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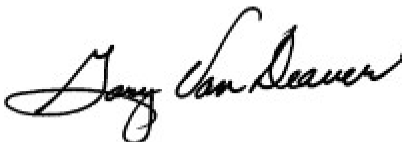
HOUSE RESEARCH ORGANIZATION

daily floor report

Monday, May 5, 2025
89th Legislature, Number 56
The House convenes at 11 a.m.
Part One

One resolution is on the Constitutional Amendments Calendar and 64 bills are on the General State Calendar for second reading consideration today. The list of bills in Part One of the *Daily Floor Report* begins on the following page.



Gary VanDeaver
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Monday, May 05, 2025

89th Legislature, Number 56

Part 1

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SUBJECT: Authorizing a tax exemption for certain border security infrastructure

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 11 ayes — Meyer, Bernal, Button, Capriglione, Gervin-Hawkins, Hickland, Noble, V. Perez, Troxclair, Turner, Vasut

1 nay — Martinez Fischer

1 absent — Muñoz

WITNESSES: For — (*Registered, but did not testify*: Charles Maley, South Texans' Property Rights Association; Drew Fuller, Texas Farm Bureau)

Against — (*Registered, but did not testify*: Fran Rhodes, True Texas Project)

DIGEST: CSHJR 34 would amend the Texas Constitution to authorize the Legislature to exempt from ad valorem taxation the market value of real property located in a county that bordered Mexico that arose from the installation or construction on the property of border security infrastructure and related improvements.

The resolution would authorize the Legislature to define "border security infrastructure" by general law and prescribe additional eligibility requirements for the exemption.

A ballot proposal would be presented to voters at an election on November 4, 2025, and would read: "The constitutional amendment to authorize the legislature to provide for an exemption from ad valorem taxation of the amount of the market value of real property located in a county that borders the United Mexican States that arises from the installation or construction on the property of border security infrastructure and related improvements."

SUPPORTERS SAY: CSHJR 34 would incentivize property owners to volunteer their property for border security enhancements by amending the Constitution to

authorize the Legislature to exempt that portion of the assessed value of a person's property from property taxes. While Texas pays a one-time fee to property owners at the Texas-Mexico border who voluntarily sign easement contracts to host the border wall, there is currently no tax exemption available to property owners for such border security infrastructure. Some landowners may hesitate to install border security measures due to potential increases in taxable property value. By providing an exemption for the assessed value of the property associated with the border security infrastructure, the resolution would encourage private property owners to support border security efforts without facing increased tax burdens.

The tax exemption authorized under the resolution would be provided for the value of the infrastructure installed on the property and any increase in property value from the improvements, and would not reduce the appraised value of the existing property.

Additionally, the resolution would not require a property owner to install border security infrastructure and would only apply to property in counties along the Texas-Mexico border. Individuals who volunteer to help establish and maintain border security infrastructure on their property should be rewarded for contributing to the state's efforts to secure the southern border.

CRITICS SAY:

The state should not provide tax exemptions that incentivize further border security infrastructure construction on private land, especially for state-supported construction of walls or the installation of surveillance equipment.

Additionally, CSHJR 34 would narrow the tax base and could shift the tax burden onto other property owners by removing property value from the tax rolls. The Legislature should focus on providing broad-based tax relief rather than carving out certain limited exemptions.

NOTES:

CSHB 247, the enabling legislation for CSHJR 34, is also on the daily House calendar for second reading consideration today.

According to the Legislative Budget Board, the resolution would have no cost to the state other than the cost of publication, which would be $191,689.

SUBJECT: Restricting statutory construction and interpretation to plain meaning

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Leach, Dyson, Hayes, LaHood, Landgraf, Schofield

4 nays — Johnson, Dutton, Flores, J. González

1 absent — Moody

WITNESSES: For — None

Against — (*Registered, but did not testify*: Andrew Hendrickson, ACLU of Texas; M. Paige Williams, Office of Dallas Criminal District Attorney John Creuzot)

On — (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Concerns have been raised that current statutory interpretation standards permit courts to consider the legislative intent of a statute at the time it was passed, including by reference to legislative history. Some have suggested that prohibiting courts from considering legislative intent and history and instead requiring an interpretation using only the common, ordinary meaning of the words would ensure that the statutes passed by the Legislature were interpreted as they were written.

DIGEST: CSHB 113 would amend certain provisions in the Code Construction Act (Government Code ch. 311) and the Construction of Laws (Government Code ch. 312) related to statutory construction, legislative intent, and the severability of statutes.

Statutory construction and legislative intent. CSHB 113 would prohibit a court, when interpreting a statute, from inquiring into what members of the Legislature intended to accomplish by enacting the statute. Courts would be required to enforce statutory text as written and in accordance with the common, ordinary meaning that the words had to a reasonable

speaker of the English language at the time of the statute's enactment unless the statute clearly indicated a different result.

The bill would prohibit a court from considering, consulting, citing, relying on, or giving weight to any statement from an individual legislator, a committee report, a presiding officer, or the governor upon signing a bill, unless the court's purpose was to determine the statute's ordinary meaning commonly understood at the time of enactment.

The bill would remove a court's obligation to liberally construe a statute and its ability to consider the object of the statute, circumstances under which it was enacted, legislative history, common law, former provisions, consequences of a particular construction, administrative construction, and the caption, preamble, and emergency provisions.

The bill would amend certain statutory construction provisions to remove references to legislative intent or a statute's intent and replace them with references to a legislative judgment or a statute's plain meaning, respectively.

Agency construction. The bill would prohibit a court from giving deference to a statutory construction by a state agency responsible for administering, implementing, or enforcing a statute. The court could consider a state agency's construction of a statute if it was reasonable and did not conflict with the plain language of the statute.

Grammatical or scrivener's errors. The bill would allow a court to interpret a statute with an apparent grammatical or scrivener's error in a way that was consistent with the understanding of the statute by an ordinary reader of the English language. A grammatical or scrivener's error would not invalidate a law.

Severability. Unless a statute contained a provision expressly providing for nonserverability, CSHB 113 would make severable every provision, section, subsection, sentence, clause, phrase, and word of a statute and every discrete application of those parts to any person, group of persons, or circumstance, rather than solely every provision and its application to any person or circumstance.

The bill would preserve and keep in effect all valid applications of a statutory provision, section, subsection, sentence, clause, phrase, or word to any other person, group of persons, or circumstances, even if a court held that another particular application was invalid, preempted, or unconstitutional. The bill would establish that it was the intent of the Legislature that every valid, non-preempted, and constitutional application of its statutory enactments be allowed to stand alone and remain enforceable.

Other provisions. CSHB 113 would prohibit the plain meaning of the text of the Business Organizations Code from being supplanted, contravened, or modified by any other state's laws or judicial decisions.

The bill would amend the construction of "shall" in statutes generally by providing that the use of "shall" would not indicate that an action was discretionary.

The bill would amend the construction of "must" in statutes generally by providing that "must" would impose a requirement and either create a duty or create or recognize a condition precedent, rather than solely create or recognize a condition precedent.

The bill would take effect September 1, 2025.

SUBJECT: Establishing student loan repayment for border prosecution unit attorneys

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 10 ayes — Wilson, Howard, A. Davis, Lalani, Lambert, Perez, Vincent, Shofner, Tinderholt, VanDeaver, Ward Johnson

0 nays

1 absent — Shaheen

WITNESSES: For — Tobie Kuykendall, Poole, 63rd District Attorney's Office (*Registered, but did not testify*: James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Bryan Flatt, TMPA)

Against — (*Registered, but did not testify*: Tory Morris; Ren Morris)

On — (*Registered, but did not testify*: Tom Krampitz, Border Prosecution Unit)

BACKGROUND: Concerns have been raised that recruiting and retaining qualified attorneys for the border prosecution unit can be challenging, as many attorneys are burdened with student loans that may deter them from pursuing or continuing lower-paying careers in public service. Some have suggested that establishing a student loan repayment assistance program could alleviate this financial burden and help the border prosecution unit attract and retain skilled prosecutors.

DIGEST: CSHB 184 would require the Texas Higher Education Coordinating Board (THECB) to provide assistance in the repayment of eligible student loans for eligible attorneys who applied and qualified for repayment assistance.

Eligibility. THECB would be authorized to assist in loan repayment for the repayment of any student loan received by an eligible person through any lender for education at a higher education institution, a private or independent higher education institution, or a public or private out-of-state

higher education institution accredited by a recognized accrediting agency, including loans for undergraduate education.

To be eligible for loan repayment assistance under the bill, an attorney would have to be a licensed attorney in Texas, apply to THECB in the manner prescribed by the board, and have completed one to four consecutive years of employment as a prosecuting attorney for the border prosecution unit.

THECB would be prohibited from providing repayment assistance for a loan that was in default at the time of the application.

The bill would require THECB, in each state fiscal biennium, to attempt to allocate all money appropriated to THECB for the purpose of providing loan repayment assistance.

Amount of assistance. The total amount of loan repayment assistance received by an attorney could not exceed $110,000, and the total amount of loan repayment assistance awarded could not exceed $2 million in each state fiscal biennium.

The total amount of loan repayment assistance awarded under the bill could not exceed the sum of the total amount of gifts and grants, legislative appropriations, and other money available to THECB for repayment assistance.

An attorney could receive loan repayment assistance under the bill for no more than four years. For each year an attorney established eligibility for the assistance, the attorney could receive assistance in an amount determined by applying 25 percent to the attorney's total student loan balance in each of the four years. The board could equitably adjust these yearly distribution amounts, as applicable.

Repayment. The board would be required to deliver any repayment in a lump sum payable to both the lender or other holder of the loan and the attorney, or directly to the lender or other holder of the loan on the attorney's behalf. A repayment under the bill could be applied to any amount due in connection with the loan.

Rules. THECB would be required to adopt rules necessary to administer loan repayment assistance under the bill and distribute copies of the rules adopted and other pertinent information to law schools, border prosecution unit prosecutor offices, and the criminal justice division of the governor's office.

CSHB 184 would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, CSHB 184 would have a negative impact of about $2.5 million to general revenue related funds through the biennium.

SUBJECT: Requiring periodic occupational cancer screenings for firefighters

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 9 ayes — C. Bell, Zwiener, Cole, Garcia Hernandez, Lowe, Luther, Rosenthal, Spiller, Tepper

0 nays

2 absent — Cortez, Leo Wilson

WITNESSES: For — Timothy Mackling, Flower Mound Professional Firefighters Association, Local 3649; John Riddle, Texas State Association of Firefighters (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Robin Foster and James Kershaw, Harris County Deputies' Organization FOP#39; Virginia Simonson, Military Officers Association of America, Texas Affiliate; Michelle Wittenburg, San Antonio Professional Fire Fighters Association; Matt Dowling, Texas Medical Association; Rachel Wolleben, Texas Women's Healthcare Coalition; John Sierega, TMPA; Thomas Parkinson)

Against — (*Registered, but did not testify*: Fran Rhodes, True Texas Project)

On — Roger Esparza, El Paso County ESD #2

BACKGROUND: Concerns have been raised regarding the high level of firefighter deaths due to cancer because of exposure to toxic substances while on duty. To increase awareness of cancer and reduce firefighter deaths, some have suggested that political subdivisions that employ firefighters should be required to provide occupational cancer screenings.

