a 10-year period that applies when no shorter period is specified. These provisions apply to claims involving defective or unsafe conditions or deficiencies in construction or repair, including those brought against design professionals, contractors, or builders.

Recent legislation has shortened the repose period for certain claims involving the construction or repair of an improvement to real property brought by governmental entities to eight years, and six years for some residential construction claims. Some have suggested that aligning the period for private commercial projects with the eight-year limit for public

commercial projects would bring greater consistency to Texas law and better reflect national trends.

**DIGEST:** The bill would amend Civil Practice and Remedies Code secs. 16.008 and 16.009 to shorten from 10 years to eight years the statute of repose for certain claims brought by a person other than a governmental entity involving the design, construction, or repair of an improvement to real property by design or construction professionals.

The bill would apply to claims against registered or licensed design professionals who design, plan, or inspect improvements or attached equipment, and to claims against builders or contractors who construct or repair improvements to real property.

The bill also would revise provisions governing the extension of the repose period brought by a claimant other than a governmental entity. If a written claim for damages, contribution, or indemnity was presented during the repose period, the claimant would have one additional year to bring suit. The bill also would reduce the time from two years to one year to bring suit if damage, injury, or death occurred during the final year of the repose period for claims against those who construct or repair improvements to real property.

The bill would take effect September 1, 2025, and would apply only to work that commenced on or after that date, unless performed under a contract entered into before that date.

**NOTES:** According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to the lack of case-level data.

SUBJECT: Enhancing penalties for providing controlled substances to inmates

COMMITTEE: Corrections — favorable, without amendment

VOTE: 9 ayes — Harless, V. Jones, Allen, Harrison, Lowe, Lozano, Meza,  
Schatzline, Wharton

0 nays

WITNESSES: For — Charlie Malouff, TX C.U.R.E. (*Registered, but did not testify*: M. Paige Williams, Dallas Criminal District Attorney John Creuzot; Brian Hawthorne, Sheriffs' Association of Texas (SAT); Bryan Flatt, TMPA)

Against — None

On — (*Registered, but did not testify*: Lance Coleman, Texas Board of Criminal Justice; Jack Choate, The Special Prosecution Unit)

BACKGROUND: Concerns have been raised about the increasing number of inmate deaths due to drug overdoses in correctional facilities. As a deterrent, some have suggested enhancing penalties for correctional officers who smuggle and sell narcotics to inmates.

DIGEST: HB 3464 would increase penalties for providing a controlled substance to a person in the custody of a correctional facility or residing in a civil commitment facility under certain circumstances.

The bill would raise the penalty from a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) to a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the actor was employed by the correctional facility and the substance was not provided on the prescription of a practitioner.

If the actor was employed by the correctional facility, the substance was not provided on the prescription of a practitioner, and its ingestion, inhalation, injection, or other administration caused the death of the person in custody, the penalty would be a first-degree felony (life in

prison or a sentence of 15 to 99 years and an optional fine of up to \$250,000).

The bill would take effect September 1, 2025.

- SUBJECT:** Requiring MOUs and background checks for child detention facilities
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 15 ayes — King, Hernandez, Anchía, Darby, Y. Davis, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee, Thompson, Turner
- 0 nays
- WITNESSES:** For — Sheena Rodriguez, Alliance for a Safe Texas; Savannah Rodriguez; Bonnie Wallace (*Registered, but did not testify*: Jamie Haynes, Texans Wake Up; Matt Dowling, Texas Medical Association; Clayton Travis, Texas Pediatric Society; Diana Chambless; Tom Glass; Thomas Parkinson)
- Against — None
- BACKGROUND:** Local Government Code sec. 250.013(a) defines a “residential child detention facility” as a private facility other than a facility licensed by the state that operates under a contract with the U.S. Immigration and Customs Enforcement, U.S. Department of Health and Human Services, or another federal agency to provide 24-hour custody or care to unaccompanied immigrant or refugee children.
- Concerns have been raised about residential child detention facilities, including allegations of abuse, neglect, noncompliance with federal regulations, and lack of communication with local and state officials. Some have suggested that additional regulations in state law for such facilities could help ensure the safety of children and communities.
- DIGEST:** HB 3120 would require the owner or operator of a residential child detention facility to enter into a memorandum of understanding with the municipality’s governing body or the county’s commissioners court that regulated the facility. The memorandum would have to require the facility to:

- report illness at the facility to the appropriate local health authority;
- provide to the municipality's governing body or the county's commissioners court a description of the facility's methods for preventing illness, an emergency evacuation plan, an education plan for resident children, and quarterly compliance and safety reports; and
- provide to the municipal police department or county sheriff's department monthly occupancy records and quarterly summaries of incident reports.

The bill would require the facility owner or operator to conduct a criminal history background check on all facility personnel if at least 10 percent of operating expenses were provided directly or indirectly by the state. If the owner or operator failed to conduct the criminal history background check, the facility would be ineligible to receive state funding until the state conducted an audit of the facility and published a publicly available audit report.

HB 3120 would establish that the owner or operator of a residential child detention facility was entitled to obtain from the Department of Public Safety criminal history record information related to prospective, current, and former employees or consultants, contractors, interns, or volunteers for the facility, including applicants for these positions. Such information could only be used to evaluate an applicant or current or former employee. The owner or operator could not release or disclose the information except on court order or with consent from the information's subject. After the expiration of any probationary term of a person's employment or no later than 180 days after receiving such information, whichever was later, the owner or operator would be required to destroy the information.

The bill would take effect September 1, 2025.

- SUBJECT:** Establishing a database for public information request contact information
- COMMITTEE:** Delivery of Government Efficiency — committee substitute recommended
- VOTE:** 9 ayes — Capriglione, Alders, Campos, Cook, Curry, L. Garcia, Olcott, Rodríguez Ramos, Tinderholt
- 0 nays
- 4 absent — Bhojani, Bowers, Cain, Troxclair
- WITNESSES:** For — James Quintero, Texas Public Policy Foundation (*Registered, but did not testify*); Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Kelley Shannon, Freedom of Information Foundation of Texas; Michael Schneider, Texas Association of Broadcasters; Donnis Baggett and Mike Hodges, Texas Press Association; Steven Deline)
- Against — None
- BACKGROUND:** Some have suggested that providing a centralized, updated database of governmental contact points for public information requests would provide for better transparency, accessibility, and compliance.
- DIGEST:** CSHB 4214 would require each governmental body, each year by October 1, to notify the attorney general of the current mailing and email address designated for receiving written public information requests.
- The bill also would require the attorney general to create and maintain on the attorney general’s website a publicly accessible database of the contact information provided.
- 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:** Establishing wind rights and providing for wind energy agreements
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 15 ayes — King, Hernandez, Anchía, Darby, Davis, Yvonne, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee, Thompson, Turner
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Judd Messer, Advanced Power Alliance; Laura Merten, Apex Clean Energy; Shannon Ratliff, Invenergy LLC; Justin Coleman, RWE Clean Energy)
- Against — None
- BACKGROUND:** Concerns have been raised that, despite the growth of the wind energy industry in Texas, there is still significant uncertainty in state law regarding the nature of and ownership of wind rights, including about whether such rights are severable from or inherent to ownership of a surface estate.
- DIGEST:** CSHB 4511 would establish that the owner of a surface estate had an inherent and inseverable right to capture and employ the kinetic energy of wind either directly or through a wind energy developer under a wind energy agreement, meaning a lease, license, easement, or other agreement between the owner and a developer to develop wind-powered energy generation by installing equipment and necessary facilities on the property. The bill would specify that a wind energy agreement was subject to statutory and other rules of law to the same extent as other agreements creating interests in or rights to use real property.
- If a wind energy agreement ended, each developer that owned the agreement would be required to record a release of the agreement in the clerk’s office of the county in which the land subject to the agreement was located. If a developer failed to record such a release, the landowner or the owner’s agent could request a developer shown as the wind energy

