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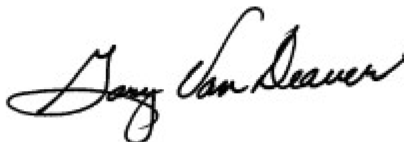
HOUSE RESEARCH ORGANIZATION

daily floor report

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

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 Two 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 2

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SUBJECT: Providing for interim rates by electric utilities during a rate suspension

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 10 ayes — King, Hernandez, Anchía, Darby, Geren, McQueeney, Metcalf, Phelan, Raymond, Smithee

2 nays — Y. Davis, Turner

2 absent — Guillen, Hull

1 present not voting — Thompson

WITNESSES: For — Mark Bell, Association of Electric Companies of Texas; Jason Ryan, CenterPoint Energy; Brian Lloyd, Oncor Electric Delivery (*Registered, but did not testify*: Kelly Sadler, AEP Texas; Scott Hutchinson, Entergy; Kevin Doffing, Project Vanguard; Michael Ruggieri, Southwestern Elec. Power Co.); Ben Utley, Texas New Mexico Power)

Against — Katie Coleman, Texas Association of Manufacturers; Thomas Brocato, Texas Coalition for Affordable Power and the Steering Committee of Cities Served by Oncor (*Registered, but did not testify*: Kristi Antonick, Americans for Prosperity; Martha Landwehr, BASF Corporation; Sam Gammage, Dow; Pasha Moore, Energy Impact; Jason Damen, Energy Transfer; Lauren Fairbanks, Freeport LNG; Cyrus Reed, Lone Star Chapter Sierra Club; Julie Moore, Oxy; Dana Pate, Samsung; Mia McCord, Texas Chemistry Council; Ryan Paylor, Texas Independent Producers & Royalty Owners Association; Tulsi Oberbeck, Texas Oil and Gas Association)

On — Anna Givens, Public Utility Commission of Texas (*Registered, but did not testify*: Joshua Sanders, City of Houston)

BACKGROUND: Concerns have been raised that the lengthy review process for electric utility rate changes under current law may prevent timely recoupment of expenses and lead to increased debt and borrowing costs that can raise

electric bills for consumers. It has been proposed that allowing utilities to adopt interim rates after initiating a rate case could help promote timely infrastructure investment.

DIGEST:

CSHB 3157 would require an electric utility that operated solely within ERCOT to put an interim rate into effect throughout the area in which the utility had sought to change its rates if the local regulatory authority or the Public Utility Commission (PUC) had suspended the rate change proposed by the utility. The interim rate would have to be put into effect on the 90th day after the utility filed a statement of intent to change a rate, and would have to be calculated using:

- the utility's proposed test year cost of debt, rate base, and expenses;
- the return on equity, or debt service coverage, for the utility established in PUC's final order in the utility's most recent base rate proceeding;
- rate base or expense items the same as established in that final order; and
- the utility's current class cost allocation methodology and rate design.

An electric utility that implemented an interim rate under the bill would have to notify each retail electric provider in the utility's service area at least 45 days before the interim rate's required effective date. The utility would be required to refund money collected under the interim rates in excess of the rate finally ordered, with interest at the utility's last approved rate of return. PUC could modify or deny an interim rate charged under the bill on a finding of exigent circumstances.

An expenditure for the costs of processing a refund or credit under the bill could not be considered for ratemaking purposes. The bill would specify that existing provisions of the Utilities Code governing temporary and bonded rates did not apply to an electric utility operating solely within ERCOT.

CSHB 3157 would apply only to a rate proceeding initiated 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: Establishing the Higher Education Research Security Council

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 – (*Registered, but did not testify*: Susan Ross, Johnson & Johnson)

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

On – Kevin Gamache, The Texas A&M University System

BACKGROUND: Concerns have been raised that increased threats of foreign espionage and the rise of intellectual property may necessitate enhanced research security at tier one research universities.

DIGEST: CSHB 4762 would establish the Higher Education Research Security Council to promote secure academic research at tier one research institutions while mitigating the risk of foreign espionage and interference. The bill would define a "tier one research institution" as a Texas postsecondary institution designated as R1: very high spending and doctorate production in the 2025 Carnegie Classification of Institutions of Higher Education.

The council would be composed of each research security officer designated under a research security policy framework for a public higher education institution and a research security officer designated by each private or independent higher education institution that elected to participate in the council. A council member would serve at the will of the person who designated the member. The council member designated for The Texas A&M University (TAMU) System would be required to serve as the initial presiding officer of the council. The appropriate entities would have to designate the council members by October 1, 2025.

The council would be required to:

- identify best practices for a tier one research institution to conduct research securely while mitigating the threat of foreign espionage and interference;
- develop a research security policy that a tier one research institution would have to adopt;
- establish an accreditation process under which the council would have to award an accreditation for security excellence to a tier one research institution;
- promote attendance at the annual academic security and counter-exploitation program seminar offered by The TAMU System; and
- develop and offer an annual training program for tier one research institution security officers that included background and academic history checks of researchers and research security, as well as integrity tools and software that would have to be used.

The council would have to meet at least once each quarter in person or by video conference call. The council would have to hold its initial meeting by January 1, 2026.