DIGEST: HB 198 would require a political subdivision that employed firefighters to offer occupational cancer screenings at no cost to each firefighter beginning in the firefighter's fifth year of employment and once every three years following the initial screening. The screening would be required to test for each type of cancer, including colorectal, lung, and

brain cancers, and prostate cancer, if applicable. The bill also would require the screening to be confidential.

The bill would take effect September 1, 2025.

SUBJECT: Exempting certain border security infrastructure from property tax

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 11 ayes — Meyer, Bernal, Button, Capriglione, Gervin-Hawkins, Hickland, Noble, V. Perez, Troxclair, Turner, Vasut

1 nay — Martinez Fischer

1 absent — Muñoz

WITNESSES: For — Charles Maley, South Texans' Property Rights Association; Drew Fuller, Texas Farm Bureau

Against — None

On — Brian Hodgdon, Comptroller of Public Accounts

BACKGROUND: Concerns have been raised that certain border security infrastructure placed on private land by the state could place a burden on property owners by increasing the property's appraised value, which could increase property taxes. Some have suggested that exempting the value added to property due to the construction or installation of border security infrastructure would address this issue among property owners.

DIGEST: CSHB 247 would exempt from property tax the appraised value of real property located in a county that bordered Mexico that arose from an improvement that was installed or constructed:

- under a written agreement between a property owner and the state or federal government to install or construct border security infrastructure on the owner's property, including additional improvements that were not border security infrastructure; or
- on land subject to a recorded easement granted by the property owner to the state or the federal government that dedicated the property for border security infrastructure.

The bill would define "border security infrastructure" as a wall, barrier, fence, road, trench, apparatus, or other improvement designed or adapted to surveil or impede the movement of persons or objects crossing the Texas-Mexico border.

The bill would apply certain statutory procedures for existing property tax exemptions to the exemption created by the bill.

When using the market data comparison method of appraisal, a chief appraiser would be prohibited from considering the price paid by the state or the federal government to purchase a real property parcel or easement if the purchase was to install or construct border security infrastructure on the property.

The bill would take effect January 1, 2026, but only if the constitutional amendment proposed by the 89th Legislature was approved by voters. If the constitutional amendment was not approved, the bill would have no effect.

NOTES: CSHB 247 is the enabling legislation for CSHJR 34, which is set for second reading consideration on the Constitutional Amendments Calendar today.

SUBJECT: Requiring a form for excused absences for certain seriously ill students

COMMITTEE: Public Education — favorable, without amendment

VOTE: 15 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft, Talarico

0 nays

WITNESSES: For — (*Registered, but did not testify*: Dale Story; James Hallamek, Texas State Teachers Association; Steven Deline)

Against — None

On — (*Registered, but did not testify*: Andrea Chevalier, Texas Council of Administrators of Special Education (TCASE); David Marx and Kristin McGuire, Texas Education Agency)

BACKGROUND: In 2021, the Legislature required public school districts to excuse a student from attending school for an absence resulting from a serious or life-threatening illness or related treatment. Concerns have been raised, however, that there is confusion regarding what information is required for a medically vulnerable student to be excused from attending school.

DIGEST: HB 367 would amend provisions regarding excused absences for students in public school districts. For a school district to excuse a student from attending school because of a serious or life-threatening illness or related treatment, the bill would require a student or the student's parent or guardian to provide on a required form a certification from a Texas-licensed physician specifying the following information, as determined by the physician:

- the student's illness;
- a statement that the illness was serious or life-threatening;
- the anticipated period of the student's absence relating to the illness or related treatment; and

- a statement that the illness made the student's attendance infeasible during the anticipated period of absence.

The bill would require a school district to adopt a form to provide the certification as soon as practicable. A district could not require the student or the student's parent or guardian to provide more documentation or information than was required by the form.

The bill would apply beginning with the 2025-2026 school year and 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 the creation of sexually explicit deep fake images

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Smithee, Bowers, Cook, J. Jones, Louderback, Money, Virdell

1 nay — Little

3 absent — Wu, Moody, Rodríguez Ramos

WITNESSES: For — Adrian Shelley, Public Citizen (*Registered, but did not testify*: Jason Sabo, Children at Risk; Jennifer Tharp, Comal County Criminal District Attorney; James Kershaw, Harris County Deputies' Organization FOP #39; Andrew Wright, Houston Police Officers' Union; Sydney Baker, Not on Our Watch Texas; Ray Hunt and John Wilkerson, Texas Municipal Police Association (TMPA); Danny Keele, Texas Police Chiefs Association; Sarah Berel-Harrop; Thomas Parkinson)

Against — None

BACKGROUND: Penal Code ch. 21 establishes provisions on sexual offenses. Sec. 21.165 establishes the offense of unlawful production or distribution of certain sexually explicit videos, including a definition of "deep fake video." This offense is a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000).

Concerns have been raised that, although deep fake pornographic videos have been prohibited by the Legislature, the production and distribution of deep fake pornographic images is not included within the scope of conduct that constitutes a criminal offense under Penal Code ch. 21.

DIGEST: HB 449 would amend Penal Code sec. 21.165 to specify that a person who, without the consent of the person appearing to be depicted, knowingly produced or distributed a deep fake image that appeared to depict the person with the person's intimate parts exposed or engaged in sexual conduct committs a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000).

The bill would define a "deep fake image" as an image, created with the intent to deceive, that appeared to depict a real person performing an action that did not occur in reality.

The bill would take effect September 1, 2025.

SUBJECT: Revising penalties and procedures for trafficking and related offenses

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 11 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Little, Louderback, Money, Moody, Rodríguez Ramos, Virdell

0 nays

WITNESSES: For — Michelle Sacks, Street Grace (*Registered, but did not testify*: Jason Sabo, Children at Risk; Joshua Sanders, City of Houston; Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Andy Kahan, Crime Stoppers Houston; M. Paige Williams, Dallas Criminal District Attorney John Creuzot; James Kershaw, Harris County Deputies' Organization FOP # 39; Andrew Wright, Houston Police Officers' Union; Sydney Baker, Not on Our Watch Texas; Ashley Brooks, Texas Association Against Sexual Assault; Kelsey Bernstein, Texas Council of Community Centers; Ray Hunt and John Wilkerson, Texas Municipal Police Association; Jennifer Easley, Texas PTA; Sarah Berel-Harrop; Joyelle Johnson; Thomas Parkinson)

Against — None

On — Allen Place, Texas Criminal Defense Lawyers Association (*Registered, but did not testify*: Annabelle Dillard, Department of State Health Services; Brody Burks and Amy Meredith, Office of the Attorney General)

BACKGROUND: Some have suggested certain recommendations by the Texas Human Trafficking Prevention Task Force, which develops legislative recommendations aimed at preventing human trafficking, protecting victims, and disrupting related economic activity, should be codified to improve the state's response to human trafficking.

DIGEST: HB 1778 would revise provisions related to human trafficking offenses and enhance penalties for related crimes. The bill would expand requirements for human trafficking awareness training and signage for

certain businesses, create new offenses, amend penalties, and revise other existing provisions. HB 1778 also would update provisions for admissibility of hearsay statements, revise continuing education requirements, and eliminate the statute of limitations for certain trafficking-related offenses.

Human Trafficking Prevention Coordinating Council. HB 1778 would amend the composition of the Human Trafficking Prevention Coordinating Council to include the Office of Court Administration of the Texas Judicial System. The bill would require the office to appoint a representative to the council as soon as practicable after September 1, 2025.

Regulated businesses. HB 1778 would expand requirements to post human trafficking awareness signage to include body piercing studios. HB 1778 would amend the Health and Safety Code to require each employee of tattoo and body piercing studios to complete a training approved by the commissioner of the Health and Human Services Commission (HHSC) on identifying and assisting victims of human trafficking. The HHSC commissioner would be required to approve courses on human trafficking prevention, including at least one available without charge, and would have to post a list of approved training courses on HHSC's website.

HHSC would be required to approve and adopt rules related to the human trafficking prevention training courses, and the Department of State Health Services would have to post information about the approved courses on its website by September 1, 2025. The Texas Commission of Licensing and Regulation would also be required to adopt rules to include human trafficking prevention in the continuing education requirements for barbers and cosmetologists as soon as practicable after September 1, 2025. Employees of tattoo and body piercing studios would not be required to complete the training required by the bill before January 1, 2026.

Trafficking of persons offense. HB 1778 would amend the offense of trafficking of persons to specify that, for offenses involving a child or a person with a disability, the actor would not be required to know the victim's age or disability status.

Solicitation of prostitution offense. HB 1778 would revise the second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) enhancement for solicitation of prostitution by removing the requirement that a person pay a fee to engage in sexual conduct with a person who was, or who the actor believed was, under age 18, instead establishing that a person would commit the offense by agreeing to engage in such sexual conduct.

Continuous promotion of prostitution offense. HB 1778 would establish that a person who, during a period of 30 or more days, engaged in conduct constituting promotion of prostitution two or more times committed the offense of continuous promotion of prostitution, punishable as a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to $10,000). The offense would not require a jury to agree unanimously on which specific acts or exact dates constituted promotion of prostitution if the jury was the trier of fact. The jury would only be required to unanimously agree that two or more acts constituting the promotion of prostitution occurred during the required period. A person could not be convicted of both continuous promotion and a separate promotion offense involving the same victim in the same criminal action, unless:

- the charges were brought in the alternative;
- the offenses occurred during different time periods; or
- the separate offense was considered by the trier of fact to be a lesser included offense.

HB 1778 would also provide that a defendant could not be charged with more than one count of continuous promotion of prostitution if all conduct constituting the offense was committed against the same victim.

HB 1778 would include continuous promotion of prostitution among offenses for which a victim could be eligible for crime victim compensation and the address confidentiality program, and include the offense among those that could affect eligibility for the first offender solicitation of prostitution prevention program. The bill would allow local governments to impose more restrictive regulations on massage establishments associated with such offenses. The bill would also require

the imposition of bond conditions, authorize community supervision for certain offenders, and disqualify individuals convicted of continuous promotion of prostitution from licensure or continued practice as massage therapists or instructors.

Child pornography. HB 1778 would revise the penalty structure for possession of child pornography by establishing that an offense was considered:

- a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000) for possession of fewer than 10 visual depictions of a child, rather than 100;
- a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000) 10 or more but fewer than 50 depictions, rather than 100 or more but fewer than 500; and
- a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to $10,000) for 50 or more depictions, rather than 500 or more, as well as for possession of visual material involving conduct that constituted sexual assault of a child.

HB 1778 would also increase the penalty for promotion of child pornography from a second-degree felony to a first-degree felony. The bill also would establish that the offense required a minimum term of confinement of 15 years if the promotion involved 50 or more depictions of child pornography or depictions of the sexual assault of a child and if the person had a prior conviction for possession or promotion of child pornography.

Failure to stop or report offenses against children. HB 1778 would revise the offense of failure to stop or report aggravated assault of a child by renaming it as “failure to stop or report a sexual or assaultive offense against a child” and removing an exception to the offense for individuals with a legal duty to act. The bill also would increase the penalty for such an offense from a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000) to a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000) and authorize prosecution under multiple statutes where applicable.