agreement's developer of record to record the release. The request would have to be in writing and delivered to the last-known address of the developer personally or by certified mail, first class postage prepaid and return receipt requested. In the absence of a good faith claim that the wind energy agreement was in force and effect, a developer who received such a request would be required to, within 90 days, record the release or inform the landowner or agent that the developer no longer owned the agreement and provide the name of the party that succeeded to the developer's interest.

A landowner or agent that received notice could request the successor in interest to record a release in the same manner. If the interest had been transferred by an instrument that had not been recorded, the transferee would have to first record the instrument or a notice of the transfer and then record the release, or cause the wind developer of record for the agreement to record the release. A release recorded under the bill would have to clearly identify the wind energy agreement and include the names of the parties, the legal description of the relevant land, and the applicable recording information of the agreement.

CSHB 4511 would not restrict the transfer of any interest to a wind energy agreement, including the transfer of a the right of a landowner to receive payments under the agreement, and would not affect the validity of an agreement entered into before the bill's effective date.

The bill would take effect September 1, 2025.

- SUBJECT:** Creating penalties and requirements for notaries public
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 11 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, Hayes, LaHood, Landgraf, Moody, Schofield
- 0 nays
- WITNESSES:** For — Kathy Green, AARP Texas; Jennifer Fogg, County and District Clerks Association of Texas; Phillip Clark, Dallas Criminal District Attorney’s Office - John Creuzot; Allen Place, Texas Land Title Association (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Rachael Schreiber, Notarize, Inc.; Bo Stallman, Sheriffs’ Association of Texas; Jay Williamson, The County and District Clerks’ Association of Texas; Steven Deline; Annette Donker)
- Against — None
- On — (*Registered, but did not testify*: Keely Hovatter, American Association of Notaries; Zeenia Challa, Texas Secretary of State)
- BACKGROUND:** Concerns have been raised about an increase in deed fraud involving forged signatures on property transfer documents required by law to be notarized. Some have suggested that the law should require stronger oversight, training, and accountability for in-person notaries public to help prevent fraudulent transactions.
- DIGEST:** CSHB 3704 would create the offense of performing a notarization with knowledge that the signer, grantor, maker, or principal for whom the notarization was performed did not personally appear before the notary public at the time the notarization was executed. The offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) or a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the document involved the transfer of real property or an interest in real property.

For purposes of the offense, a person would be considered to have personally appeared before a notary public if:

- for a notarization other than an online notarization, the person physically appeared in a manner that permitted the notary and the person to see, hear, communicate with, and provide proof of identification to each other; and
- for an online notarization, the person appeared through interactive two-way video and audio technology meeting applicable standards.

It would be an affirmative defense to prosecution that the person who personally appeared presented an apparently valid proof of identification.

The bill also would require an individual to complete education requirements established by the secretary of state to qualify for appointment or reappointment as a notary public, including continuing education for those seeking reappointment.

Before January 1, 2026, the secretary of state would be required to adopt rules establishing the education and continuing education requirements for a notary public. The rules:

- could not require more than two hours of education or continuing education for appointment or reappointment as a notary public;
- would require the secretary of state to establish and offer the required education and continuing education courses;
- would authorize the secretary of state to charge a reasonable fee for the courses; and
- could not require a person appointed as a notary public before September 1, 2025, to complete education requirements for initial appointment on or after that date.

The bill also would require a notary public to retain required notary records until the 10th anniversary of the notarization date. Failure to maintain these records would constitute grounds for disciplinary action by the secretary of state.

The bill would take effect September 1, 2025, and would apply only to notary public applications submitted on or after January 1, 2026.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$1,600,346 to general revenue related funds through the biennium.

- SUBJECT:** Amending sealing procedures for trade secret documents in lawsuits
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 11 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, Hayes, LaHood, Landgraf, Moody, Schofield
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Kevin Reddington, Texans for Lawsuit Reform)
- Against — None
- BACKGROUND:** Some have suggested that clearer procedures for sealing court documents that contain trade secrets could help address concerns that trade secret lawsuits may require businesses to present confidential information in court that could harm the business.
- DIGEST:** HB 4081 would require a party to an action related to trade secrets seeking to seal a document containing the party’s own alleged trade secret to file with a trial court and the Supreme Court a notice of sealing and an affidavit that:
- generally described the type of information contained in the document;
  - provided contact information for subsequent notice of any motion to unseal the document; and
  - set forth the factual basis for the party’s allegation that the information constituted a trade secret.
- Additionally, the party would be required to deliver a copy of the document to be sealed to the trial court in a sealed envelope labeled to identify the corresponding notice of sealing and serve a copy of the notice, affidavit, and document on each other party to the action.

The bill would require a party filing a document the party knew another person alleged to contain the person's trade secret to:

- file with the trial court and the Supreme Court a notice of sealing and a statement generally describing the type of information contained in the document and identifying the person who alleged the document contained the person's trade secret;
- deliver a copy of the document to be sealed to the trial court in a sealed envelope labeled to identify the corresponding notice of sealing; and
- serve a copy of the notice, affidavit, and document on each other party to the action and any person who alleged the document contained the person's trade secret who was not a party to the action.

By the 14th day after the date a person who alleged a document contained the person's trade secret received a notice of sealing with respect to the document, the person would be required to file with a trial court and the Supreme Court in the same numbered cause an affidavit:

- generally describing the type of information contained in the document;
- providing contact information for subsequent notice of any motion to unseal the document; and
- setting forth the factual basis for the person's allegation that the information in the document constituted a trade secret.

If the trial court received a notice, statement, and sealed document, the document would be treated as filed under seal until the time for filing an affidavit expired and, if no affidavit was timely filed, the document would be treated as publicly filed until an affidavit was filed.

The bill would require that, once the trial court received a notice, affidavit, and sealed document, the document be treated as permanently filed under seal. Any person could intervene as a matter of right at any time before or after judgment in an action relating to trade secrets to seal or unseal a document. If a person alleged the person's trade secret was filed of public

record, the person could seal the document containing the alleged trade secret by taking the same actions with respect to the document that a party to an action was authorized to take with respect to the party's alleged trade secret.