The bill would require the council to prepare and submit a confidential annual report on the status of research security at tier one research institutions and any recommendations to the governor, the attorney general's office, and the presiding officer of each relevant legislative committee. The council could solicit and accept gifts, grants, and donations for the bill's purposes unless they were from an entity or country:

- prohibited from participating in federal contracts;
- identified as a Chinese military company by the U.S. Department of Defense;
- owned by the government of a country designed as a foreign adversary by the U.S. Secretary of Commerce; or
- controlled by a governing or regulatory body located in a foreign adversary country.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing electronic signatures for the delivery of public securities

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

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

0 nays

2 absent — Bumgarner, Holt

WITNESSES: For — (*Registered, but did not testify*: Jon Weist, City of Irving; Amanda Schar, McCall, Parkhurst & Horton LLP; Steven Deline)

Against — None

BACKGROUND: Concerns have been raised that current law does not allow for digital transmissions for the approval of public securities, a practice adopted by issuers of public securities and the Office of the Attorney General as a result of the COVID-19 pandemic, to be approved by electronic signature. Some have suggested that allowing for electronic signatures could help further modernize the process.

DIGEST: HB 4395 would require the issuer of a security to submit to the attorney general the following documents, including any related correspondence or supplemental information, in an electronic format and with an electronic signature, if applicable:

- a public security, record of proceedings, or credit agreement required to be submitted to the attorney general for approval; and
- an approved or registered amendment to a public security, record of proceedings, or credit agreement.

The attorney general would be required to deliver to the comptroller a required document in an electronic format and with an electronic signature, if applicable.

The attorney general also would be required to advise, no later than December 1, 2025, the proper legal authorities regarding the issuance of bonds that by law require the attorney general's approval as added by the bill, and advise those persons of any other procedural changes to the submission and registration requirements of public securities that the attorney general deems necessary to efficiently receive electronic submissions of public securities after the bill's effective date.

The bill would take effect January 1, 2026, and would apply only to public security, record of proceedings, or credit agreement submitted to the attorney general as required by law on or after the bill's effective date.

SUBJECT: Increasing civil penalty for prohibited barratry

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 — Lara Brock, Texas Trial Lawyers Assoc. (*Registered, but did not testify*: Guy Herman, Statutory Probate Judges of Texas; Kevin Reddington, Texans for Lawsuit Reform; Steven Deline)

Against — None

BACKGROUND: Concerns have been raised that the civil penalty for barratry, the unauthorized direct solicitation of employment by an attorney, has not been increased since its establishment. Some have suggested that increasing the civil penalty for barratry when the victim did not enter into a contract with the attorney would help to deter the prohibited conduct and better compensate victims.

DIGEST: CSHB 4325 would increase the civil penalty for barratry and solicitation of professional services in cases in which the solicitor and the person who was solicited did not enter into a contract from $10,000 to $50,000.

The bill would take effect September 1, 2025.

SUBJECT: Excepting fraud detection, deterrence measures from public information law

COMMITTEE: Delivery of Government Efficiency — favorable, without amendment

VOTE: 10 ayes — Capriglione, Bhojani, Alders, Bowers, Cain, Campos, Cook, Curry, Olcott, Tinderholt

1 nay — Rodríguez Ramos

2 absent — L. Garcia, Troxclair

WITNESSES: For — (*Registered, but did not testify*: Alexa Aragonez, City of Houston; Christine Wright, City of San Antonio; Spencer Gutierrez, City of Sugar Land, Texas; Alison Brock, Texas Association of School Boards)

Against — Daniel Woodward, Texas Civil Rights Project (*Registered, but did not testify*: Kathy Mitchell, Equity Action)

On — Chuck Ross, Texas Workforce Commission (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Concerns have been raised that information relating to how a governmental body detects and deters fraud is not sufficiently protected from disclosure.

DIGEST: HB 4952 would establish that information in the custody of a governmental body related to fraud detection and deterrence measures was confidential and excepted from the public availability requirements of the Public Information Act.

Under the bill, fraud detection information would include risk assessments, reports, data, protocols, technology specifications, manuals, instructions, investigative materials, crossmatches, mental impressions, and communications that could reveal the methods by which a governmental body prevented, investigated, or evaluated fraud.

The bill would take effect September 1, 2025.

SUBJECT: Establishing annuity contract transfer and surrender procedures

COMMITTEE: Insurance — committee substitute recommended

VOTE: 8 ayes — Dean, J. González, Goodwin, Hopper, Morgan, Paul, Spiller, Wharton

0 nays

1 absent — Vo

WITNESSES: For — Jennifer Cawley, Texas Association of Life and Health Insurers; Doug Traylor (*Registered, but did not testify*: Regan Ellmer, Independent Insurance Agents of Texas; Jay Thompson, Talhi)

Against — None

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

BACKGROUND: Some have suggested that establishing standardized procedures for processing the transfer and surrender of annuity contracts could help retired annuity owners secure better income terms without transfer delays that can sometimes cause financial losses.

DIGEST: CSHB 4386 would establish processing procedures for annuity contract exchanges and surrender requests.

Annuity contract exchanges. To initiate an exchange of an annuity contract, the replacing insurer would have to provide the existing insurer with an exchange request notice on a form provided by the existing insurer. An existing insurer would be required to make an exchange request notice form available on the insurer's website or require a contract owner or replacing insurer to request a physical copy of the form from the insurer.

The bill would define an "exchange" as an annuity replacement transaction:

- in which the money in an existing annuity contract had to pass directly from the existing annuity contract and existing insurer to a new annuity contract and a replacing insurer; and
- in which the owner and annuitant of the new contract were the same as the owner and annuitant of the existing contract.

An exchange request notice form could only include or require:

- a statement that the contract owner had authorized the replacing insurer to initiate the exchange;
- the existing annuity contract number;
- the name, mailing address, email address, and telephone number of the contract owner and annuitant;
- delivery instructions for the transfer of money;
- the ink or electronic signature of the contract owner; and
- any disclosure documents required by federal law related to an exchange or replacement of an annuity.