Statute of limitations and evidence. HB 1778 would eliminate the statute of limitations for the offenses of continuous promotion of prostitution and failure to stop or report a sexual or assaultive offense against a child. This change would not apply to the prosecution of a previously barred offense of failure to stop or report a sexual assault of a child.

HB 1778 would amend provisions governing hearsay statements of abuse victims to expand their applicability to persons with a disability. The trial court also would be required to admit more than one hearsay statement if each statement met the applicable statutory requirements and described different conduct by the defendant.

HB 1778 would also expand the admissibility of extraneous offense evidence by removing restrictions that limit admissibility to offenses committed against minors.

Effective date. The bill would take effect September 1, 2025, and would apply only to proceedings and offenses committed on or after that date.

NOTES:

According to the Legislative Budget Board, the fiscal implications and impact on state correctional populations or resources cannot be determined due to insufficient data to estimate the prevalence of conduct subject to criminal penalties under the bill.

SUBJECT: Creating a maternal health care workforce campaign

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, J. Jones, Shofner

2 nays — Olcott, Pierson

2 absent — Schofield, Simmons

WITNESSES: For - Nakeenya Wilson, Black Mamas Village; Darline Turner, Healing Hands Community Birthing Project and Texas Doula Assoc., Maternal Health Equity Collaborative; Diana Forester, Texans Care for Children; Morgan Miles, Texas Doula Association, GALS, Maternal Health Equity Collaborative; Rachel Wolleben, Texas Women's Healthcare Coalition (*Registered, but did not testify*: Christine Yanas, Methodist Healthcare Ministries; Christine Busse, NAMI Texas; Jessica Hagerty, National Association of Social Workers TX; Jessica Schleifer, Teaching Hospitals of Texas; Faith Villarreal, Texas Association of Business; David Reynolds, Texas Chapter American College of Physicians; Alycia Castillo, Texas Civil Rights Project; Mackenzie Lyra, Texas Health Resources; James Parker, Texas Hospital Association; Kyle Riley, Texas Impact; Michelle Romero, Texas Medical Association; Clayton Travis, Texas Pediatric Society; Jennifer Allmon, The Texas Catholic Conference of Bishops; Ashley Harris, United Ways of Texas; Thomas Parkinson)

Against - None

On - (*Registered, but did not testify*: Manda Hall, Department of State Health Services)

BACKGROUND: Concerns have been raised that Texas faces challenges in access to maternity care, particularly in rural areas and communities of color. Some have suggested that a public outreach campaign could help increase the number of maternal health professionals in underserved areas.

DIGEST: HB 514 would require the Department of State Health Services (DSHS), using available resources, to develop and implement a public outreach campaign to increase the number of maternal health care professionals in the state's health care workforce to improve access to maternal health care in rural areas and other areas with a shortage of maternal health care professionals.

The bill would define a "maternal health care professional" as a professional who was certified or licensed in this state to provide maternal health care, including a doula and an individual who provided nonmedical support during pregnancy, labor, delivery, and the postpartum period.

The bill would require DSHS to design the campaign to:

- prioritize continuing education for maternal health care professionals;
- facilitate the implementation of training programs to provide trauma-informed care training for all maternal health care professionals;
- facilitate the implementation of training programs to increase the number of maternal health care professionals in rural and underserved areas;
- increase the number of professionals who are members of racial or ethnic minority groups in the maternal health care workforce;
- increase the overall capacity of the maternal health care workforce in the state, including by investing in equipment and locations to provide maternal health care; and
- facilitate the implementation of maternal health care programs that improve access and services for women of underserved racial or ethnic minority groups.

The bill would require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules necessary to implement the bill.

The HHSC executive commissioner and DSHS would be required to fulfill their obligations under the bill as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2025.

SUBJECT: Expanding authorization to exercise the power of sale

COMMITTEE: Trade, Workforce & Economic Development — favorable, without amendment

VOTE: 10 ayes — Button, Talarico, K. Bell, Bhojani, Harris Davila, Longoria, Lujan, Luther, Ordaz, Richardson

0 nays

1 absent — Meza

WITNESSES: For — Charlotte Young, Auction.com (*Registered, but did not testify*: Steven Deline)

Against — None

BACKGROUND: Concerns have been raised that the use of the term "person" in the Property Code's definitions of trustee and substitute trustee has created uncertainty about whether legal entities, such as corporations or government agencies, may serve in those roles during foreclosure proceedings. Some have suggested that expressly including legal entities in the statute would provide clarity.

DIGEST: HB 576 would revise the definitions of "trustee" and "substitute trustee" under Property Code provisions related to liens to include individuals, corporations, organizations, government entities, business trusts, estates, partnerships, associations, or other legal entities.

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 emergency refill limits for insulin and related supplies

COMMITTEE: Public Health — favorable, without amendment

VOTE: 11 ayes — VanDeaver, Campos, Bucy, Collier, Cunningham, Frank, Johnson, J. Jones, Olcott, Pierson, Shofner

0 nays

2 absent — Schofield, Simmons

WITNESSES: For — Roxann Dominguez, Texas Pharmacy Association (*Registered, but did not testify*: Chase Bearden, Coalition of Texans with Disabilities; Lynn Kelly, H-E-B, LP; Janis Carter, Texas Federation of Drug Stores; Duane Galligher, Texas Pharmacy Association; Rachel Wolleben, Texas Women's Healthcare Coalition; Casey Nicholss)

Against — None

BACKGROUND: Concerns have been raised that the 30-day supply cap on emergency refills of insulin may limit access for patients whose required dosage exceeds that amount. Some have suggested that modifying the 30-day supply cap would protect patients and ensure that pharmacists can be appropriately reimbursed.

DIGEST: HB 632 would establish an exception to the 30-day supply cap on the quantity of an emergency refill of insulin if the smallest commercially available package of insulin exceeded a 30-day supply. The bill would authorize a pharmacist to dispense multiple packages of insulin for an emergency refill if the total quantity dispensed did not exceed a 30-day supply.

The bill also would establish that the quantity of an emergency refill of insulin-related equipment and supplies may not exceed the smallest commercially available package necessary for a 30-day supply, rather than the lesser of a 30-day supply or the smallest available package.

The bill would take effect September 1, 2025.

SUBJECT: Extending vehicle rental terms, requiring damage waiver refunds

COMMITTEE: Trade, Workforce & Economic Development — committee substitute recommended

VOTE: 10 ayes — Button, Talarico, K. Bell, Bhojani, Longoria, Lujan, Luther, Meza, Ordaz, Richardson

0 nays

1 absent — Harris Davila

WITNESSES: For — Shelby Beene-Route, Enterprise Mobility (Enterprise/National/Alamo) (*Registered, but did not testify*: Keith Strama, Avis; Thomas Parkinson)

Against — None

BACKGROUND: Concerns have been raised that current law limits optional rental car collision damage waiver agreements to 30-day rental periods, while certain other statutes define rentals as lasting up to 180 days. Some have suggested that aligning these definitions would reduce confusion and allow renters to maintain consistent coverage during longer rental periods.

DIGEST: CSHB 1395 would increase from 30 days or less to 180 days or less the length of time that qualified an agreement for use of a vehicle rented by a rental company as a "rental agreement," and would make conforming changes to the definition of a "rental company."

The bill also would require a private passenger vehicle rental company to refund any damage waiver charges for a period in which the waiver was not in effect if the renter returned the vehicle before the anticipated return date or canceled the damage waiver before the return date, and the rental company confirmed the vehicle was not damaged before cancellation.

The bill would take effect September 1, 2025.

SUBJECT: Revising approval vote and notice requirements related to impact fees

COMMITTEE: Land & Resource Management — favorable, without amendment

VOTE: 5 ayes — Gates, Alders, Hunter, Morgan, Virdell

2 nays — Hinojosa, R. Lopez

2 absent — Lalani, Y. Davis

WITNESSES: For — David Lehde, Frank Murphy, Dallas Builders Association; Don Allen, Greater Fort Worth Builders Association; Shad Schmid, Greater San Antonio Builders Association; Charlie Coleman, Lennar; Jared Bryan, Temple Area Builders Association; Frances Blake, Sam Mezayek, Texas Association of Builders (*Registered, but did not testify*: Mitchell Schwartz, HBA of Greater Austin; Neal Buddy Jones, Perry Homes; Alina Carnahan, Real Estate Council of Austin; Stephanie Matthews, Texans for Reasonable Solutions; Jenn Saenz, Texas Apartment Association; M. Scott Norman, Jr., Texas Association of Builders; Blake Roach, Texas Farm Bureau; DJ Pendleton, Texas Manufactured Housing Association; Seth Juergens, Texas Realtors; Corey Krill)

Against — Andrew Mack, AICP, APA Texas; David Billings, City of Fate (*Registered, but did not testify*: Carissa Cox, APA Texas; Jon Weist, City of Irving; Kent Souriyasak, City of Leander; Joe Smolinski, City of Mansfield)

On — Kevin Pitts, City of Georgetown

BACKGROUND: Local Government Code sec. 395.042 requires a political subdivision, in order to impose an impact fee on new development, to establish a public hearing date to consider the land use assumptions and capital improvements plan for the designated service area. Sec. 395.043 requires the political subdivision, on or before the publication date of notice for a hearing, to make land use assumptions, projection time periods, and a description of the capital improvement facilities that may be proposed available to the public.

Sec. 395.054 requires the governing body of a political subdivision to hold a public hearing to discuss a proposed amendment to land use assumptions, the capital improvements plan, or the impact fee, and requires the governing body to make the assumptions, plan, and proposed amended fee amount publicly available on or before the publication date of the notice for the hearing.

Concerns have been raised about the lack of limitations on local governments' ability to increase impact fees imposed on new development.

DIGEST:

HB 2225 would require the imposition of an impact fee to receive an affirmative vote of three-fourths of the governing body of the applicable political subdivision in order to be approved. The bill would prohibit a political subdivision from increasing the amount of an impact fee for five years from the date it was adopted, or from the date it was most recently increased, if applicable.

The bill would amend Local Government Code secs. 395.043 and 395.054 to specify that a political subdivision would have to make the required information publicly available at least 60 days before publication of the notice for an applicable hearing.

HB 2225 would extend the period within which the governing body of a political subdivision must set a public hearing date to discuss and review an update of its land use assumptions and capital improvements plan from 60 to 120 days after receiving the update.

HB 2225 would repeal provisions of the Local Government Code allowing a political subdivision's planning and zoning commission to act as a capital improvements advisory committee under certain conditions. The bill also would raise the percentage of advisory committee membership that had to be representatives of the real estate, development, or building industries and not government employees or officials from 40 to 50 percent.

The bill would take effect September 1, 2025.

SUBJECT: Expanding victim rights to receive certain parole information

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 11 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Little, Louderback, Money, Moody, Rodríguez Ramos, Virdell

0 nays

WITNESSES: For — Andy Kahan, Crime Stoppers Houston; Bertha Lavinia Masters (*Registered, but did not testify*: Ashley Brooks, Texas Association Against Sexual Assault; Steven Deline; Thomas Parkinson; Yvette Salazar)

Against — None

On — Tim McDonnell, Board of Pardons and Paroles (*Registered, but did not testify*: Jason Clark, TDCJ)

BACKGROUND: Under Code of Criminal Procedure art. 56A.051, a victim, guardian of a victim, or close relative of a deceased victim is entitled to certain rights within the criminal justice system, including the right to be informed of parole proceedings and a defendant's release.