The trial court would retain continuing jurisdiction to seal or unseal a document filed under these provisions. Any person could move to unseal any document filed under seal. The motion and notice of hearing would have be served on the parties to the action in which the document was filed, and on the person who submitted an affidavit by certified mail, return receipt requested, by the 14th day before any hearing on the motion in the trial court. The trial court would have to grant the motion and unseal all or part of the document if the person who alleged that the document contained the person's trade secrets failed to demonstrate by a preponderance of the evidence that the document, or a part of the document, contained a trade secret.

If a trial court determined that only a part of the document should be unsealed, the trial court would be required to redact all information that contained a trade secret before providing the document to the movant. An order granting or denying a motion to unseal a document would be considered to be severed from the action and would be a final judgment that could be appealed by any party or intervenor who participated in the hearing preceding the issuance of the order.

Notwithstanding general Supreme Court rulemaking authority for rules of civil procedure, the Supreme Court would not be permitted to adopt rules in conflict with the bill.

The bill would take effect September 1, 2025, and would apply only to a document filed in an action on or after the effective date.

- SUBJECT:** Establishing report on governmental opioid antagonist programs
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 11 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, J. Jones, Olcott, Pierson, Schofield, Shofner
- 0 nays
- 2 absent — Johnson, Simmons
- WITNESSES:** For — Jesse Hickland (*Registered, but did not testify*: Cynthia Humphrey, Association of Substance Abuse Programs & Texas Recovery Network; Sherri Layton, Association of Substance Abuse Programs, Texas Association of Addiction Professionals, La Hacienda Treatment Center; LaTonya Whittington, Cannabis Reform of Texas; Paula Blackmon, City of Dallas; Heather Vasek, DHR Health; Christine Yanas, Methodist Healthcare Ministries; Lyssette Galvan, NAMI Texas; Elizabeth Henry, Recovery People and Texas Coalition for Healthy Minds; David Reynolds, Texas Chapter American College of Physicians; Kelsey Bernstein, Texas Council of Community Centers; John Hawkins, Texas Hospital Association; Amanda Tollett, Texas Medical Association; Clayton Travis, Texas Pediatric Society; Rebecca Ramirez, The National Association of Social Workers- Texas Chapter; Julie Wheeler, Travis County Commissioners Court; Steven Deline; Jeannette Mckenzie)
- Against — None
- On — (*Registered, but did not testify*: Kasey Strey, HHSC)
- BACKGROUND:** Some have suggested that requiring a biennial report on opioid antagonist programs could help evaluate the needs of the state’s current program and improve statewide strategies for overdose prevention and response.
- DIGEST:** H.B. 4783 would require the Health and Human Services Commission (HHSC), no later than October 1 of each even-numbered year, to prepare a report evaluating the distribution of opioid antagonists in Texas to reverse

and prevent opioid overdoses. The report would have to be submitted to the governor, the lieutenant governor, and the speaker of the House of Representatives. The bill would define “opioid antagonist” as any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids.

The report would be required to:

- include a needs assessment for the Department of State Health Services’ (DSHS) opioid antagonist program;
- establish a statewide saturation goal for opioid antagonists and include a description of data sources and methodology used to estimate insufficiencies in the current supply of opioid antagonists and a communications plan to address opioid overdoses in areas of Texas at higher risk for increased numbers of overdoses;
- include a description of all state and federal money appropriated to the opioid antagonist program;
- establish opioid antagonist distribution strategies for Texas;
- list and describe all available state and federally funded purchase and distribution programs for opioid antagonists; and
- recommend improvements for addressing opioid overdoses among high-risk populations, including school-aged children, pregnant and postpartum women, and individuals residing in rural areas of Texas.

The bill would require HHSC, in preparing the report, to coordinate and consult with each state agency, institution of higher education, and political subdivision of Texas that receives funding or other resources under the DSHS opioid antagonist program for distribution of opioid antagonists.

The bill would take effect September 1, 2025.

- SUBJECT:** Establishing process for release of a unilateral memorandum of contract
- COMMITTEE:** Trade, Workforce & Economic Development — committee substitute recommended
- VOTE:** 11 ayes — Button, Talarico, K. Bell, Bhojani, Harris Davila, Longoria, Lujan, Luther, Meza, Ordaz, Richardson
- 0 nays
- WITNESSES:** For — Aaron Day, Texas Land Title Association (*Registered, but did not testify*); John Warren, County and District Clerk’s Association; Meredyth Fowler, Texas Mortgage Bankers Association; Seth Juergens, Texas Realtors; Steven Deline)
- Against — None
- BACKGROUND:** Concerns have been raised that a buyer of residential property may file a unilateral memorandum of contract ensuring a seller does not sell to another buyer without the seller’s knowledge. Some have suggested that requiring notice to the property owner and providing a mechanism for owners to release unsupported or stale claims would help prevent abuse and protect property transactions.
- DIGEST:** CSHB 4063 would establish a process for the filing, challenge, and release of unilateral memoranda of contract concerning residential property. The bill would define a “unilateral memorandum of contract” as a written document signed only by a person who was not the owner of the residential property and asserting the existence of a contract with the owner for the purchase of an interest in the property, an option to purchase an interest, a right of first refusal or first offer to purchase an interest, or a right to match any offer to purchase an interest. The term would not include a deed or a right of first refusal granted in a condominium declaration.
- CSHB 4063 would require a person filing a unilateral memorandum of contract to provide a mailing address and send written notice of the filing

to the property owner by certified or registered mail. The owner would be authorized to respond by filing an affidavit for a release of the memorandum, accompanied by a certificate confirming notice was sent to the original filer.

If the original filer did not file a contradicting affidavit within 45 days, the owner's affidavit would serve as a release of record, and the memorandum would no longer have legal effect. After that time, a purchaser or lender could rely conclusively on the release, and the filer's only legal remedy would be to seek money damages. If the filer responded within the 45 days with a contradicting affidavit asserting that the memorandum remained valid, the legal effect of the owner's release would be suspended until the dispute was resolved.

CSHB 4063 would provide for a standardized form for the:

- certificate of mailing of notice of filed unilateral memorandum of contract;
- affidavit for release of unilateral memorandum of contract; and
- certificate of mailing of affidavit for release of unilateral memorandum of contract.

The bill would take effect September 1, 2025.