An existing insurer that received an exchange request notice from the contract owner and the replacing insurer would be required to acknowledge receipt of the notice within five days after the existing insurer received the notice. Unless the existing annuity contract being exchanged had a provision giving the existing insurer the right to defer payment for a different period, the transfer of the contract value of the existing annuity to the replacing insurer would have to occur within 30 days after the existing insurer received the notice.

Nothing in the bill would be intended to:

- change the suitability requirements applicable to an agent or insurer seeking to replace an annuity; or
- prohibit a replacing insurer and existing insurer from agreeing to use different formats or modes for assisting contract owners in the timely and efficient processing of replacement or exchanges of annuity contracts.

Surrender requests for annuity contracts. To initiate a surrender of an annuity contract, a contract owner would be required to submit a surrender request on a form required by the insurer. An insurer that issued an annuity contract would be required to make a surrender request form available on the insurer's website or require the contract owner to request

a physical copy of the form from the insurer. If a contract owner submitted a written request for a physical copy of the form, the insurer would be required to mail the form to the contract owner within five business days after the insurer received the request. A surrender request form could only include:

- a statement that the contract owner intended to surrender the annuity contract;
- the annuity contract number;
- the name, mailing address, email address, and telephone number of the contract owner;
- delivery instructions for the transfer of money;
- instructions for tax withholding;
- the ink or electronic signature of the contract owner; and
- any other document or disclosure required by federal or state law.

An insurer that received a surrender request from a contract owner would be required to acknowledge the receipt of the request within five days after the insurer received the request. Unless the contract being surrendered had a provision giving the insurer the right to defer payment for a different period, then the transfer of the current cash surrender value of the annuity contract to the contract owner would have to occur within 30 business days after the date the insurer received the request.

Nothing in the bill would be intended to change the suitability requirements applicable to an agent or other person advising a contract owner to surrender an annuity.

General provisions. If an exchange request notice or surrender request form did not include all required information, the applicable period to transfer the contract or cash surrender value, as applicable, would not begin until the existing insurer received all required information from the replacing insurer or contract owner, as applicable.

If payment of a transfer or cash surrender value was not completed within the required period, the insurer would be required to pay penalty interest on the unpaid amount at an annual rate of 10 percent accruing from the first business day after the contract or cash surrender value, as applicable, was required to be transferred until the value was transferred to the replacing insurer or contract owner, as applicable, in full.

The bill would take effect September 1, 2025, and would apply only to an exchange or surrender of an annuity contract initiated after January 1, 2026.

SUBJECT: Amending provisions on health care program fraud

COMMITTEE: Human Services — favorable, without amendment

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

0 nays

1 absent — C. Morales

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Amy Hilton, Office of the Attorney General)

BACKGROUND: Under Human Resources Code sec. 36.002, a person commits an unlawful act if the person makes a claim under a health care program and knowingly fails to indicate the type of license and the identification number of the health care provider who actually provided the service.

Concerns have been raised that ambiguity in current Medicaid fraud prevention statutes has hindered the state's ability to recover civil penalties in certain fraud cases.

DIGEST: HB 4273 would revise Human Resources Code sec. 36.002 to specify that it was an unlawful act for a person to make a claim under a health care program and knowingly fail to indicate the type of license held by the licensed health care provider who actually performed the service, as well as the identification number of the health care provider who actually provided the service.

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: Authorizing judicial review of TWC decisions by county or district court

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

VOTE: 9 ayes — Button, Talarico, K. Bell, Bhojani, Harris Davila, Lujan, Luther, Meza, Richardson

0 nays

2 absent — Longoria, Ordaz

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

Against — None

On — Bryan Daniel, The Texas Workforce Commission (*Registered, but did not testify*: Steven Robinson, Office of the Attorney General)

BACKGROUND: Concerns have been raised that a lack of clarity regarding which courts are eligible to conduct judicial review of a final Texas Workforce Commission (TWC) decision in an unemployment compensation proceeding may lead to confusion and inconsistent filing practices.

DIGEST: HB 2760 would specify that a party aggrieved by a final Texas Workforce Commission (TWC) decision in an unemployment compensation proceeding could obtain judicial review by bringing an action in a county court at law or a district court, rather than in a court of competent jurisdiction.

The bill would take effect September 1, 2025, and would apply only to judicial review of TWC decisions that became final on or after the effective date.

SUBJECT: Requiring bondsmen to notify prosecutors before felony surrender

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Bowers, Cook, J. Jones, Little, Louderback, Money, Virdell

0 nays

3 absent — Wu, Moody, Rodríguez Ramos

WITNESSES: For — Jason Hermus, Dallas County Criminal District Attorney - John Creuzot (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District; Eric Carcerano, Chambers County District Attorney; Steven Deline; Thomas Parkinson)

Against — None

BACKGROUND: Under Code of Criminal Procedure, Art. 17.19, bail bondsmen may file an affidavit of intent to surrender a defendant.

Concerns have been raised that bondsmen are not currently required to notify the prosecuting attorney about their intent to relinquish responsibility for a defendant's bond, potentially resulting in defendants absconding for extended periods to avoid court proceedings. Some have suggested that prosecuting attorneys need timely awareness of these changes to better know when to seek court orders for a defendant's return to custody.

DIGEST: HB 2697 would amend the Code of Criminal Procedure to require a bail bondsman intending to surrender a defendant charged with a felony offense to notify the state's attorney with jurisdiction over the case before filing the affidavit of intent with the court or magistrate handling the prosecution.

The bill would take effect September 1, 2025.