Some have suggested that more detailed information about a defendant's parole status, such as parole conditions and the county where the defendant is paroled, should be included to help victims remain aware of developments that could affect their safety.

DIGEST: HB 2582 would amend Code of Criminal Procedure art. 56A.051 to include the following among the information of which a victim, guardian of a victim, or close relative of a deceased victim would be entitled to be notified, if requested, with respect to a defendant in the victim's case who was released on parole:

- the county in which the defendant would be required to reside and the conditions of the defendant's parole, including any condition that would prohibit the defendant from going near the victim's

home or work or require the defendant to complete a battering intervention and prevention program;

- any offense with which the defendant was charged after release on parole;
- the issuance of any warrant for the return of the defendant; and
- any revocation of the defendant's parole.

The bill would take effect September 1, 2025.

SUBJECT: Revising qualifications and procedures for petitions for disannexation

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 6 ayes — Gates, Alders, Hunter, R. Lopez, Morgan, Virdell

0 nays

3 absent — Lalani, Y. Davis, Hinojosa

WITNESSES: For — Shawn Breedlove, John Porter, Chris Johns, Homeowners for Fair Taxes and Services, Inc. (*Registered, but did not testify*: M. Scott Norman, Jr., Texas Association of Builders; Blake Roach, Texas Farm Bureau; Seth Juergens, Texas Realtors; Jay Propes)

Against — Carissa Cox, APA Texas; Andrew Mack, AICP, APA Texas; Daniel Moore, City of Dallas; David Billings, City of Fate; Bill Longley, Texas Municipal League (*Registered, but did not testify*: Patricia Link, City of Austin; Ryan Skrobarczyk, City of Corpus Christi; Kent Souriyasak, City of Leander; Nadia Islam, City of San Antonio; Tracy Morehead, The City of McAllen; Judah Rice)

On — (*Registered, but did not testify*: Kevin Pitts, City of Georgetown)

BACKGROUND: Local Government Code sec. 43.141 allows a majority of voters in an annexed area to petition to be disannexed from a municipality that fails or refuses to provide certain services required by law. If the governing body of the municipality fails or refuses to disannex the area within 60 days of receiving the petition, any of the signers may bring an action in a district court of the county, which is required to enter an order disannexing the area if it finds that the petition was valid and the municipality failed to provide the applicable services or to perform in good faith.

Sec. 43.148 requires a municipality to refund the landowners of a disannexed area the money collected in property taxes and fees during the period the area was part of the municipality, minus the amount spent for the direct benefit of the area during that period.

Concerns have been raised about the current limitations on who qualifies to petition for disannexation from a city that fails to provide essential services and the lack of clarity regarding the process.

DIGEST: CSHB 2494 would revise Local Government Code sec. 43.141 to allow a majority of property owners in any area, including one or more lots, tracts, or parcels or a portion thereof, rather than the voters of an annexed area, to petition for disannexation from a municipality that failed to provide certain services. Additionally, the bill would require a court to enter an order disannexing an area if it found that the municipality had not connected the majority of properties in the area covered by a petition to municipal water and wastewater systems, if applicable, regardless of whether the area had been annexed by the municipality. The landowners of an area disannexed for this reason would not be eligible for a refund of taxes or fees under Local Government Code sec. 43.148.

CSHB 2494 also would specify that a petition case had to be advanced and heard according to rules for expedited actions under the Texas Rules of Civil Procedure, and would require a district court to award attorney's fees to the signers of a petition if the court found that it was valid and that the municipality had failed to provide services or to perform in good faith. The bill would prohibit the disannexation of an area under Sec. 43.141 that comprised the bed of a navigable waterway.

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 contact information on precinct chair ballot application

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Shaheen, Bucy, Isaac, Morales Shaw, Plesa, Swanson, Toth, Wilson

0 nays

1 absent — Raymond

WITNESSES: For - Katherine Cano (*Registered, but did not testify*: Steven Deline; Kathy Haigler; Wilma Putnam; Terry Putnam)

Against - Ed Johnson, Harris County Ballot Security (*Registered, but did not testify*: Debbie Lindstrom, Citizens Defending Freedom; Russell Hayter)

On - (*Registered, but did not testify*: Chuck Pinney, Texas Secretary of State)

BACKGROUND: The current application for a place on the general primary ballot for a precinct or county chair, as prescribed by the secretary of state, indicates that providing either an email address or telephone number is optional. Some have suggested that precinct and county chair applicants should be required to include email or phone contact information on their applications in order to enable local authorities to contact applicants.

DIGEST: CSHB 766 would require a candidacy application for precinct chair to include:

- an email address at which the candidate received correspondence relating to the candidate's campaign;
- a telephone number at which the candidate could be reached; or
- an email address and telephone number described above.

The information provided under the bill would be confidential and would not constitute public information under the Public Information Act.

The bill would take effect September 1, 2025.

SUBJECT: Revising procedures for removal of certain county officers from office

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 9 ayes — King, Darby, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Smithee

6 nays — Hernandez, Anchía, Y. Davis, Raymond, Thompson, Turner

WITNESSES: For — (*Registered, but did not testify*: Michael Bullock, Austin Police Association; Bryan Flatt, TMPA; Tom Glass)

Against — (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Christine Wright, City of San Antonio; Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Leann Monk, Tracy Soldan, County Treasurers Association of Texas; Josie Castro Garcia, Dallas County; M Paige Williams, Dallas Criminal District Attorney John Creuzot; Elisa M. Tamayo, El Paso County; Katelyn Caldwell, Harris County Commissioners Court; Ron Cunningham, Llano County and Texas County Judges and Commissioners Association; Jacob Putman, Thomas Wilson, Smith County Criminal District Attorneys Office; Alycia Castillo, Texas Civil Rights Project; Cicely Kay, Travis County Commissioners Court; Stephanie Gharakhanian, Travis County District Attorney's Office; Steven Deline; Leigh Joseph; Thomas Parkinson)

BACKGROUND: Local Government Code ch. 87, subch. B provides for the removal from office by petition and trial of certain county officers, including district and county attorneys, for incompetency, official misconduct, alcoholic intoxication, or failure to execute or give a bond as required by law.

Sec. 87.015 requires a petition for removal of a prosecuting attorney to be addressed to the presiding judge of the administrative judicial region in which the petition is filed. Petitions for the removal of other officers must be addressed to the district judge of the court in which they are filed.

Sec. 87.0151 requires the district clerk to deliver a copy of a petition to remove a prosecuting attorney to the presiding judge of the applicable administrative judicial region. On receiving the petition, the presiding judge must assign a judge of a district that does not include the county in which the petition was filed to conduct the removal proceedings.

Under sec. 87.018(f), in a proceeding to remove a prosecuting attorney, the presiding judge of the applicable administrative judicial region must appoint a prosecuting attorney from another judicial district or county, as applicable, in the administrative judicial region to represent the state.

Some have suggested that standardizing the judicial process for removing certain local officials from office by requiring all removal petitions to be addressed to the presiding judge of the relevant administrative judicial region would enhance government accountability.

DIGEST:

CSHB 2715 would amend the procedures for a petition to remove an officer under Local Government Code ch. 87, subch. B to require that any petition for removal of an officer be addressed to the presiding judge of the administrative judicial region in which the petition was filed under sec. 87.015. The bill would apply provisions related to the assignment of a judge for a removal petition of a prosecuting attorney under sec. 87.0151 and certain provisions related to a removal proceeding for a prosecuting attorney under sec. 87.018(f) to the removal of any county officer under ch. 87, subch. B.

CSHB 2715 would apply only to the removal of an officer for whom the petition was filed on or after the bill's effective date.

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 test years be used for certain water and sewer utility rates

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 12 ayes — Harris, Martinez, Ashby, Barry, C. Bell, Buckley, Fairly, Gámez, J. Garcia, Romero, Villalobos, Zwiener

0 nays

1 absent — M. González

WITNESSES: For — Craig Blanchette, Aqua Texas, Inc.; Geoff Kirshbaum, Texas Association of Water Companies (*Registered, but did not testify*: Buddy Garcia, Aqua Texas; Jerry Valdez, Quadvest Utilities; Lara Zent, Texas Rural Water Association; Matthew Bentley, Texas Water Company; Jessica Allen, Texas Water Utilities)

Against — (*Registered, but did not testify*: Logan Harrell, Texas Chemistry Council)

On — (*Registered, but did not testify*: Benjamin Barkley, Office of Public Utility Counsel; Anna Givens, Public Utility Commission of Texas)

BACKGROUND: Some have suggested that requiring utilities to use a "future test year" that included projected costs would help align rates with the true cost of service, support timely infrastructure upgrades, and reduce the need for frequent rate cases, benefiting both utilities and customers.

DIGEST: HB 2712 would require a regulatory authority to fix rates for water and sewer services for a Class A, B, C, or D utility based on a test year the utility selected that:

- included historic, future, or combined historic and future data;
- began on the first day of a calendar or fiscal year quarter; and
- was a consecutive 12-month period that began no later than 18 months after, and ended no earlier than 18 months before, the date the utility filed its statement of intent to change rates.

HB 2717 would amend certain provisions of the Water Code related to components of invested capital and net income to require a regulatory authority to allow inclusion of facilities projected to be in service through the end of the test year.

The bill would make conforming changes to the Water Code to require that the methods for fixing utility rates be based on test year information, and remove references to historic test year information and currently used property as the basis of other expense calculations.

The bill would take effect September 1, 2025 and apply only to a rate proceeding that commenced on or after that date.

SUBJECT: Establishing long-term transmission planning criteria for ERCOT projects

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 15 ayes — King, Hernandez, Anchía, Darby, Y. Davis, Geren, Guillen, Hull, McQueeney, Metcalf, Phelan, Raymond, Smithee, Thompson, Turner

0 nays

WITNESSES: For — Matthew Boms, Texas Advanced Energy Business Alliance; Bryn Baker, Texas Energy Buyers Alliance; Eddie Lucio III, Texas Transmission Project; David Carter; Larry Linenschmidt (*Registered, but did not testify*: Carrie Simmons, Conservative Texans for Energy Innovation; Colin Leyden, Environmental Defense Fund; Cyrus Reed, Lone Star Chapter Sierra Club; Kevin Doffing, Project Vanguard; Sandra Haverlah, Texas Consumer Association)

Against — Katie Coleman, Texas Association of Manufacturers (*Registered, but did not testify*: Julie Moore, Oxy; Dana Pate, Samsung; Mia McCord, Texas Chemistry Council; Tulsi Oberbeck, Texas Oil and Gas Association)

On — Woody Rickerson, Electric Reliability Council of Texas (ERCOT); Joshua Rhodes (*Registered, but did not testify*: Barksdale English, Public Utility Commission of Texas)

BACKGROUND: Concerns have been raised that few Electric Reliability Council of Texas (ERCOT)-recommended projects have advanced under current planning criteria. Some have suggested that requiring the Public Utility Commission of Texas (PUC) to adopt new evaluation methods for certain transmission projects could help ensure long-term cost savings for consumers, improve grid reliability, and support the state's growing energy needs.