- SUBJECT:** Authorizing automatic enrollment with opt-out in county benefit plan
- COMMITTEE:** Pensions, Investments & Financial Services — favorable, without amendment
- VOTE:** 5 ayes — Lambert, Plesa, Hayes, Schoolcraft, Vo  
2 nays — Bumgarner, Holt  
2 absent — Bryant, L. Garcia
- WITNESSES:** For — Cynthia Hernandez, Pauline Medrano, and Joe Salas, Dallas County; (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Elisa M. Tamayo, El Paso County; Santiago Franco, Harris County Commissioners Court; Ben Zeller, Victoria County; Steven Deline)  
Against — None
- BACKGROUND:** Current law allows a county to adopt a deferred compensation plan for employees to save for retirement, but concerns have been raised that county employees may unintentionally forego retirement benefits by not enrolling in the plans. Some have suggested that automatically enrolling employees in the plan, with an option to opt out, would ensure employees did not unintentionally miss out on the benefit.
- DIGEST:** HB 2783 would authorize the commissioners court of a county that offers a deferred compensation plan to county employees to elect by order to require automatic employee participation in the plan. The bill would require the commissioners court of an electing county, or its designee, to prescribe the requirements of the bill in the order and to ensure the operation of the plan conformed to certain applicable federal rules.  
  
An employee who participated in the benefit plan would be required to contribute by automatic payroll deduction at least three percent of the employee's earned compensation to a default investment product selected

by the plan administrator. The amount deducted would not be deducted for payment of a debt nor the garnishment or assignment of wages.

An employee could elect to end or modify participation in the plan, and an electing county would be required to ensure that each employee was informed of the elections available to and the responsibilities of the employee at the time of employment.

The electing county would be required to inform new employees of their automatic enrollment and right to opt out of enrollment during the new employee orientation process and maintain a record of a new employee's acknowledgment of the information.

This bill would apply only to an employee of a county who initially began employment on or after January 1, 2026.

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 BPP discretion in parole reconsideration scheduling
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 9 ayes — Harless, V. Jones, Allen, Harrison, Lowe, Lozano, Meza, Schatzline, Wharton
- 0 nays
- WITNESSES:** For — Andy Kahan, Crime Stoppers; Shannon Dion; Patricia Montenayor (*Registered, but did not testify*); Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Bryan Flatt, TMPA)
- Against — Justin Martinez, LatinoJustice PRLDEF (*Registered, but did not testify*); Jennifer Toon, Lioness Justice Impacted Women’s Alliance; Cole Meyer, Texas Appleseed; Shea Taylor, Texas Criminal Defense Lawyers Association; Thomas Parkinson)
- On — Terra Tucker, Alliance for Safety and Justice; Timothy McDonnell, Board of Pardons and Paroles
- BACKGROUND:** Under Government Code sec. 508.141(g), the Board of Pardons and Paroles (BPP) must reconsider the release of certain inmates as soon as practicable after the first anniversary of a parole denial. For inmates serving sentences for an offense ineligible for mandatory supervision, the board must reconsider the inmate’s parole during a month designated by the parole panel that denied release after the first anniversary of the date of denial and before the fifth anniversary. If the inmate is serving a sentence for aggravated sexual assault or a life sentence for a capital offense, the designated month must be between the first and 10th anniversary of the date of denial.
- Concerns have been raised regarding the limited nature of BPP’s discretion on when reconsiderations for parole release must occur.
- DIGEST:** CSHB 4937 would amend Government Code sec. 508.141(g) to require BPP to adopt a policy that the board must reconsider an inmate for release

during a month designated by the parole panel that initially denied release, to occur after the first but before the fifth anniversary of the date of the denial. The bill would retain the exception for inmates serving a sentence for aggravated assault or a life sentence for a capital offense.

The bill would apply to all inmates confined in facilities operated by or contracted with the Texas Department of Criminal Justice on or after the bill's effective date, regardless of when the offense occurred. BPP would be required to adopt a policy reflecting these changes as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2025.

- SUBJECT:** Requiring a study on the impact of seed banks and seed preservation
- COMMITTEE:** Agriculture & Livestock — favorable, without amendment
- VOTE:** 6 ayes — Guillen, Guerra, Kitzman, J. Lopez, McLaughlin, Muñoz  
3 nays — Cain, Hopper, Money
- WITNESSES:** For — (*Registered, but did not testify:* Cyrus Reed, Lone Star Chapter Sierra Club; Steven Deline)  
  
Against — None  
  
On — (*Registered, but did not testify:* Randy Rivera, Texas Department of Agriculture)
- BACKGROUND:** Some have suggested that seed preservation could benefit Texans by making food more accessible and supporting ecosystem restoration.
- DIGEST:** HB 5085 would require the Texas Department of Agriculture (TDA), in collaboration with any state agency, political subdivision, or other organization TDA determined relevant, to conduct a study on the impact of seed banks and seed preservation in each county that had a population of more than 2 million people and a conservation facility located in the county.  
  
The bill would require the study to assess the impact that seed banks and seed preservation may have on food access, including the number of people that a seed bank could generate food for and the limitations of a seed bank in food generation. The study also would be required to assess potential impacts of seed banks and seed preservation on the environment, including ecosystem restoration and biodiversity recovery after a natural disaster such as a hurricane, fire, or flood, and on climate change mitigation.  
  
By December 1, 2026, TDA would be required to submit to the governor, lieutenant governor, and the appropriate standing committees of the

Legislature a report on the results of the study and recommendations for action on seed banks, seed preservation, and seed germination and propagation.

The bill would take effect September 1, 2025, and would expire January 1, 2027.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$150,000 to general revenue related funds through the biennium.

SUBJECT: Creating offense of unlicensed service provision in assisted living facilities

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Hull, Manuel, A. Davis, Dorazio, Noble, Rose, Schatzline,  
Slawson

2 nays — Richardson, Swanson

1 absent — C. Morales

WITNESSES: For — Greg New, Grand Prairie; Emily Mourik and Courtney Runnels,  
Grand Prairie Police Department; Jessica Cunningham; Summer Wise  
(*Registered, but did not testify*: Andrea Earl, AARP TX; James Parnell,  
Dallas Police Association; Nicholas Hanetho, Fort Worth Fire Fighters  
Association; Daniel Scesney and Tim Sliva, Grand Prairie; James  
Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt,  
Houston Police Officers' Union; John Sierega, TMPA)

Against — None

On — Michelle Dionne-Vahalik, Health and Human Services  
Commission

BACKGROUND: Concerns have been raised that individuals who operate or provide  
personal assistance services in assisted living facilities without the  
required license are not being held accountable for these violations and  
may endanger the residents of those facilities.

DIGEST: HB 2510 would create class A misdemeanor (up to one year in jail and/or  
a maximum fine of \$4,000) offenses for providing personal assistance  
services to a resident of an assisted living facility and for operating an  
assisted living facility without holding the required license. The bill would  
enhance the penalty for subsequent convictions of the respective offenses  
to a third-degree felony (two to 10 years in prison and an optional fine of  
up to \$10,000).

The bill would take effect September 1, 2025.