SUBJECT: Raising the limit on operating capital for a bingo organization

COMMITTEE: Licensing & Administrative Procedures — committee substitute recommended

VOTE: 12 ayes — Phelan, Thompson, Gerdes, Geren, Harless, Harris, Hernandez, Longoria, McQueeney, Patterson, M. Perez, Romero

0 nays

1 absent — Walle

WITNESSES: For — Mark Westerman, Texans for Charitable Bingo (*Registered, but did not testify*: Steve Bresnen, Bingo Interest Group; Anne Mazuca, Texans for Charitable Bingo; Stephen Fenoglio, Tom Stewart, Texas Charity Advocates; William Smith, Texas Charity Advocates, Bingo Interest Group; Mitch Fuller, VFW Dept of Texas)

Against — None

On — (*Registered, but did not testify*: LaDonna Castanuela, Texas Lottery Commission, Charitable Operations Division)

BACKGROUND: Some have suggested that the operating capital limit for bingo organizations should be raised to reflect inflationary pressures that may strain business operations.

DIGEST: CSHB 2820 would increase from $50,000 to $100,000 the maximum amount of operating capital a licensed authorized charitable bingo organization could retain in a bingo account for a single organization or for each member of a unit, except as otherwise provided by the Texas Lottery Commission or the bingo operations director.

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: Authorizing legislative leave pool for TDCJ correctional officers

COMMITTEE: Corrections — favorable, without amendment

VOTE: 6 ayes — Harless, V. Jones, Allen, Lozano, Meza, Wharton

2 nays — Harrison, Lowe

1 absent — Schatzline

WITNESSES: For — Jeff Ormsby, Texas Correctional Employees Council (*Registered, but did not testify*: Brian Hawthorne, Sheriffs' Association of Texas (SAT); Marshall Kenderdine, Texas Correctional Employees Council; Bryan Flatt, TMPA)

Against — None

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

BACKGROUND: Some have suggested that correctional officers employed by the Texas Department of Criminal Justice could benefit from access to a legislative leave pool, similar to that available to state troopers and game wardens.

DIGEST: HB 1828 would require the executive director of the Texas Department of Criminal Justice (TDCJ) to allow a correctional officer to voluntarily transfer up to eight hours per year of accrued compensatory time or annual leave to a legislative leave pool. The executive director or a designee would be required to administer the pool, and the Texas Board of Criminal Justice would be required to adopt rules and procedures for its operation.

The executive director of a designee would be required to credit contributed time to the pool and deduct the time from the officer's leave balance as if the time had been used for personal purposes. A correctional officer would be entitled to use time from the pool for legislative leave on behalf of an association that met the following criteria:

- was related to the officer's employment with TDCJ;
- had at least 5,000 active or retired members; and
- was governed by a board of directors.

The executive director or designee would be required to transfer time from the pool to a correctional officer and credit the officer with the time. A correctional officer could not withdraw more than 80 hours during a 160-hour work cycle or more than 480 hours during a fiscal year. Use of time would require approval by the association’s president or designee and would have to comply with board rules.

The bill would take effect September 1, 2025.

SUBJECT: Amending TCEQ authority regarding air permits for concrete plants

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 6 ayes — Landgraf, Anchía, K. Bell, Bumgarner, Reynolds, Toth

0 nays

3 absent — Ordaz, Morales Shaw, Oliverson

WITNESSES: For — Garrett Yancey, Jobe Materials, LP (*Registered, but did not testify*: Joshua Sanders, City of Houston; Santiago Franco, Harris County Commissioners Court; Cyrus Reed, Lone Star Chapter Sierra Club; Adrian Shelley, Public Citizen; Steven Deline)

Against — None

On — Samuel Short, Texas Commission on Environmental Quality (*Registered, but did not testify*: Michael Grimes, Texas Aggregate and Concrete Association)

BACKGROUND: Concerns have been raised that when the Texas Commission on Environmental Quality (TCEQ) grants an extension for a facility to delay construction, current law allows TCEQ to update the facility's permit to emit air contaminants without requiring the facility to meet the requirements of the most recent permit. Some have suggested that more specific instruction is needed in instances where a recipient of certain standard air permits requests extensions to a construction deadline.

DIGEST: CSHB 1768 would provide that if TCEQ amended a standard permit that authorized the operation of a permanent concrete plant that performed wet batching, dry batching, or central mixing, TCEQ could authorize the facility operator to begin new construction of a facility under the former standard permit to update the facility's plans for the new construction in accordance with the amended permit if:

- the facility operator did not begin the construction before the adoption of the amended permit; and
- the facility operator filed a request under TCEQ rules for an extension to begin construction.

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 Texas State Seal of Bilingualism and Biliteracy

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 – Elizet Kneisler, Texas Association for Bilingual Education (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators (ATPE); Jaime Puente, Every Texan; Chloe Latham Sikes, Intercultural Development Research Association (IDRA); Lauren McKenzie, Texans Care for Children; Kelsey Kling, Texas AFT; Brandon Garcia, Texas Public Charter Schools Association; Carrie Griffith, Texas State Teachers Association; Ashley Harris, United Ways of Texas)

Against – None

On – (*Registered, but did not testify*: Justin Porter, TEA; Adam Kranz)

BACKGROUND: Some have suggested that a standardized method by which an individual can indicate bilingualism and biliteracy would help postsecondary institutions and employers identify students and employees who can speak and read a language other than English.