DIGEST: CSHB 3069 would require the Public Utility Commission of Texas (PUC) to establish supplemental multi-decade transmission planning criteria for

granting a certificate for a transmission project that served the Electric Reliability Council of Texas (ERCOT) power region and that was not necessary to meet state or federal reliability standards. The bill would require that the criteria provide for an evaluation of potential savings for customers using methods such as discount rates, hurdle rates, averaging costs over a reasonable number of years, and scenario planning, or any other method PUC considered appropriate.

PUC findings would have to be included in the multi-decade transmission planning criteria with its decision on an application for a certificate. PUC could use an evaluation of a proposed transmission project conducted by ERCOT under the bill when considering whether to grant a certificate for a transmission project.

PUC would be required to direct ERCOT to take any action necessary for implementation of the bill by September 1, 2026.

The bill would establish that it was the intent of the Legislature that the economic transmission planning required by the bill provide cost savings for consumers.

The bill would take effect September 1, 2025, and would apply only to a proceeding affecting a certificate of public convenience and necessity that commenced on or after that date.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of $747,401 to general revenue related funds through the biennium.

SUBJECT: Extending health care provider participation programs in certain districts

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 8 ayes — C. Bell, Zwiener, Cortez, Leo Wilson, Luther, Rosenthal, Spiller, Tepper

1 nay — Lowe

2 absent — Cole, Garcia Hernandez

WITNESSES: For — Jared Konczal, Gjerset & Lorenz LLP (*Registered, but did not testify*: Christina Hoppe, Children's Hospital Association of Texas; Travis Richmond, CHRISTUS Health; Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Santiago Franco, Harris County Commissioners Court; Meghan Weller, HCA Healthcare; John Hawkins, Texas Hospital Association)

Against — None

BACKGROUND: Health and Safety Code chapter 300A establishes health care provider participation programs in districts composed of certain local governments.

Some have suggested that the local provider participation funds program that serves Henderson County, the Hopkins County Hospital District, and Lamar County, which is set to expire in 2025, should be extended to continue to provide resources for these local governments to fund Medicaid in lieu of state revenue.

DIGEST: HB 3505 would add chapter 300C to the Health and Safety Code to authorize a health care provider participation district created by certain local governments to administer a health care provider participation program. The program would have to provide additional compensation to certain hospitals in the district by collecting mandatory payments from each of those hospitals to provide the nonfederal share of a Medicaid supplemental payment program and fulfill other purposes.

The bill would only apply to a local government that jointly created a health care provider participation district and was:

- a county with a population between 80,000 and 90,000 that bordered the Trinity River;
- a county with a population between 45,000 and 55,000 that bordered Oklahoma; or
- a hospital district located in a county that had a population of more than 30,000 and contained a portion of Jim Chapman Lake.

The bill would permit a district's board of directors to authorize the district to participate in a health care provider participation program on the affirmative vote of a majority of the board. A district could administer and operate a program under the bill after its authority to administer and operate a program under Chapter 300A had expired. The board also could adopt rules related to any administrative aspect of the program, including the collection of mandatory payments, expenditures, and audits.

Operation and dissolution of district. The bill would permit a health care provider participation district created under Chapter 300A to operate under and be governed by the bill instead of Chapter 300A if each local government that jointly created the district adopted a concurrent order to this effect. The bill would require a concurrent order authorizing a district to operate under the bill to:

- be approved by the governing body of each participating local government;
- contain provisions that were identical to the provisions of the concurrent order adopted by each other participating local government;
- affirm that the district's territory was the area contained within the boundaries of each participating local government; and
- provide that the district began to operate under the bill's provisions immediately on the expiration of the district's authority to administer and operate a program under Chapter 300A.

Board of directors. If three or more local governments adopted concurrent orders authorizing a health care provider participation district to operate, the presiding officer of the governing body of each local government that created the district would appoint one director.

If two local governments adopted concurrent orders, the presiding officer of the governing body of the most populous local government would appoint two directors, and the presiding officer of the governing body of the other local government would appoint one director.

The bill also would establish guidelines for the board of directors regarding elections, term requirements, qualifications, compensation, and the ability to sue and be sued.

Dissolution. The bill would require a district to be dissolved if the local governments that created the district adopted concurrent orders to dissolve the district and the concurrent orders contained identical provisions. After the dissolution of a district, the board would be required to continue to control and administer any property, debts, and assets of the district until all of the district's property and assets had been disposed of and all of the district's debts had been paid or settled.

As soon as practicable after the dissolution of the district, the board would be required to transfer to each institutional health care provider in the district the provider's proportionate share of any remaining money in any local provider participation fund created by the district.

If, after administering the district's property and assets, the board determined that the property and assets were insufficient to pay the debts of the district, the district would be required to transfer the remaining debts to the local governments that created the district in proportion to the money contributed to the district by each local government. If, after complying with these provisions and administering the district's property and assets, the board determined that unused money remained, the board would be required to transfer the unused money to the local governments that created the district in proportion to the money contributed to the district by each local government.

After the district had paid or settled all its debts and had disposed of all its property and assets, the board would be required to provide an accounting to each local government that created the district. The accounting would show the manner in which the property, assets, and debts of the district were distributed.

Mandatory payments. The board would be required to set the amount of a mandatory payment, subject to certain requirements, such as ensuring payments were proportionate and setting payments at sufficient levels to cover the district's administrative activities under the bill. The bill would prohibit a board from requiring a mandatory payment during a period for which the board was requiring a mandatory payment under Chapter 300A.

A mandatory payment would not be a tax for hospital district purposes. A paying hospital could not add the cost of the payment as a surcharge to a patient.

Assessment and collection. The mandatory payment would be assessed on the net patient revenue of each institutional health care provider located in the district. The district would have to provide for the mandatory payment to be assessed at least annually, but not more often than quarterly.

The district could assess and collect mandatory payments itself or through a contractor, who could charge a collection fee. If a district official performed the collection, any collected fee would have to be deposited into the district's general fund and reported as fees of the district.

To the extent that the bill caused a mandatory payment to be ineligible for federal matching funds, the board could provide by rule for an alternative provision or procedure that conformed to the federal Centers for Medicare and Medicaid Services requirements. A rule adopted for this purpose could not create, impose, or materially expand the legal or financial liability or responsibility of the district or an institutional health care provider located in the district beyond what was authorized by the bill.

Limitations on collection. The district could not collect mandatory payments to raise general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid

supplemental payment program or Medicaid managed care rate enhancements for nonpublic hospitals and to cover the administrative expenses of the district. The district could assess and collect a mandatory payment only if a waiver program, uniform rate enhancement, or certain reimbursement mechanisms were made available.

Public hearing. The board would be required to hold a public hearing each year that it authorized a health care provider participation program on the amounts of any mandatory payments that the board intended to require during the year and how the revenue derived from those payments was to be spent. Within five days before a hearing, the board would be required to publish notice of the hearing in a newspaper of general circulation and provide written notice to each institutional health care provider located in the district. A representative of a paying hospital would be entitled to appear at the public hearing and be heard on any matter related to the mandatory payments.

Local provider participation fund. The board would be required to deposit all mandatory payments in the local provider participation fund created under Chapter 300A. The fund would consist of:

- all revenue received by the county attributable to mandatory payments;
- money received from the Health and Human Services Commission (HHSC) as a refund of an intergovernmental transfer from the district to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, provided that the intergovernmental transfer did not receive a federal matching payment;
- money received by the district and deposited to the fund in accordance with Chapter 300A that remained in the fund when the district began to operate under the bill; and
- the earnings of the fund.

Money deposited into the local provider participation fund could be used only to:

- fund intergovernmental transfers from the county to the state to provide the nonfederal share of Medicaid payments for certain costs, including certain authorized uncompensated care payments, uniform rate enhancements, waiver payments, or other reimbursements;
- pay the administrative expenses of the district in administering the program, including collateralization of deposits;
- refund all or a portion of a mandatory payment collected in error from a paying hospital;
- refund to paying hospitals a proportionate share of any funds received from HHSC that were unused or deemed unusable for the nonfederal share of Medicaid supplemental payment programs;
- transfer funds to HHSC if the district was legally required to transfer the funds to address a disallowance of federal matching funds with respect to any intergovernmental transfers; and
- reimburse the district if the district was required by the rules governing the uniform rate enhancement program to incur an expense or forego Medicaid reimbursements from the state because the balance of the local provider participation fund was not sufficient to fund that rate enhancement program.

Any funds received by the state, district, or other entity as a result of an intergovernmental transfer of funds made by the district could not be used to expand Medicaid eligibility under the Patient Protection and Affordable Care Act.

The district would be required to maintain an accounting of the money received from each local government that created the district, including a paying hospital located in a hospital district, county, or municipality that created the district, as applicable.

Money in the local provider participation fund could not be commingled with other district money.

Mandatory reports. If a board authorized a district to participate in a program, the board would have to require that each institutional health care provider located in the district submit to the district a copy of any

financial and utilization data required by and reported to the Department of State Health Services as well as certain rules adopted by the executive commissioner of HHSC.

The board would be required to report to HHSC on:

- the amount of the mandatory payments required and collected in each year the program was authorized;
- any expenditure of money attributable to mandatory payments collected under the bill, including any contract with an entity for the administration or operation of a program or a contract with a person for the assessment and collection of a payment; and
- the amount of money attributable to mandatory payments collected under the bill that was used for another purpose.

The executive commissioner of HHSC would be required to adopt rules to administer these provisions.

Other provisions. Finance provisions related to health services districts would apply to a district created under the bill in the same manner that they would apply to a health services district, except for provisions related to spending and investment limitations and designating a bank to serve as a depository for district funds. The bill would not authorize a district to issue bonds.

The bill would permit HHSC to refuse to accept money from a local provider participation fund administered under the bill if HHSC determined that acceptance of the money could violate federal law.

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

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 plant disease and pest prevention grant program

COMMITTEE: Agriculture & Livestock — favorable, without amendment

VOTE: 6 ayes — Guillen, Guerra, Kitzman, J. Lopez, McLaughlin, Muñoz

2 nays — Cain, Hopper

1 absent — Money

WITNESSES: For — (*Registered, but did not testify*: Josie Castro Garcia, Dallas County; Drew Fuller, Texas Farm Bureau; Curtis Smith, Texas Nursery and Landscape Association; Todd Kercheval, Texas Pest Control Association; Sarah Berel-Harrop)

Against — None

On — (*Registered, but did not testify*: Dan Hale, Texas A&M AgriLife Extension)

BACKGROUND: Some have suggested that establishing a grant program to further research on plant diseases and pests that impact Texas agriculture could help prevent future agricultural plant disease and pest outbreaks.

DIGEST: HB 1269 would require the Texas A&M AgriLife Extension Service to establish and administer a grant program, which could only be used by the recipient for the study of plant disease and pest prevention.

To qualify for a grant, an applicant would have to be associated with an institution of higher education located in Texas and provide letters of support from the institution, a representative of the community in which the research would be conducted, and a state elected official who represented that community.

The Extension Service would be required to establish a selection committee and process to award grants to eligible applicants whose research proposals had the most potential benefit to the state, encourage

participation from across the state, and consider regional diversity. The Extension Service could award no more than 20 grants per year and would have to award the grants and distribute funds annually by September 1. The Extension Service could not limit the number of researchers who were associated with the grant.