- SUBJECT:** Authorizing certain digital identification
- COMMITTEE:** Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment
- VOTE:** 10 ayes — Hefner, R. Lopez, Canales, Cortez, Dorazio, Hickland, Holt, Isaac, McLaughlin, Pierson
- 0 nays
- 1 absent — Louderback
- WITNESSES:** For — John Banghart, Better Identity Coalition; Rob White, Samsung Electronics America (*Registered, but did not testify*: Renzo Soto, TechNet; Thomas Parkinson)
- Against — None
- On — Timothy Roufa, American Association of Motor Vehicle Administrators; Sheri Gipson and Gayatri Vasan, Texas Department of Public Safety (*Registered, but did not testify*: Brian Hawthorne, Sheriffs' Association of Texas (SAT))
- BACKGROUND:** Some have suggested that establishing a legal framework for issuing digital identification (ID) could ensure Texans have access to a state-approved digital ID option that offers more convenience, security, and accessibility while maintaining the integrity of the licensing system.
- DIGEST:** HB 3426 would require the Department of Public Safety (DPS) to issue a digital version of a driver's license, a commercial driver's license, and a personal identification (ID) certificate, and authorize DPS to adopt rules necessary to administer digital ID. The bill would subject such a digital license or certificate to state laws applicable to a physical license or certificate, with certain exceptions.
- The bill would require such a digital license or certificate to be a data file available on any wireless communication device through an application

that can be downloaded onto the device. A digital license or certificate would be required to:

- include the information required to be included on a physical license or certificate;
- include an authentication and verification process for a wireless communication device that satisfied the requirements of the International Organization for Standardization or a comparable or successor standard designated by DPS;
- for a digital driver's license or commercial driver's license, include an indication of the current status of the license; and
- be accessible regardless of the availability of an Internet network or commercial mobile service on the device after download.

The bill would authorize DPS to prescribe the license or certificate's appearance, format, orientation, data, and authentication methods. The bill also would authorize DPS to charge a fee for issuing a digital license or certificate in an amount necessary to cover the costs of administering the bill. Subject to statutory requirements, DPS would be required to adopt measures to ensure data privacy for data associated with the digital licenses and certificates.

HB 3426 would not affect the authority of a peace officer or any other person to require an individual to provide a physical driver's license, commercial driver's license, or personal ID certificate. The bill also would establish that the presentation of a digital ID by a person on a wireless communication device would not constitute effective consent for a peace officer or any other person to access the contents of the person's device, except to view the digital ID.

The bill would authorize a person to accept digital ID as evidence of another person's identity in the same manner as a physical driver's license, commercial driver's license, or personal ID certificate, except for voting purposes. A digital copy, photograph, or image of a driver's license that was not downloaded and displayed through the application would not be a valid digital driver's license.

If before implementing a provision of the bill, DPS determined that a waiver or authorization from a federal agency was necessary, DPS would be required to request the waiver or authorization and could delay implementing that provision until the waiver or authorization was granted.

The bill would take effect September 1, 2025.

- SUBJECT:** Requiring THECB to adopt standardized emergency notification rules
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 11 ayes — Wilson, Howard, A. Davis, Lalani, Lambert, V. Perez, Shaheen, Shofner, Tinderholt, VanDeaver, Ward Johnson
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Garry Jones, DFER TX; Amanda Garcia, Texas AFT-AAUP; Steven Deline)
- Against — None
- BACKGROUND:** Some have suggested that the emergency notification processes on Texas college campuses should be standardized to address the timeliness of emergency warnings and notifications.
- DIGEST:** HB 4361 would require the Texas Higher Education Coordinating Board, in consultation with administrators, faculty, staff, and students at higher education institutions, to adopt rules regarding standardized procedures for timely issuing emergency notifications in accordance with the federal Jeanne Clery Campus Safety Act, including alerts through the institution’s emergency alert system.
- 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:** Requiring the adoption of an oil and gas infrastructure protection plan
- COMMITTEE:** Energy Resources — favorable, without amendment
- VOTE:** 9 ayes — Darby, E. Morales, Dyson, J. Garcia, Gates, Gerdes, Guerra, Reynolds, Rosenthal
- 1 nay — Craddick
- 1 absent — Dean
- WITNESSES:** For — (*Registered, but did not testify:* Julie Range, Commission Shift Action; Cyrus Reed, Lone Star Chapter Sierra Club; Sarah Berel-Harrop)
- Against — None
- On — Scott Larson, Railroad Commission of Texas; Mike George, Texas Department of Public Safety (*Registered, but did not testify:* Nick Orman, Texas General Land Office; Liza Binkley; Anita Knight; Glenda Pittman)
- BACKGROUND:** Concerns have been raised about the vulnerability of Texas’ oil and gas infrastructure to natural disasters, severe weather, and security threats, including cyberattacks and terrorism. Some have suggested that a comprehensive protection plan could help protect critical energy infrastructure.
- DIGEST:** HB 1169 would require the Railroad Commission of Texas (RRC) to develop and adopt a comprehensive plan to protect Texas’ oil and gas infrastructure, including wellheads and pipelines, from:
- natural disasters;
  - severe weather events;
  - cybersecurity threats;
  - acts of terrorism;
  - widespread power outages; and
  - other potential threats to oil and gas infrastructure.

The RRC could seek input from stakeholders when developing the plan and would have to update the plan periodically.

The RRC would have to adopt the initial plan no later than September 1, 2026.

The bill would take effect September 1, 2025.

- HB SUBJECT: Requiring Medicare coverage parity for certain individuals under 65
- COMMITTEE: Insurance — committee substitute recommended
- VOTE: 8 ayes — Dean, Vo, J. González, Goodwin, Hopper, Morgan, Paul, Wharton
- 0 nays
- 1 absent — Spiller
- WITNESSES: For — Veronica Behrend, Josie Gamez, American Kidney Fund; Jeremy Van Haselen, DaVita; Yessar Hussain, Texas Neurological Society; Diana Arevalo, Chris Larkin, Christopher Spaulding, The ALS Association; Marc Young (*Registered, but did not testify*: Carolyn Drummond, Cissy Larkin, Holly Crowder, Phil Russell, Antoinette Verdone, Fritz Weiss, The ALS Association; Mike McBrierty, Biogen; Chase Bearden, Coalition of Texans with Disabilities; Pamela Zielske, Dialysis Patient Citizens; Marc Hoskins, Disability Rights Texas; Aaron Gregg, Fresenius Medical Care; Christine Yanas, Methodist Healthcare Ministries; Eric Woomer, Otsuka; Nzingha Williams-Eugene, Teaching Hospitals of Texas; Lauren Fleming, Texas Coalition for Patients; Mackenzie Lyra, Texas Health Resources; Danielle Lobsinger Bush, Texas Healthcare and Bioscience Institute; Sara Gonzalez, Texas Hospital Association; Ben Wright, Texas Medical Association; Tom Holloway, Texas Neurological Society; Erin Cusack, Texas Nurse Practitioners; Ky Ash, U.S. Renal Care; John Drummond; Alex Gamez; Gary Ingram; Gail Price; Rebecca Young)
- Against — Blake Hutson, Texas Association of Health Plans; Jennifer Cawley, Texas Association of Life and Health Insurers (*Registered, but did not testify*: April Beggs, Blue Cross and Blue Shield of Texas)
- On — (*Registered, but did not testify*: Rachel Bowden, Texas Department of Insurance)
- BACKGROUND: Concerns have been raised that individuals under age 65 who qualify for Medicare face barriers such as fewer options and higher premiums when

attempting to obtain supplemental coverage to address significant out-of-pocket Medicare costs.