DIGEST: HB 1579 would require the Texas Education Agency (TEA) to establish the Texas State Seal of Bilingualism and Biliteracy to recognize high school graduates who attained high levels of proficiency in comprehending, speaking, reading, and writing in both English and another language. TEA, in consultation with appropriate stakeholders, would be required to determine minimum requirements for earning the seal, which:

- would have to be sufficiently rigorous to indicate to an employer or postsecondary institution that a student who has earned the seal was biliterate;
- could include completion of a project, activity, or portfolio; and
- could not condition receipt of the seal on an examination created for that purpose.

The bill would require TEA to prepare and deliver to each school district an insignia that could be affixed or stamped on the diploma of and adopt a designation to be included on the transcript of a student who satisfied requirements for earning the seal.

Each school district would be required to:

- maintain appropriate records to identify students who have earned the seal; and
- affix the seal's insignia to the student's diploma and include in the student's transcript that the student earned the seal for each student who satisfied its requirements.

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: Authorizing nonvoting student trustee appointments to school boards

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Leach, Talarico

2 nays — Leo Wilson, Schoolcraft

2 absent — Hunter, Kerwin

WITNESSES: For — Ayaan Moledina, Students Engaged in Advancing Texas; Rachel Preston (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators (ATPE); Jason Sabo, Children at Risk; Garry Jones, DFER Texas; Ana O'Quin, Girls Empowerment Network; Chloe Latham Sikes, Intercultural Development Research Association (IDRA); Raif Calvert, Kelly Rasti, Texas Association of School Boards (TASB); Paige Williams, Texas Classroom Teachers Association; Carrie Griffith, Texas State Teachers Association)

Against — None

On — Steve Swanson (*Registered, but did not testify*: Christopher Lucas, Texas Education Agency)

BACKGROUND: Some have suggested that there is a growing desire by public school students to have a more direct role in the policies and decisions that directly affect their educational experience.

DIGEST: HB 1773 would authorize a school district’s board of trustees to appoint a student trustee in the manner and for a term prescribed by the board. A student trustee would not be a member of the board, but would have the same powers and duties as a member of the board, including the right to attend and participate in open meetings of the board, except that the student trustee:

- could not vote on any matter or make or second any motion; and

- would not be counted in determining whether a quorum existed for a meeting or in determining the outcome of any vote.

The bill would not apply to a school district operating under a campus turnaround plan.

The bill would take effect September 1, 2025.

SUBJECT: Raising penalty for attempted capital murder of a peace officer

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Smithee, Bowers, Cook, Little, Louderback, Money, Virdell

1 nay — J. Jones

3 absent — Wu, Moody, Rodríguez Ramos

WITNESSES: For — Calder Lively and Jarvis Parsons, Brazos County District Attorney's Office; Edward Ramirez, Brazos County Sheriffs Office (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Eric Carcerano, Chambers County District Attorney's Office; David Simmons, College Station Police Department; Jennifer Tharp, Comal County Criminal District Attorney; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Dusty Boyd, Coryell County District Attorney; M. Paige Williams, Dallas Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Ky Ash, DPS Officers Association (DPSOA); Jack Roady, Galveston County Criminal District Attorney; James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Lauren Lawrence, Phil Sorrells - Tarrant County Criminal District Attorney; Carlos Ortiz, San Antonio Police Officers Association; Keith Schmidt and Brian Hawthorne, Sheriffs Association of Texas; John Wilkerson, Texas Municipal Police Association (TMPA); James Richards, Texas Police Chiefs Association)

Against — (*Registered, but did not testify*: David Gonzalez, Texas Criminal Defense Lawyers Association)

BACKGROUND: Under Penal Code sec. 15.01(d), attempted capital murder is punished as one felony degree lower than the offense of capital murder. As a result, an attempt to kill a peace officer has the same penalty level as aggravated assault of a peace officer, even though attempted capital murder requires a higher threshold of proof for prosecution. Some have suggested that a higher penalty and limitations on release eligibility are needed to reflect

the severity of the offense of attempted capital murder of a peace officer and to distinguish the offense from aggravated assault.

DIGEST: HB 1871 would classify the attempted capital murder of a peace officer as a first-degree felony (life in prison or a sentence of 25 to 99 years and an optional fine of up to $10,000).

The bill also would make a person convicted of this offense ineligible for release on parole or mandatory supervision.

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

SUBJECT: Requiring treatment facilities to notify guardians of certain rights

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 — (*Registered, but did not testify*: Christine Bryan, Clarity Child Guidance Center; Patricia Aronin)

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

BACKGROUND: Concerns have been raised that while Texas law allows parents and guardians to voluntarily commit their children to treatment, facilities are permitted to refuse admission, which can lead families to believe that they are not allowed to seek other treatment options for their child. Some have suggested that ensuring parents are informed of their rights in these situations would help families better understand their options and advocate for necessary care.

DIGEST: HB 2035 would require a facility that refused to admit a minor for voluntary treatment and rehabilitation to provide to the minor's parent, managing conservator, or guardian requesting admission written notice of the parent's, managing conservator's, or guardian's right to seek voluntary treatment and rehabilitation of the minor at another facility.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing attorneys to sign waivers of arraignment for defendants

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Moody, Virdell

4 nays — Little, Louderback, Money, Rodríguez Ramos

WITNESSES: For — (*Registered, but did not testify*: Steven Deline; Thomas Parkinson)

Against — None

BACKGROUND: Some have suggested that authorizing an attorney representing a defendant to sign a waiver of arraignment on the defendant's behalf would address challenges when a defendant who is incarcerated at a distant location is required to personally sign a waiver.

DIGEST: HB 2448 would amend the Code of Criminal Procedure to authorize an attorney representing a defendant to sign a waiver of arraignment on behalf of the defendant.

The bill would take effect September 1, 2025.