The bill would establish a Plant Disease and Pest Prevention Fund as an account within the general revenue fund administered by the Extension Service to award grants. The fund would consist of gifts, grants, including federal grants, and other donations received for the fund, interest earned on the investment of money in the fund, and any money appropriated to the fund by the legislature. The Texas Department of Agriculture would also be authorized by the bill to accept gifts, grants, or donations from any source for the purposes of the bill, which would be required to be deposited in the fund.

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 requirements on consumer access to health records

COMMITTEE: Public Health — favorable, without amendment

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

0 nays

1 absent — Simmons

WITNESSES: For — (*Registered, but did not testify*: Charles Cascio (Cas-sio), AARP Texas; Travis McCormick, Make Texans Healthy Again; Christine Yanas, Methodist Healthcare Ministries; Steven Deline; Cathryn Emory)

Against — None

On — (*Registered, but did not testify*: Stephen Carlton, Texas Medical Board)

BACKGROUND: Health and Safety Code sec. 181.001 defines a "covered entity" as a person or organization that, for any type of gain or on a pro bono basis, handles protected health information, including collecting, analyzing, storing, or transmitting it. The term includes health care providers, researchers, website operators, and their employees or contractors who access or use such information.

Health and Safety Code sec. 181.103 requires the attorney general to maintain a website that provides information on consumer privacy rights related to protected health information under federal and state law. The website also must include a list of regulating agencies, complaint procedures, and agency contact information.

Concerns have been raised that consumers may not know how to access their medical records or file complaints when covered entities do not provide information about the request process, which may hinder patients from exercising their rights under HIPAA to obtain protected health information.

DIGEST: HB 4224 would amend the Health and Safety Code, for purposes of statutory provisions governing access to and use of protected health information with respect to medical records privacy, to require an applicable covered entity to prominently post on its website and at any entity facility detailed instructions for a consumer to:

- request the consumer's health care records from the entity;
- contact the disciplinary or licensing authority for the entity; and
- file a consumer complaint under sec. 181.103.

The bill would take effect September 1, 2025.

SUBJECT: Requiring groundwater plans to include updated desired future conditions

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 12 ayes — Harris, Martinez, Ashby, Barry, C. Bell, Buckley, Fairly, Gámez, J. Garcia, Romero, Villalobos, Zwiener

0 nays

1 absent — M. González

WITNESSES: For — (*Registered, but did not testify*: Vanessa Puig-Williams, Environmental Defense Fund; Javier Lopez, Greater Edwards Aquifer Alliance; Evgenia Spears, Sierra Club Lone Star Chapter; Adam Foster, Texas Alliance of Groundwater Districts; Heather Harward, Texas Water Supply Partners; Heather Harward, Upper Trinity Regional Water District; Steven Deline; Robert Howard)

Against — None

On — Natalie Bellew, Texas Water Development Board

BACKGROUND: Some have raised concerns that groundwater conservation district management plans may rely on outdated or contested data, especially when desired future conditions are under legal challenge or when an aquifer's relevance has changed since planning began. Some have suggested that this issue could be addressed by requiring management plans to reflect the most recently approved desired future conditions and associated groundwater availability.

DIGEST: CSHB 3609 would amend the Water Code to require a groundwater conservation district's management plan, or any amendment to the plan, to include the most recently approved desired future conditions adopted under provisions related to joint planning in a management area, along with the amount of modeled available groundwater corresponding to those conditions. The bill also would require a district to amend its management plan by the second anniversary of the adoption of those conditions.

If a petition challenging the reasonableness of a desired future condition was filed and until the district issued a final order regarding the appeal, or, if the condition was found unreasonable, until a new condition was adopted, the executive administrator of the Texas Water Development Board would be required to consider the management plan administratively complete if the district included:

- the most recently approved desired future conditions;
- the amount of modeled available groundwater corresponding to the desired future conditions;
- a statement of the status of the petition challenging the reasonableness of a desired future condition; and
- certain other information required by statute.

The bill would take effect September 1, 2025, and provisions applicable to a petition for the appeal of the reasonableness of a desired future condition would apply only to a petition filed on or after that date.

SUBJECT: Requiring the display of certain historical documents

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 — None

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

On — Gloria Meraz, Texas State Library and Archives Commission

BACKGROUND: Some have suggested that requiring certain historical documents to be displayed in the Capitol Complex and Alamo complex would allow Texans to view these historic documents in a safe and secure public setting.

DIGEST: CSHB 5032 would require the Texas State Library and Archives Commission (TSLAC), in consultation and collaboration with the State Preservation Board (SPB) and the Texas Historical Commission (THC), to designate an appropriate place in the Capitol Complex to securely display the Texas Constitution and the Texas Declaration of Independence.

Texas Constitution and the Texas Declaration of Independence. CSHB 5032 would require TSLAC to pay the costs of displaying those documents using available funds or funds appropriated to TSLAC for that purpose. The bill also would require TSLAC, in consultation and collaboration with the SPB and THC and no later than December 1, 2027, to:

- develop a plan to display in the Capitol Complex the Texas Declaration of Independence and the Texas Constitution;
- publish the plan on TSLAC's website; and

- provide a copy of the plan to the standing committees of the Legislature with jurisdiction over Texas' historical resources.

The bill would specify that these provisions expire September 1, 2031.

Victory or death letter. CSHB 5032 would establish that TSLAC, in consultation and collaboration with SPB and THC, was responsible for the care and custody of the letter written by Lieutenant Colonel William B. Travis dated February 24, 1836, and signed "Victory or Death."

The bill would require TSLAC to display the letter at the Capitol Complex with other historical documents until TSLAC designated a place in the Alamo complex to securely display the letter and an appropriate time to transfer the letter securely. The bill also would require the costs of displaying in either complex to be paid by money from the Alamo complex account and establish that such costs are an authorized use of the money in that account.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, there would be an indeterminate cost to the state dependent on the specific parameters and type of encasements used to house the three historical documents outlined in the bill.

SUBJECT: Providing protections to a putative spouse to void a second marriage

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 — Greg Beane, Texas Family Law Foundation (*Registered, but did not testify*: Amy Bresnen, Texas Family Law Foundation)

Against — None

BACKGROUND: Family Code sec. 6.202 establishes that a marriage is void when entered into when either party has an existing marriage that has not been dissolved. The later marriage becomes valid when the prior marriage is dissolved if, after the date of dissolution, the parties have lived together as husband and wife and represented themselves to others as being married.

Concerns have been raised that current law does not adequately protect a prior spouse when one party to a marriage fails to obtain a legal termination of the marriage and subsequently purports to remarry. Some have suggested that certain legal tools should be provided to a prior spouse whose marriage was improperly ended without the spouse's knowledge or participation.

DIGEST: CSHB 2240 would amend Family Code sec. 6.202 to establish that the later marriage would not become valid if a putative spouse:

- did not know that the later marriage was entered into when the other party had an existing marriage;
- had not lived together with the other party as spouses or represented himself or herself as married since the date the putative spouse knew the later marriage was entered into when the other party had an existing marriage; and

- filed a suit to declare the later marriage void within 30 days after the putative spouse knew that the later marriage was entered into when the other party had an existing marriage.

A decree of divorce or annulment would be void if the court rendering the decree lacked jurisdiction at the time the decree was rendered. A putative spouse could file a suit to declare a decree of divorce or annulment void due to a lack of court jurisdiction.

CSHB 2240 would take effect immediately 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.

SUBJECT: Requiring colleges that change their names to provide two diplomas

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 — Sarah Mockler; Leah Turner

Against — None

BACKGROUND: Concerns have been raised that higher education institutions that change their names or merge with or are acquired by other institutions may create uncertainty for students when the name of the institution on their diplomas is not currently accurate.

DIGEST: CSHB 5180 would require a higher education institution to provide a student with two diplomas upon graduation if, during the student's enrollment, the institution changed its name or merged with or was acquired by another postsecondary educational institution. The bill would require the diplomas provided to be as follows:

- one diploma in the same style, design, or format designating the original name of the institution; and
- one diploma designating the name of the institution after the name change, merger, or acquisition.

A student would be eligible to receive two diplomas only if the student graduated from the institution within six years of a name change, merger, or acquisition. An institution could not charge a student an additional fee to receive a second diploma.

The bill would apply beginning with the 2025-2026 school year and 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: Creating a health care provider participation program in certain counties

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 8 ayes — C. Bell, Zwiener, Cortez, Leo Wilson, Luther, Rosenthal, Spiller, Tepper

1 nay — Lowe

2 absent — Cole, Garcia Hernandez

WITNESSES: For — John Hawkins, Texas Hospital Association (*Registered, but did not testify*: Lauren Billman, Baylor Scott & White Health; Christina Hoppe, Children's Hospital Association of Texas; Adam Haynes, Conference of Urban Counties; Meghan Weller, HCA Healthcare; Marcus Mitias, Texas Health Resource)

Against — None

BACKGROUND: Some have suggested that the Legislature should extend the local provider participation fund in Denton County that was established in 2024 and is set to expire in 2026 in order to continue to provide resources for indigent care by drawing down federal funds.

DIGEST: HB 3348 would establish a county health care provider participation program in a county that was not served by a hospital district, had a population of 900,000 or more, and bordered two counties, each with a population of 2.5 million or more.

The bill would provide that a county health care provider participation program would authorize a county to collect a mandatory payment from each institutional health care provider located in the county to be deposited in the county's local provider participation fund.

The commissioners court of an eligible county also could authorize participation in the program, subject to limitations provided by the bill. The bill would authorize a county commissioners court to require a

mandatory payment by an institutional health care provider in the county only in the manner provided by the bill.

Upon the vote to require a mandatory payment, the commissioners court also could adopt rules related to the administration of the program, including the collection of mandatory payments, expenditures, and audits.

Mandatory payments. The bill would allow a participating county's commissioners court to authorize the collection of an annual mandatory payment by a majority vote. The commissioners court would be subject to certain mandatory payment requirements, including providing written notice and ensuring payments were proportionate and at sufficient levels to cover costs. A paying provider could not add the cost of the payment as a surcharge to a patient.

Assessment and collection. The commissioners court could require an annual mandatory payment to be assessed on the net patient revenue of each institutional health care provider located in the county, and could provide for the payment to be assessed quarterly following certain requirements. A county administering the program could only assess and collect a mandatory payment if a waiver program, uniform rate enhancement, or certain reimbursement mechanisms were made available.

The county could not collect mandatory payments to raise general revenue or any amount in excess of the amount reasonably necessary to fund the nonfederal share of a Medicaid supplemental payment program or Medicaid managed care rate enhancements for nonpublic hospitals and to cover administrative expenses.

The county could assess and collect mandatory payments itself or through a contractor, who would be required to charge a collection fee that would be deducted from the mandatory payments collected. If a county official performed the collection, any collected fee would have to be deposited into the county's general fund.

To the extent that the bill caused a mandatory payment to be ineligible for federal matching funds, the commissioners court could provide by rule for an alternative provision or procedure that conformed to the federal

Centers for Medicare and Medicaid Services requirements. A rule could not be adopted if it would create, impose, or materially expand the legal or financial liability or responsibility of the county or an institutional health care provider located in the county beyond what was authorized by the bill.

Public hearing. The commissioners court would be required to hold a public hearing each year that it authorized a mandatory payment to discuss the amounts of any mandatory payments that the county intended to require during the year and how the revenue derived from those payments was to be spent. By the fifth day before the hearing, the commissioners court would be required to have published notice of the hearing in a newspaper of general circulation and provided written notice to each institutional health care provider in the county. A representative of a paying provider would be entitled to appear at the public hearing and be heard on any matter related to the mandatory payments.