DIGEST:

HB 2516 would require an entity that delivered or issued for delivery a Medicare supplement benefit plan in this state to individuals 65 years or older to offer the same coverage to individuals younger than 65 who were eligible for and enrolled in Medicare due to disability, end stage renal disease, or amyotrophic lateral sclerosis. The bill would require an entity to provide any benefit, protection, policy, or procedure applicable to coverage and the same premium rate charged for a standardized Plan A, B, or D Medicare supplement benefit plan to applicable individuals younger than 65 in the same way it provided to 65-year-old individuals. A premium rate for a Medicare supplement benefit plan under the bill other than Plan A, B, or D could not exceed 200 percent of the premium rate charged for the same plan to an individual 65 years of age.

An individual eligible for coverage under a Medicare supplement benefit plan under the bill could enroll any time during the six-month period beginning the first day of the first month the individual became enrolled for benefits under Medicare Part B. During an enrollment period, an entity could not:

- deny or condition the issuance or effectiveness of a Medicare supplement benefit plan or certificate that the entity offered and was available for issuance in this state;
- subject the applicant to medical underwriting or discriminate in the price of a Medicare supplement benefit plan or certificate because of the applicant's health status, claims experience, receipt of health care, or medical condition;
- impose a waiting period; or
- impose a limitation or exclusion of benefits based on a preexisting condition.

The insurance commissioner would be required to adopt rules necessary to administer the bill, including rules designating enrollment periods.

An individual eligible under the bill and enrolled in Medicare Part B due to disability, end stage renal disease, or amyotrophic lateral sclerosis on the effective date of the bill could apply for coverage under a Medicare supplement benefit plan between August 31, 2025, and March 2, 2026 or

during a six-month period beginning on the date the application initially became available.

The bill would take effect September 1, 2025, and would apply only to a Medicare supplement plan delivered, issued for delivery, or renewed on or after that date.

- SUBJECT:** Allowing adoption of water conservation programs in certain counties
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 11 ayes — Harris, Martinez, Ashby, Barry, Buckley, Fairly, Gámez, J. Garcia, M. González, Romero, Villalobos
- 0 nays
- 2 absent — C. Bell, Zwiener
- WITNESSES:** For — Rachel Hanes, Greater Edwards Aquifer Alliance; Walt Smith (*Registered, but did not testify*: Kenneth Flippin, CHISPA; Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Luke Metzger, Environment Texas; Ross Giesinger, Environmental Defense Action Fund; Gregory Ellis, groundwater conservation district clients of the firm; Cyrus Reed, Lone Star Chapter Sierra Club; Sarah Floerke, Lower Colorado River Authority; Tom Entsminger, NWF; Cicely Kay, Travis County Commissioners Court; Julie Nahrgang, Water Environment Association of Texas; Buddy Garcia)
- Against — (*Registered, but did not testify*: Trey Lary, Allen Boone Humphries Robinson LLP; Peter Pincoffs, PMB Capital Investments and PMB Rolling V Land LP; Logan Spence, Texas Water Supply)
- On — J.D. Hale, Texas Association of Builders (*Registered, but did not testify*: Kim Nygren, TCEQ)
- BACKGROUND:** Some have suggested that allowing certain counties to adopt water conservation programs, as municipalities are authorized to do, could help address the need for greater water conservation amid urban growth happening outside of major cities.
- DIGEST:** CSHB 2347 would authorize the county commissioners court to adopt a water conservation program by order if the county had a population greater than 230,000, was wholly or partly located within the Hill Country

Priority Groundwater Management Area, and was adjacent to a county with a population greater than one million.

A water conservation program adopted under the bill could establish for the unincorporated area of the county, including the extraterritorial jurisdiction of a municipality, water conservation standards applicable to a development, redevelopment, or subdivision of a tract of land that began after August 31, 2025. These standards would not apply to an agricultural operation.

To the extent of a conflict between a county order adopted under the bill and a permit, rule, ordinance, or other measure issued by a governmental entity that regulated the same conduct:

- if the governmental entity was a municipality, the municipal measure would prevail; or
- if the governmental entity was a political subdivision other than a municipality, the more stringent regulation would prevail.

The bill and any water conservation programs adopted under it would expire September 1, 2031.

The bill would take effect September 1, 2025.

- SUBJECT:** Revising provisions related to the Title IV-D agency
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 11 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, Hayes, LaHood, Landgraf, Moody, Schofield
- 0 nays
- WITNESSES:** For — Lisa Marshall, Fighting Homelessness
- Against — None
- On — Joel Rogers, Office of the Attorney General – Child Support Division
- BACKGROUND:** Family Code sec. 101.033 defines “Title IV-D agency” as the state agency designated under state law to provide services, including paternity determination and child support services, under Part D of Title IV of the federal Social Security Act. Sec. 231.001 designates the Office of the Attorney General (OAG) as the state’s Title IV-D agency.
- Sec. 231.002(j) provides that in the enforcement or modification of a child support order, OAG, as the Title IV-D agency, is not:
- subject to a mediation or arbitration clause or requirement in the order to which the OAG was not a party; or
  - liable for any costs associated with mediation or arbitration arising from provisions in the order or another agreement of the parties.
- Sec. 231.118 provides that the attorney general may contract with private process servers to serve a citation or other document required or appropriate under the law. A return of the process made under this section may not include the address served if a pleading filed in the suit requests a finding subject to nondisclosure due to a risk of family violence or the court has previously made a finding and ordered nondisclosure due to a risk of family violence.

Some have suggested that revising and amending statutes related to the attorney general's Title IV-D cases would clarify current laws and expedite processes for the provision of child support services to Texas families.

DIGEST:

CSHB 4034 would amend procedures and authority related to the attorney general's powers and duties with respect to child support services under Title IV-D of the federal Social Security Act.

**Powers and duties of attorney general.** CSHB 4034 would authorize the attorney general to cease child support enforcement against an obligor for arrearages if the obligee was incarcerated for family violence against a child covered by the child support order.

The bill would provide that filing a child support payment record produced by the attorney general in a suit affecting the parent-child relationship would be evidence of the assignment of support rights to the attorney general in that cause.

The bill would authorize an attorney employed to provide Title IV-D services to represent, without notice to the parties, the attorney general at a court proceeding in a suit affecting the parent-child relationship.

**Liability of attorney general and related entities.** CSHB 4034 would revise Family Code sec. 231.002(j) to specify that the attorney general was not liable for any costs associated with mediation or arbitration related to a child support order, regardless of whether those costs arose from provisions in the order or another agreement of the parties.

The bill would include the establishment of a child support order in the list of activities for which the attorney general would not be subject to or liable for mediation or arbitration.