SUBJECT: Requiring holding periods for individuals arrested for family violence

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Bowers, Cook, J. Jones, Little, Louderback, Money, Virdell

0 nays

3 absent — Wu, Moody, Rodríguez Ramos

WITNESSES: For — Michael Orozco and J.R. Woolley, Justices of the Peace and Constables Association (JPCA); Jim Powell (*Registered, but did not testify*: Jennifer Tharp, Comal County Criminal District Attorney; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Leigh McCoy, County Treasurers Association of Texas; M Paige Williams, Dallas Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Anthony Kivela, HPROA; Chad Jordan and Carlos Lopez, Justices of the Peace and Constables Association of Texas(JPCA); Brian Hawthorne, Sheriffs' Association of Texas (SAT); Jennifer Mudge, Texas Council on Family Violence; J. Staley Heatly, Wilbarger County Attorney's Office; Steven Deline; Leann Monk; Tracy Soldan)

Against — None

BACKGROUND: Concerns have been raised that individuals who are arrested for family violence may be immediately released under existing provisions, leaving victims of family violence vulnerable. Some have suggested that requiring a statewide holding period for individuals arrested for family violence could protect victims and allow them to implement safety plans before the abuser is released.

DIGEST: HB 2492 would require, rather than allow, the head of an agency that arrested or held a person without a warrant in the prevention of family violence to hold the person for four hours, rather than for no more than

four hours, after bond was posted if there was probable cause to believe the violence would continue if the person was immediately released.

The bill would take effect September 1, 2025, and would only apply to a person who was arrested on or after that date.

SUBJECT: Allowing paid leave on holidays for certain school district employees

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Leach, Talarico

1 nay — Schoolcraft

3 absent — Hunter, Kerwin, Leo Wilson

WITNESSES: For — (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators (ATPE); Garry Jones, DFER Texas; Paige Williams, Texas Classroom Teachers Association; Jennifer Easley, Texas PTA; Carrie Griffith, Texas State Teachers Association; Jenelle Million)

Against — None

BACKGROUND: Concerns have been raised that because current law does not specify that paid personal leave for certain school district employees may be used on designated school holidays, there are circumstances when such employees cannot work or be paid.

DIGEST: HB 1411 would entitle a school district employee with available personal leave under the state minimum personal leave program to use the leave for compensation for a day designated as a school holiday for which the employee would otherwise not receive compensation. An employee could not use more than two such personal leave days per year for days designated as school holidays during that year.

The bill would apply only to a school district employee who was not exempt from the overtime provisions of the federal Fair Labor Standards Act of and whose pay was not annualized.

The bill would apply beginning with the 2025-26 school year.

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

SUBJECT: Requiring cities to issue documents verifying certificates of occupancy

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 7 ayes — Gates, Lalani, Y. Davis, Hunter, R. Lopez, Morgan, Virdell

0 nays

2 absent — Alders, Hinojosa

WITNESSES: None

BACKGROUND: Concerns have been raised that current law allows a municipality to require a property owner to reapply for a missing certificate of occupancy and pay additional fees. Some have suggested that, when a municipality has a record of the original certificate of occupancy, a document verifying the issuance could be used to avoid charging owners unnecessary fees.

DIGEST: CSHB 4753 would require a municipality to issue a document to a building owner verifying that the municipality had issued an original certificate of occupancy for the building upon request, as long as the municipality had a record of issuing the original certificate.

The bill would prohibit a municipality from requiring a building owner who was issued such a document to obtain or display the original certificate of occupancy. The municipality would have to allow the building owner to display the document in lieu of the certificate.

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 for certain ongoing HHSC reports

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 — None

Against — None

On — (*Registered, but did not testify*: Ricky Garcia and Judy Temple, HHSC)

BACKGROUND: Current law requires the Health and Human Services Commission (HHSC) to submit reports frequently to the Legislature, which can mean that there is limited new data available between certain reports and insufficient time for stakeholder engagement. Some have suggested that amending the requirements for certain reports could reduce administrative strain on HHSC staff and allow for more complete data collection.

DIGEST: CSHB 4666 would amend the requirement for the data analysis unit within HHSC to provide updates on the unit's activities and findings to the governor, lieutenant governor, and certain legislative officials and entities by replacing the requirement to submit a report by the 30th day following the end of each calendar quarter with a requirement to report no later than December 1 of each year. The bill also would add the Legislative Budget Board (LBB) to the recipients of the report.

The bill also would require the data analysis unit, no later than December 1 of each year, to report to HHSC's Office of the Inspector General any anomalies identified by the unit related to service utilization, providers,

payment methodologies, and compliance with requirements in Medicaid and CHIP managed care and fee-for-service contracts.

CSHB 4666 would revise the frequencies of the following HHSC reports required to be submitted to the Legislature:

- the report summarizing HHSC's efforts related to Medicaid care improvement and hospital coordination, from semiannually to each even-numbered year;
- the report on the implementation of the acute care services and long-term services and support system for individuals with an intellectual or developmental disability, from annually to no later than September 30 of each even-numbered year; and
- the report submitted to the Legislature and made available to the public on quality-based outcome measures for Medicaid and CHIP to annually measure the percentage of certain enrollees or recipients with HIV infection, from annually to each even-numbered year.

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 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: Excepting U.S. military child-care facilities from license requirement

COMMITTEE: Human Services — committee substitute recommended

VOTE: 9 ayes — Hull, Manuel, A. Davis, Dorazio, Noble, Richardson, Rose, Schatzline, Slawson

0 nays

2 absent — C. Morales, Swanson

WITNESSES: For — None

Against — None

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

BACKGROUND: Concerns have been raised that U.S. Department of Defense (DOD) child-care facilities are required to be registered or licensed by the state even when caring for eligible DOD-affiliated children. Some have suggested that the state could increase access to family child care by recognizing DOD regulation instead of state licensure for such facilities.