Local provider participation fund. A county that required a mandatory payment would be required to create a local provider participation fund that consisted of:

- all revenue received by the county attributable to mandatory payments;
- money received from the Health and Human Services Commission (HHSC) as a refund of an intergovernmental transfer from the county to the state for the purpose of providing the nonfederal share of Medicaid supplemental payment program payments, provided that the intergovernmental transfer did not receive a federal matching payment; and
- the earnings of the fund.

Money deposited into the fund could only be used to:

- fund intergovernmental transfers from the county to the state to provide the nonfederal share of Medicaid payments for certain costs, including uncompensated care costs, uniform rate enhancements, waiver payments, or other reimbursements;

- pay administrative expenses the program, including collateralization of deposits;
- refund all or a portion of a mandatory payment collected in error from a paying provider;
- refund to paying providers their proportionate share of any funds received from HHSC that were unused or deemed unusable for the nonfederal share of Medicaid supplemental payment programs; and
- transfer funds to HHSC if the county was legally required to do so to address a disallowance of federal matching funds with respect to any intergovernmental transfers.

For an intergovernmental transfer of funds made by the county, any funds received by the state, county, or other entity as a result of the transfer could not be used to expand Medicaid eligibility under the Patient Protection and Affordable Care Act or fund the nonfederal share of payments to nonpublic hospitals available through the Medicaid disproportionate share hospital program.

Money in the local provider participation fund could not be commingled with other county money.

Depository. The commissioners court of a participating county would be required to designate one or more banks as the depository for the local provider participation fund. All income received by the county would have to be deposited with the depository in the fund and could be withdrawn only as provided for under the bill. All money collected would be secured in the manner provided for securing other county money.

General provisions. If a commissioners court authorized a county to participate in a program, the commissioners court would have to require that each institutional health care provider submit to the county a copy of any financial and utilization data required by and reported to the Department of State Health Services as well as certain rules adopted by the executive commissioner HHSC.

If a state agency determined that a waiver or authorization from a federal agency was necessary to implement the bill, the agency would be required

to request the waiver and could delay implementation until the waiver or authorization was granted.

The bill would take effect September 1, 2025.

SUBJECT: Allowing PUC to retain persons to assist in regional transmission hearings

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 — (*Registered, but did not testify*: Kelly Sadler, AEP Texas; Mark Bell, Association of Electric Companies of Texas; Kyle Bush, Texas Association of Manufacturers; Logan Harrell, Texas Chemistry Council; Julia Harvey, Texas Electric Cooperatives; Ben Utley, Texas New Mexico Power (TNMP))

Against — None

On — (*Registered, but did not testify*: Barksdale English, Public Utility Commission of Texas)

BACKGROUND: It has been suggested that allowing the Public Utility Commission (PUC) to hire certain outside experts would help the commission conduct regional transmission proceedings that often involve technical and regulatory complexity.

DIGEST: HB 4668 would authorize the Public Utility Commission (PUC) to retain any consultant, accountant, auditor, engineer, or attorney it considered necessary to represent the commission in a proceeding before a regional transmission organization, or before a court reviewing a proceeding of such an organization, related to:

- the relationship of an electric utility to a power region, regional transmission organization, or independent system operator;
- the approval of an agreement among an electric utility and its affiliates concerning the coordination of their operations; or

- other matters related to an electric utility that could affect retail customer rates.

Assistance from a person retained by PUC for such purposes could include conducting a study or investigation, presenting evidence, and advising or representing the commission.

HB 4668 would require the electric utility that was the subject of the proceeding to timely pay the reasonable costs of the services of such a person, as determined by PUC, up to $1.5 million in a 12-month period. PUC would have to allow an electric utility to recover both these total costs and associated carrying charges through an annual rider reviewed and approved by PUC.

PUC's retention of an attorney under the bill would be subject to approval by the attorney general, and PUC would have to consult the attorney general before retaining other persons for services under the bill. PUC could not engage any individual required to register as a lobbyist with the Texas Ethics Commission.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Establishing the My Texas Future portal administered by THECB

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 11 ayes — Wilson, Howard, A. Davis, Lalani, Lambert, V. Perez, Shaheen, Shofner, Tinderholt, VanDeaver, Ward Johnson

0 nays

WITNESSES: For – Kelle Kieschnick, Texas Business Leadership Council (*Registered, but did not testify*: Alexa Garza, EdTrust in Texas; Jaime Puente, Every Texan; Ryan Franklin, Philanthropy Advocates; Grace Atkins, Texas 2036; Amanda Garcia, Texas AFT-AAUP; Mike Meroney, Texas Association of Manufacturers; Ashley Harris, United Ways of Texas; Steven Deline)

Against – None

On – Dr. Wynn Rosser, Texas Higher Education Coordinating Board

BACKGROUND: Some have suggested that providing students with a list of participating colleges that would accept them prior to beginning their application process could help reduce time spent on college admissions, increase transparency in the admissions process, and encourage more Texas students to pursue a postsecondary education.

DIGEST: CSHB 4909 would require the Texas Higher Education Coordinating Board (THECB) to create, maintain, and administer the My Texas Future website portal through which a prospective postsecondary student could create a profile and account to access information regarding higher education institutions at which the student would be accepted for admission and financial awards at each institution that the student was eligible to receive them. The portal would be required to include:

- a link or direct submission portal to the electronic common admission application form;

- a list for each prospective student of higher education institutions at which the student would be accepted for admission and, to the extent possible, financial aid awards that the student was eligible to receive based on the student's profile and educational information; and
- information to assist the student in assessing the value of postsecondary credentials.

THECB would be authorized to share a student's contact information in the portal with a higher education institution unless the student opted out. Information obtained from a person through the portal would be confidential and could only be released as provided by federal law.

Each higher education institution would be required to prominently post on its admissions website a link to the My Texas Future portal or a successor website, as well as a notice to prospective students that an individual could apply to the institution using the portal, the ApplyTexas website, or another website established by THECB.

High school graduation requirement. In order to graduate from high school, the bill would require a public school student to elect to either create an account and profile in the My Texas Future portal or opt out. The bill would establish requirements for and the process by which a student could opt out of creating a My Texas future account and profile. This requirement would apply beginning with the 2026-2027 school year.

Upon a student's earning of at least three high school course credits but no later than the end of the student's ninth grade fall semester, and at the beginning of each subsequent school year, a school district or open-enrollment charter school in which the student was enrolled would be required to notify the student's parent or guardian regarding:

- the requirement to participate or decline participation in the portal;
- the ability of a student or guardian to revise the student's profile; and
- the ability of a student or guardian to opt out of the program.

The Texas Education Agency (TEA) and THECB would have to prepare and post on their respective websites a publication that included the above information in a form that enabled a district or charter school to reproduce the publication for distribution.

The bill would require TEA and each school district and charter school to submit to THECB necessary data for the administration of these provisions.

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.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of about $5.5 million to general revenue related funds through fiscal 2026-27.

SUBJECT: Expanding training sources for child-care facility personnel

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*: Susana Carranza)

Against — None

On — Lauren Gerken, Texas Council for Developmental Disabilities (*Registered, but did not testify*: Rachel Ashworth-Mazerolle, Health and Human Services Commission)

BACKGROUND: Some have suggested that current limits on child-care training may restrict providers from addressing areas such as child development, mental health, and emergency response.

DIGEST: CSHB 4665 would amend the Human Resources Code to include a public school district and the Texas Education Agency among the entities authorized to provide the minimum training required for an employee, director, or operator of a day-care center, group day-care home, or registered family home.

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 procedures for title and transfer of watercraft vessels

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*: John Wilkerson and John Sierega, Texas Municipal Police Association)

Against — None

On — (*Registered, but did not testify*: Julie Aronow and Cody Jones, Texas Parks and Wildlife Department)

BACKGROUND: Concerns have been raised about market transparency and fraud in the recreational boating industry. Some have suggested that amending Water Safety Act provisions governing certificates of number and title from the Parks and Wildlife Department could improve vessel financing and insurance options, boost resale value through verified ownership records, and aid law enforcement in theft prevention and recovery.

DIGEST: HB 4895 would revise provisions relating to number and title certificates issued and records kept by the Texas Parks and Wildlife Department (TPWD).

General provisions. HB 4895 would remove the requirement for certain amphibious vehicles to have a certificate of number. HB 4895 also would add certain vessels to those for which ownership was not required to be evidenced by a certificate of title issued by TPWD, including a watercraft owned by certain governmental entities or a watercraft used solely as a lifeboat on another watercraft.

The bill also would allow vessel operators to carry an electronic version of a TPWD certificate instead of a physical or facsimile copy, and would shorten the deadline for new vessel owners to apply for title transfer or submit a certificate of title application from 45 days to 20 days after the date of sale, transfer, or the date Texas became the state of principal use. The bill also would redefine “state of principal use” as the state where the vessel or outboard motor was primarily operated during the calendar year.

Fees. HB 4895 would authorize the Parks and Wildlife Commission (PWC) to set a fee greater than the current limit of $25 for:

- an application for a manufacturer's hull identification number or a sworn statement describing a vessel or outboard motor with an altered, defaced, mutilated, or removed hull identification number or serial number; and
- a certificate of title on a homemade vessel for game warden inspection.

Contents of certificate of title and application. HB 4895 would revise the required contents of the application form for vessel and outboard motor certificates of title, depending on the vessel’s documentation status, to include, if applicable, the vessel’s fuel type, hull damage, registration information, proof of ownership, and the owner’s name and residential address. The bill would make similar changes to the required contents of the certificate of title.

HB 4895 would require a certificate of title, for each title brand indicated, to identify the jurisdiction that issued the certificate on which the title brand was designated. The bill also would set out a statement that could be included on the certificate if the meaning of a title brand was not easily ascertainable or could not be accommodated. If TPWD's files indicated that a vessel was previously registered or titled in a foreign country, TPWD would have to indicate this on the certificate of title.

Issuance, rejection, cancellation, and replacement. HB 4895 would require TPWD to issue a certificate of title for a vessel or outboard motor within 20 days of receiving a compliant application. If TPWD issued

electronic titles, it would have to issue a title by default unless the secured party or owner of record requested a written version.

TPWD could reject an application only if it failed to comply with the Water Safety Act or applicable law, lacked sufficient documentation, or appeared fraudulent or likely to facilitate an illegal act. TPWD would be required to reject an application for a certificate of title for a documented vessel under certain federal regulations or a foreign-documented vessel.

The bill would establish that, if TPWD issued a written certificate of title for a vessel or outboard motor, any electronic certificate of title would be canceled and replaced by the written certificate. HB 4895 would require the surrender of a written certificate of title before TPWD could issue an electronic certificate, and that the written certificate be destroyed or canceled, with the date and time of cancellation recorded. The bill would authorize TPWD to cancel a certificate under limited circumstances. The bill would require TPWD to provide by regulation for the replacement of any certificate of title, rather than only a lost, mutilated, or stolen certificate.