The bill would allow a court to dismiss a cause of action against an attorney or a political subdivision with which the attorney general had contracted pertaining to the attorney general's powers, duties, and services related to paternity determination and child support if the cause of action

was frivolous or malicious, failed to state a claim on which relief could be granted, or sought monetary relief for which immunity applied.

**Procedures for administrative adjustments of child support obligations.** CSHB 4034 would allow, rather than require, the attorney general to administratively adjust child support payments for certain incarcerated obligors. The bill would establish that the notice of administrative adjustment required to be provided by the attorney general to the parties of an administratively adjusted child support order would have to be in the form prescribed by the attorney general and sent to the party's last known residence address, mailing address, or email address. A court would be required to consider due process requirements for notice and service of process to be met if the notice was sent in accordance with the bill.

The bill would require, on request by a party, the attorney general to provide an opportunity for review with the contesting party of an administrative adjustment of a child support obligation to be conducted via remote communication, including teleconferencing, videoconferencing, or other similar technology.

The bill would provide that if a party timely filed a request for a hearing contesting the attorney general's administrative adjustment of a child support order, the administrative adjustment would be stayed pending the hearing, rather than remain in effect until certain conditions were met. The bill would require the court to hold the hearing not later than the 30th day after the request. The court could review only certain determinations of the attorney general in a trial de novo.

The bill would allow the attorney general, in a hearing regarding an administrative adjustment, to file together with an administrative adjustment order an investigation report that included any factual findings supporting the administrative adjustment order. Unless contested, the investigation report would conclusively establish the findings. The administrative adjustment order and the investigation report would have to be in the form prescribed by the attorney general.

An administrative adjustment order could not include the social security number, driver's license number, residence address, mailing address, home telephone number, name of employer, address of employment, or work telephone number of a party if the court had previously made a finding and ordered nondisclosure or the attorney general indicated in an investigation report that the administrative adjustment order excluded information based on a family violence indicator.

On filing an administrative adjustment order, the clerk of the court could collect the authorized fees.

**Notice and communications.** CSHB 4034 would allow a court clerk or the attorney general to provide notice of a petition to suspend a license for failure to pay child support by electronically mailing a copy of the notice and the petition to the respondent's last known email address.

The bill would allow certain notices required in administrative actions related to the child support review process to be delivered by email to an address provided by the party to the court or attorney general.

The bill would remove the requirement, for certain family law proceedings, that a witness be deposed before a trial in order for witness testimony to be conducted electronically.

The court would be required to consider due process requirements to be met for a return of process that did not include the address served, as described in Family Code sec. 231.118:

The bill would require the OAG to ensure that all brochures that it published were available on the agency's website no later than December 1, 2025. On the request of a district court clerk, brochures also would have to be available at family law courthouses in the county where the district court was located.

**Other provisions.** CSHB 4034 would authorize the attorney general in a child support action to prepare and submit to the court an investigation report indicating the attorney general's findings regarding a party's average monthly gross income based on information obtained from public

or private entities. The investigation report would be admissible as evidence of the truth of the information contained in the record and would not require further authentication or verification. A respondent could offer evidence controverting income information contained in an investigation report.

The bill would provide that certain time limitations would not apply to the attorney general's authority to issue and enforce a child support review order containing a judgment for arrearages.

The bill would limit the circumstances under which a request could be made for information from the state case registry related to child support order records. The request would have to be made under provisions related to Title IV-D parent locator services.

**Effective date.** The bill's provisions related to time limitations for a child support review order would apply to a child support review order regardless of whether the order was rendered before, on, or after the effective date.

The bill would take effect September 1, 2025.

**SUBJECT:** Amending Government Code provisions on HHSC executive council

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 10 ayes — Hull, Manuel, A. Davis, Dorazio, Noble, Richardson, Rose, Schatzline, Slawson, Swanson

0 nays

1 absent — C. Morales

**WITNESSES:** For — (*Registered, but did not testify:* Andrea Earl, AARP TX)

Against — None

On — (*Registered, but did not testify:* Libby Elliot, Jessica Miller, HHSC)

**BACKGROUND:** Some have suggested that statutory revisions are needed to address misalignments within the health and human services system as a result of restructuring by past legislative efforts.

**DIGEST:** Pertaining to items the Health and Human Services Commission (HHSC) executive council is required to seek and receive public comment on, CSHB 4700 would replace references to “proposed rules” with “rulemaking and rule review activities of HHSC.”

The bill also would make conforming changes to address expired provisions pertaining to the composition of the executive council.

The bill would take effect September 1, 2025.

- SUBJECT:** Amending certain licensing requirements for mental health facilities
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 13 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, J. Jones, Olcott, Pierson, Schofield, Shofner, Simmons
- 0 nays
- WITNESSES:** For — Heather Vasek, Oceans Healthcare and Acadia Healthcare  
(*Registered, but did not testify*: Lee Spiller, Citizens Commission on Human Rights; Robert Peeler, Signature Healthcare; Erin Basalay, Michael Johnson, Texas Association of Behavioral Health Systems; Adam Cahn; Timothy Mabry; Kimberly Moyers)
- Against — None
- On — Alexander Buelna, Suling Homsy, Health and Human Services Commission
- BACKGROUND:** Concerns have been raised that unlicensed staff in psychiatric hospitals, such as administrators, admissions personnel, and aides, are not required to undergo a criminal background check. Some have suggested that all employees of psychiatric hospitals should be subject to the employee misconduct registry to address these concerns.
- DIGEST:** CSHB 3560 would amend the application for a mental hospital or mental health facility license to include that an application would be required to contain the name and address of the person responsible for the daily operations of a mental hospital or mental health facility.
- The bill also would amend the definition of “facility” in Health and Safety Code provisions for the Employee Misconduct Registry to include private mental hospitals and other mental health facilities.
- The bill would take effect September 1, 2025.

NOTES: According the Legislative Budget Board, the bill would have a negative impact of \$3,057,658 through the biennium ending on August 31, 2027.

- SUBJECT:** Transferring the University of Houston-Victoria to The TAMU System
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 10 ayes — Wilson, Howard, A. Davis, Lalani, V. Perez, Shaheen, Shofner, Tinderholt, VanDeaver, Ward Johnson
- 0 nays
- 1 absent — Lambert
- WITNESSES:** For — Duane Crocker, City of Victoria; Amy Blanchett, Formosa Plastics Corporation, Texas; T. Michael O’Connor, O’Connor Group; Jonas Titas, VEDC Regional Partnership; John Zacek, Victoria College; Ben Zeller, Victoria County, TX. (*Registered, but did not testify:* Denise Rose, Community Health Systems; Rebecca Montgomery, Montgomery Strategies; Craig Holzheuser, SpeedyStop; Steve Holzheuser; Amy Mundy; Tammy Murphy; Ashlie Thomas)
- Against — None
- On — Dr. James Hallmark, Texas A&M University System; Robert Glenn, University of Houston-Victoria (*Registered, but did not testify:* Jason Smith, University of Houston System)
- BACKGROUND:** Some have suggested that the University of Houston-Victoria would be able to better serve students in the Golden Crescent region of the state by being transferred from the University of Houston System to The Texas A&M University System.
- DIGEST:** CSHB 5150 would amend the Education Code to transfer the University of Houston-Victoria from the University of Houston (UH) System to The Texas A&M University (TAMU) System as a component institution, becoming Texas A&M University-Victoria. The governance, control, management, and property of the University of Houston-Victoria would be required to be transferred from the UH System Board of Regents to

The TAMU System Board of Regents. The bill would make all necessary conforming changes related to the transfer.