DIGEST: HB 4529 would amend the Human Resources Code to provide that the following entities are not required to obtain a license from the Department of Family and Protective Services to operate a child-care facility or child-placing agency:

- a child-care facility located on a federal military base or other federal property that maintained a certificate to operate issued by the U.S. Department of Defense (DOD); or
- a military family child-care provider that maintained a certificate to operate issued by DOD.

HB 4529 would take effect September 1, 2025

SUBJECT: Creating a grant program for certain concrete manufacturers

COMMITTEE: Environmental Regulation — committee substitute recommended

VOTE: 5 ayes — Landgraf, Anchía, K. Bell, Bumgarner, Reynolds

1 nay — Toth

3 absent — Ordaz, Morales Shaw, Oliverson

WITNESSES: For — (*Registered, but did not testify*: Jennifer Woodard, AGC of Texas - Highway, Heavy, Utilities & Industrial Branch; Santiago Franco, Harris County Commissioners Court; Buddy Garcia, Holcim US; Cyrus Reed, Lone Star Chapter Sierra Club; Michael Grimes, Texas Aggregate and Concrete Association; Steven Deline)

Against — None

On — (*Registered, but did not testify*: Nate Hickman, Texas Commission on Environmental Quality)

BACKGROUND: Some have suggested that the state could better incentivize concrete batch plants to voluntarily reduce emissions by assisting plant operators in covering the cost of accessing an environmental product declaration database.

DIGEST: CSHB 1499 would require the Texas Commission on Environmental Quality (TCEQ) to establish and administer a grant program to reimburse certain manufacturers of ready-mixed concrete for the cost of accessing an environmental product declaration database or other software for generating environmental product declarations for ready-mixed concrete products. As a condition of receiving a grant, a manufacturer would have to agree to use environmental product declarations for its ready-mixed concrete products.

The bill would apply only to a manufacturer of ready-mixed concrete that was a corporation, partnership, sole proprietorship, or other legal entity

formed for the purpose of making a profit, was independently owned and operated, and had fewer than 100 employees or less than $6 million in annual gross receipts.

"Environmental product declaration" would be defined as an independently verified product-specific label that disclosed the environmental impact of a manufactured product based on a life cycle assessment.

TCEQ would be required to adopt rules to implement the grant program, including rules establishing eligibility criteria, application procedures, application evaluation and award criteria, guidelines related to grant amounts, and procedures for monitoring the use of a grant and ensuring compliance with any grant conditions.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined because the amounts and timing of appropriations that would be made for the purpose of providing grants, the number of eligible manufacturers, the number of grantees, timing of grant distributions, and the amount of grant funds that would be provided is unknown at this time.

SUBJECT: Making certain nonsubstantive revisions to Code of Criminal Procedure

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

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

0 nays

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

Against — None

On — Jeffrey Archer, Jeff Guidry, Texas Legislative Council; (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Some have suggested that, under a continuation of the Legislature's ongoing statutory revision program, certain statutes should be reclassified and rearranged, numbered and formatted to accommodate future expansion, eliminated if repealed, invalid, or duplicative, and corrected for drafting errors to improve accessibility, understandability, and usability without changing the substance of the law.

DIGEST: HB 1610 would make certain nonsubstantive additions to, revisions of, and corrections in certain criminal procedure laws relating to family violence; trade, business, or occupational activities injurious to public health; death inquests; and fire inquests. The bill would make conforming amendments to certain codes to prevent substantive changes to other laws.

The bill would take effect April 1, 2025.

SUBJECT: Revising electronic notice requirements for open meetings

COMMITTEE: Delivery of Government Efficiency — committee substitute recommended

VOTE: 11 ayes — Capriglione, Bhojani, Alders, Bowers, Campos, Cook, Curry, L. Garcia, Olcott, Rodríguez Ramos, Troxclair

0 nays

2 absent — Cain, Tinderholt

WITNESSES: For — (*Registered, but did not testify*: John Warren, County and District Clerks' Association of Texas; Kelley Shannon, Freedom of Information Foundation of Texas; Michael Schneider, Texas Association of Broadcasters; Kelsey Bernstein, Texas Council of Community Centers; Donnis Baggett and Mike Hodges, Texas Press Association; Jay Williamson, The County and District Clerks' Association of Texas; Thomas Parkinson)

Against — None

BACKGROUND: Concerns have been raised that the Open Meetings Act lacks specificity regarding website posting requirements for certain entities, which can lead to a lack of transparency. Some have suggested that expanding the entities to which notice posting requirements apply would increase the visibility of open meetings.

DIGEST: CSHB 2028 would require a county governmental body to post notice of each meeting on a bulletin board at a place convenient to the public in the county courthouse or on an electronic display, including an electronic kiosk, bulletin board, or the county's website.

The bill also would amend the requirement for certain governmental bodies or other entities to post on their websites meeting notices or agendas by deleting references to specific types of governmental bodies and instead applying the law to any governmental body or other entity

subject to the Open Meetings Act that maintained a website or for which a website is maintained. The bill would specify that such notices or agendas must be posted on the website's home page or landing page.

The bill would take effect September 1, 2025.