Hull-damaged title brand. HB 4895 would require an owner of record, at or before the time the owner transferred an ownership interest in a hull-damaged vessel that was covered by a certificate of title issued by TPWD, if the damage occurred while that person was an owner of the vessel and the person had notice of the damage at the time of the transfer, to deliver to TPWD an application for a new certificate of title that complied with applicable statutory provisions and included the title brand "Hull Damaged" or indicate on the certificate of title that the vessel was hull damaged and to deliver the certificate to the transferee.

HB 4895 also would require insurers to submit an application to TPWD for a new certificate of title marked "Hull Damaged" before transferring ownership of a hull-damaged vessel. TPWD would have to issue the updated certificate within 20 days of receiving the application.

The bill would create a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) for intentionally or knowingly failing to comply or for soliciting or colluding in a failure to comply. The bill also

would create a class C misdemeanor (maximum fine of $500)for negligently failing to comply.

Transfer of interest or ownership. HB 4895 would require a person in possession of a certificate of title for a voluntary transfer to facilitate the transferor's compliance, with certain exceptions. The transferor, if the certificate of title was electronic, would be required to promptly sign and deliver a record evidencing the transfer of ownership to the transferee. The transferee would have a right to require that the transferor comply with the bill.

Exceptions. HB 4895 would except the following vessels from statutory provisions relating to certificates of title for vessels and outboard motors:

- a foreign-documented vessel;
- a barge; or
- a vessel before delivery if the vessel was under construction or completed under contract.

Records relating to certificates of title. The bill would establish that certain records made or kept by TPWD under the Water Safety Act were not public records, including certain personal identifying information. The bill would authorize TPWD to provide a record in any medium and, if requested, require TPWD to provide a record in a format that was self-authenticating.

HB 4895 would require TPWD, for each record relating to a certificate of title submitted to TPWD, to maintain a file including:

- the hull identification number of the vessel or the serial number of the outboard motor;
- all information submitted with the application, including the date and time it was submitted to TPWD;
- the name of each secured party to the vessel or outboard motor; and
- the name of each person known to TPWD to be claiming an ownership interest in the vessel or outboard motor.

The information would need to be accessible by the hull identification number and serial number, and HB 4895 would be required to provide acknowledgements to individuals providing information. The bill would require TPWD to provide the information on request to federal, state, and local governmental entities for the purpose of safety, security, or law enforcement.

HB 4895 would establish that a certificate of title was prima facie evidence of the accuracy of the information in the record that constituted the certificate.

The bill also would require TPWD to maintain a list of all title brands known to TPWD and stolen-property reports relating to vessels or outboard motors made known to TPWD.

Effect of possession on certificate of title. HB 4895 would establish that possession of a certificate of title did not provide a right to obtain possession of a vessel or outboard motor, and that a judicial process against the certificate would not be effective to determine possessory rights to the vessel or outboard motor. The bill would specify that the Water Safety Act did not prohibit enforcement of an interest in, levy on, or foreclosure of a lien on a vessel or outboard motor.

Perfection of security interest. HB 4895 would provide procedures for the perfection of a security interest in a vessel or outboard motor through delivery to TPWD of an application for a certificate of title that identified the secured party and otherwise complied with certain statutory provisions relating to the form of a certificate of title. The bill's provisions related to the perfection of a security interest expressly would not apply to:

- a security interest issued for a vessel or outboard motor by a person during any period in which the vessel or outboard motor was inventory held for sale or lease by the person or was leased by the person as lessor if the person was in the business of selling vessels or outboard motors;
- a security interest in a barge for which no application for a certificate of title had been delivered to TPWD; or

- a security interest in a vessel or outboard motor before delivery if the vessel or outboard motor was under construction or completed under contract, and for which no application for a certificate of title had been delivered to TPWD.

HB 4895 also would establish provisions regarding when a security interest became perfected under the Water Safety Act and might become unperfected due to certain events or circumstances.

Termination statement. HB 4895 would require a secured party to deliver a termination statement to TPWD and, on the debtor's request, to the debtor, within 20 or 30 days, depending on the circumstances.

The bill would require a secured party to deliver the certificate of title to the debtor or to TPWD with the termination statement. The bill would require the secured party, if the certificate of title was lost, stolen, mutilated, destroyed, or was otherwise unavailable or illegible, to deliver with the statement an application for a replacement certificate of replacement certificates of title. TPWD, after receiving a termination statement, would be required to retain for at least 10 years evidence used to establish the accuracy of the relevant information in its files.

A secured party that failed to comply with these provisions would be liable for any loss that the secured party had reason to know might result from the party's failure to comply and which could not reasonably have been prevented, and for the cost of an application for a certificate of title or a replacement certificate of title.

Effect of missing or incorrect information. HB 4895 would establish that a certificate of title or other record required or authorized by the Water Safety Act would be effective, regardless of whether it contained incorrect information or did not contain required information.

Transfer by secured party's transfer statement. HB 4895 would require TPWD, unless TPWD rejected a secured party's transfer statement for a reason outlined in the bill, within 20 days after the delivery date to TPWD of the statement and payment of fees due under the Water Safety

Act and certain taxes in connection with the statement or the acquisition or use of the vessel or outboard motor, to:

- accept the statement;
- amend TPWD's files to reflect the transfer of ownership; and
- if the name of the owner whose ownership interest was being transferred was indicated on the certificate of title, to cancel the certificate of title, regardless of whether it had been delivered to TPWD, issue a new certificate of title indicating the transferee as owner, and to deliver the new certificate of title or a record evidencing an electronic certificate of title.

The submission of a secured party's transfer statement, or the issuance of a certificate of title under these provisions, would not be a disposition of the vessel or outboard motor and would not relieve the secured party of duties related to secured transactions.

Transfer by operation of law. HB 4895 would require a transfer-by-law statement to contain certain information, including documentation sufficient to establish the transferee's ownership interest or right, a statement regarding the certificate of title, and except for certain transfers, evidence that notification of the transfer and the intent to file the transfer-by-law statement had been sent to all persons indicated in TPWD's files as having an interest, including a security interest, in the vessel or outboard motor.

The bill would require TPWD to process the transfer within 20 days after the delivery date to TPWD of the statement and payment of fees due under the Water Safety Act and certain taxes.

Application for termination of security interest without certificate of title. HB 4895 would authorize TPWD, if it received, unaccompanied by a signed certificate of title, an application for a new certificate of title that included an indication of a termination statement, to issue a new certificate of title under the bill only if certain conditions were met. Among other requirements, the applicant would be required to provide an affidavit stating facts showing entitlement to a termination statement and satisfactory evidence that notification of the application had been sent to

all persons indicated in TPWD's files as having a security interest in the vessel or outboard motor.

The bill would authorize TPWD to indicate in a certificate of title that it was issued without submission of a termination statement.

Unless TPWD determined that the value of a vessel or outboard motor was less than $5,000, TPWD could require the applicant to post a bond or provide an equivalent source of indemnity or security before it issued a certificate of title under the bill relating to an application for the termination of a security interest without a certificate of title. The bill would limit the bond, indemnity, or other security to twice the value of the vessel or outboard motor as determined by TPWD.

Rights of purchaser, secured party. HB 4895 would establish provisions on the rights of a buyer, purchaser, or creditor, including that the rights of a purchaser or a secured party under certain circumstances were governed by the Business & Commerce Code.

Effective date. The bill would take effect January 1, 2028. Security interests perfected before the bill's effective date would remain valid and retain their priority for up to three years or until ceased under prior law.

NOTES:

According to the Legislative Research Board, the fiscal implications of the bill cannot be determined because of unknown factors, such as fee changes that could be made by the Parks and Wildlife Commission, the number of boat owners that could elect to use digital records, and the number of offenses that would be committed under the bill.

SUBJECT: Authorizing beneficiary designation for transfer of manufactured homes

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 — Ben King

Against — (*Registered, but did not testify*: Guy Herman, Statutory Probate Judges of Texas)

BACKGROUND: Concerns have been raised that current law does not explicitly allow for the designation of a beneficiary for manufactured homes, which could lead to complications in probate and inheritance proceedings. Some have suggested that providing a legal framework could streamline the transfer of these assets and reduce the burden on heirs in the probate process.

DIGEST: CSHB 339 would permit the owner of a manufactured home, defined as a HUD-code manufactured home or mobile home, to transfer the owner's interest in the home to one or more designated beneficiaries upon the owner's death.

The bill would establish that a beneficiary designation was revocable and could be changed at any time without the consent of the designated beneficiaries. The bill would specify that such a designation was a nontestamentary instrument and was effective without consideration or notice, delivery to, or acceptance by the designated beneficiary during the owner's life.

Under the bill, a will could not revoke or supersede a beneficiary designation, regardless of when the will was made. The bill would authorize the beneficiary to disclaim the designated beneficiary's interest in the manufactured home.

If a manufactured home subject to a beneficiary designation was owned by joint owners with right of survivorship, the beneficiary designation would have to be made by all of the joint owners. Such a beneficiary designation could be revoked or changed only by all of the joint owners and the last surviving joint owner. A joint owner would not include an owner of community property without the right of survivorship.

During a manufactured homeowner's life, a beneficiary designation would not:

- affect an interest or right of the owners making the designation, including the right to transfer or encumber the designated home;
- create a legal or equitable interest in favor of a designated beneficiary in the designated home;
- affect an interest or right of a secured, unsecured, or future creditor of the designating owner; or
- affect an owner's or beneficiary's eligibility for any form of public assistance, subject to applicable federal law.

Upon the death of the owner of a home subject to a beneficiary designation, the interest in the home would be transferred to each surviving designated beneficiary who had survived the designating owner by 120 hours. If each designated beneficiary failed to survive the owner who made the designation by 120 hours, the share of each designated beneficiary would lapse as if each beneficiary designation was a devise made in a will.

If an owner was a joint owner with right of survivorship who had been survived by one or more other joint owners, the home would belong to the surviving joint owner or owners.

The designated beneficiary would be subject to all encumbrances, assignments, contracts, liens, and other interests to which the home was subject at the time of the designating owner's or last surviving owner's death. Transferring the home to one or more designated beneficiaries would not affect the ability of a lienholder to pursue an existing means of debt collection permitted by state law.

The bill would subject the transfer of an owner's interest in a manufactured home by a beneficiary to certain provisions regarding creditor claims and provide certain exempt property and family allowances.

The bill also would amend the definition of beneficiary in the Estates Code to include a person who would have received by designation as a beneficiary property made for a motor vehicle or a manufactured home.

The owner of a manufactured home could designate one or more beneficiaries to whom interest would be transferred upon the owner's death by submitting an application to the Texas Department of Housing and Community Affairs (TDHCA) for the issuance of a new statement of ownership that included the legal name of each beneficiary.

TDHCA would be required to transfer ownership to the beneficiaries if the sole beneficiary or all beneficiaries jointly submitted, as applicable, an application for the issuance of a statement of ownership within one year of the owner's or last surviving owner's death and satisfactory proof of death, as applicable. A beneficiary designation would be considered void if the application and requisite proof was submitted after one year. The bill would require the application to be sent by certified or registered mail and would be considered submitted on the date the mail was postmarked.

The beneficiary designation could be changed or revoked by submitting a new application for the issuance of a statement of ownership. A designation change or revocation would be invalid if the application had not been submitted before the death of the owner or owners who made, changed, or revoked the designation.

The bill would take effect September 1, 2025, and would apply only to a manufactured home classified as personal property under the law.