The bill would authorize The TAMU System Board of Regents to issue bonds in accordance with a systemwide revenue financing program adopted by the board in the aggregate principal amounts not to exceed the amounts previously authorized for the University of Houston-Victoria, less any portion of those amounts for which bonds were issued for the university before September 1, 2025.

By June 1, 2025, the boards of regents of the UH System and The TAMU System would be required to enter into a memorandum of understanding relating to the transfer of the administration of the University of Houston-Victoria to The TAMU System. The memorandum of understanding would have to include a transition plan with a timetable and specific steps, including the methods for the transfer on September 1, 2025, of all powers, duties, obligations, rights, contracts, leases, records, real or personal property, and unspent and unobligated appropriations and other funds of the university to The TAMU System.

**Sale of alcoholic beverages in certain leased district facilities.** The bill would authorize certain school districts' boards of trustees to adopt a policy allowing the consumption, possession, and sale of an alcoholic beverage at an event held at a performing arts facility owned by the districts if either the districts' board had authority to adopt a policy on or before January 1, 2025, or the district was located in a county with a population not more than 300,000 and in which a UH System component university was located.

**Repeals.** The bill would repeal Education Code ch. 111 subch. G and Education Code sec. 55.173, which establishes the University of Houston-Victoria and the authority of the University of Houston System to issue bonds to finance certain infrastructure projects for the university.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of about \$5 million to general revenue related funds through the biennium.

- SUBJECT:** Exempting inmates and authorizing licensing rules in TDCJ
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 9 ayes — Harless, V. Jones, Allen, Harrison, Lowe, Lozano, Meza, Schatzline, Wharton
- 0 nays
- WITNESSES:** For — Charlie Malouff, TX C.U.R.E. (*Registered, but did not testify*: Justin Martinez, LatinoJustice PRLDEF; Jennifer Toon, Lioness Justice Impacted Women’s Alliance; Cole Meyer, Texas Appleseed; Alycia Castillo, Texas Civil Rights Project)
- Against — None
- On — Ron Foster, TDLR (*Registered, but did not testify*: Kristina Hartman and Robert O’Banion, Windham School District)
- BACKGROUND:** Concerns have been raised that criminal background check requirements for occupational licenses may limit employment opportunities for formerly incarcerated individuals who gained training and experience while serving their sentences. Some have suggested that permitting inmates to obtain licenses could help address workforce shortages and support successful reentry into society.
- DIGEST:** HB 3860 would exempt inmates from certain occupational licensing requirements if they performed applicable work as inmates of the Texas Department of Criminal Justice (TDCJ). These exemptions would apply to inmates who performed air conditioning and refrigeration-related work, electrical work, barbering, or cosmetology as part of a reentry program or under supervision acceptable to the Texas Department of Licensing and Regulation.
- The bill also would authorize the Texas Commission of Licensing and Regulation to adopt rules for issuing licenses in those trades to inmates of TDCJ.

The bill would take effect September 1, 2025.

**SUBJECT:** Repealing requirements for agencies to have MOU with SOAH

**COMMITTEE:** Delivery of Government Efficiency — favorable, without amendment

**VOTE:** 8 ayes — Capriglione, Alders, Campos, Cook, Curry, L. Garcia, Olcott, Tinderholt

1 nay — Rodríguez Ramos

4 absent — Bhojani, Bowers, Cain, Troxclair

**WITNESSES:** For — None

Against — None

On — Shane Linkous, State Office of Administrative Hearings

**BACKGROUND:** Some have suggested that duplicative and redundant requirements for certain agencies to maintain memoranda of understanding (MOU) with the State Office of Administrative Hearings to govern formal hearing procedures and associated costs should be removed.

**DIGEST:** HB 3146 would repeal requirements for the following agencies to maintain memoranda of understanding regarding certain hearings to be conducted by the State Office of Administrative Hearings (SOAH):

- Department of Agriculture;
- Health and Human Services Commission;
- Department of Family and Protective Services;
- Department of Insurance;
- Division of Workers' Compensation; and
- Department of Public Safety.

HB 3146 would make conforming changes across multiple statutory codes.

The bill would take effect September 1, 2025.



- SUBJECT:** Authorizing school marshals to openly carry a handgun
- COMMITTEE:** Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment
- VOTE:** 8 ayes — Hefner, R. Lopez, Canales, Dorazio, Holt, Isaac, Louderback, McLaughlin
- 0 nays
- 3 absent — Cortez, Hickland, Pierson
- WITNESSES:** For — Wade Clark, Daryl Slaboda, Granbury ISD; Gary Zimmerman (*Registered, but did not testify*: John Poole, Executive Director, Texas State Rifle Association; John Beckmeyer, Leigh Gibson, Richard Hayes, Gun Owners of America; Emily Taylor, Gun Owners of America - Texas; Nick Tuccio, National Rifle Association; Chris McNutt, Texas Gun Rights; Derek Cohen, Texas Public Policy Foundation; and 6 individuals)
- Against — Christina Delgado, Community Justice; Paula Hansen, Robin Breed, Heather Kennedy, Moms Demand Action; Molly Bursey (*Registered, but did not testify*: Tyler Smith, Everytown for Gun Safety; Susan Markus, Sarah West, Moms Demand Action; Jo Cassandra Cuevas, Our Schools Our Democracy; Kelsey Kling, Texas AFT; Milan Narayan, Texas Gun Sense; Carrie Griffith, Texas State Teachers Association; and 29 individuals)
- On — Steve Kling (*Registered, but did not testify*: Gretchen Grigsby, Texas Commission on Law Enforcement)
- BACKGROUND:** Concerns have been raised that school marshals may be unable to quickly access their handguns in times of imminent danger due to a statutory requirement to keep a handgun concealed while on school premises. Some have suggested that allowing uniformed school marshals to openly carry a handgun would help ensure their ability to protect students.

DIGEST:

HB 3924 would amend provisions of the Education Code to remove language requiring the concealment of a handgun carried by a school marshal appointed by the governing body of a school district, open-enrollment charter school, private school, or junior college. The bill would require any written regulations adopted for the purpose of provisions allowing school marshals to carry or possess handguns to provide that the school marshal could, if wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person.

The bill would apply beginning with the 2025-2026 school year.

HB 3924 would take immediate effect if finally passed by a two-thirds record vote of all the members elected to each house. Otherwise, the bill would take effect September 1, 2025.