SUBJECT: Expanding license to carry eligibility to certain retired county judges

COMMITTEE: Homeland Security, Public Safety & Veterans' Affairs — favorable, without amendment

VOTE: 8 ayes — Hefner, R. Lopez, Canales, Dorazio, Holt, Isaac, Louderback, McLaughlin

0 nays

3 absent — Cortez, Hickland, Pierson

WITNESSES: For — Gary Zimmerman (*Registered, but did not testify*: John Beckmeyer, Leigh Gibson, Richard Hayes, Gun Owners of America; Emily Taylor, Gun Owners of America - Texas; Chris McNutt, Texas Gun Rights; Kyle Carruth)

Against — (*Registered, but did not testify*: Paula Hansen, Robin Breed, Heather Kennedy, Sarah West, Moms Demand Action; and 10 individuals)

On — (*Registered, but did not testify*: Tyler Smith, Everytown for Gun Safety)

BACKGROUND: Government Code sec. 411.201 establishes provisions for the eligibility of certain retired judicial officers for and the process for these officers to obtain a license to carry a handgun. A "retired judicial officer" includes certain appointed visiting judges, senior judges, judicial officers, or retired federal judges.

Some have suggested that eligibility for the expedited process by which certain retired judicial officers, such as visiting or senior judges, may obtain a handgun license should be expanded to include all retired judges.

DIGEST: HB 1506 would amend Government Code sec. 411.201 to expand the definition of a "retired judicial officer" to include a retired judge of a

constitutional county court or statutory county court who served at least 48 months in such a court.

The bill would take effect September 1, 2025 and would apply to an application for a license to carry a handgun submitted on or after that date.

SUBJECT: Authorizing one-time supplemental ERS payments

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

VOTE: 6 ayes — Lambert, Plesa, Bryant, Bumgarner, Hayes, Schoolcraft

0 nays

3 absent — L. Garcia, Holt, Vo

WITNESSES: For — Richard Farias, ASCME Texas Retirees; Bill Hamilton, Retired State Employees Association; Clay Taylor, Texas DPS Officers Association; Jerome Wald, Texas State Employees Union; Ann Bishop, TPEA; Joan Barasch (*Registered, but did not testify*: Ben Wright, BLET/TXSLB; Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Monte Carroll, DPSOA Reg. 6 Board Member; Amanda Posson, Every Texan (formerly CPPP); Leonard Aguilar, Secretary-Treasurer; Brian Hawthorne, Sheriffs Association of Texas; Tyler Sheldon, Texas State Employees Union; Louann Martinez, Texas State Troopers Association; and 9 individuals)

Against — None

On — Porter Wilson, Employees Retirement System of Texas

BACKGROUND: Concerns have been raised that inflation and the rising cost of living have eroded the value of annuity payments from the Employees Retirement System of Texas (ERS). Some have suggested that providing eligible annuitants with a one-time supplemental payment, or a "13th check," would help mitigate financial issues.

DIGEST: HB 886 would require the Employees Retirement System of Texas (ERS) to issue a one-time supplemental retirement or death benefit payment in January 2026, or a date that coincides with the regular annuity payment. ERS would be required to determine eligibility for the supplemental payment and the amount, timing, and method of distribution.

The payment would be distributed to all eligible annuitants and provided in addition to their regular monthly benefit. The supplemental payment would not count as one of the annuitant's guaranteed monthly payments.

The payment would be required to equal the lesser of $2,000 or the gross amount of the December 2025 payment to which the annuitant was entitled and would be subject to applicable tax withholdings and other legally required deductions before it was disbursed.

To be eligible for the one-time supplemental payment, an annuitant would have to be eligible to receive one of the following in December 2025:

- a standard retirement annuity payment;
- a certain optional service retirement annuity payment or cash balance annuity payment as either a retiree or beneficiary who had an effective retirement date on or before September 1, 2024;
- a standard or occupational disability retirement annuity payment;
- a death benefit annuity payment or cash balance annuity payment for survivors of certain law enforcement or custodial officers; or
- an alternate payee annuity payment under qualified domestic orders if payments had commenced on or before September 1, 2024.

Supplemental payments would not apply to:

- retirement annuity payments or cash balance annuity payments made to retirees or disability retirees based on service in the elected class of membership;
- death benefit annuity payments or cash balance annuity payments for the surviving spouse of a member of the elected class; or
- payments unrelated to the public retirement systems under ERS unless it was related to a qualified domestic relations order.

ERS would be required to make the one-time supplemental payment only if its board of trustees determined that the Legislature had appropriated sufficient funds, in addition to the required amounts, for this purpose and

that issuing the payment would not increase the system's unfunded actuarial liabilities.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of $180 million to general revenue related funds through the biennium.

SUBJECT: Authorizing ISDs to change certain term lengths and election dates

COMMITTEE: Public Education — committee substitute recommended

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*: Amy Beneski, Texas Association of School Administrators; Patty Quinzi, TX AFT)

Against — None

On — (*Registered, but did not testify*: Eric Marin, TEA; Christopher Lucas, Texas Education Agency)

BACKGROUND: Education Code sec. 11.059(e) authorizes an independent school district's (ISD) board of trustees to adopt a resolution changing the length of the terms of its trustees by December 31, 2023.

Election Code section 41.0052(a-1) allows ISDs in counties with populations between 19,900 and 20,000 that hold their general elections for officers on a date other than the November uniform election date to change the date of the election to the uniform date.

Concerns have been raised that some ISDs are not permitted to make certain changes regarding the length of their trustees' terms and the dates on which they hold general elections for officers, which has created challenges for ISDs in complying with other state law that requires elections for trustees with three-year terms to be held annually.

DIGEST: HB 3546 would change the date by which a resolution under Education Code sec. 11.059(e) could be adopted to December 31, 2030, and would specify that such a resolution could only be adopted until the date the November election was canvassed. The section would expire January 1, 2036.

The bill would extend the authorization under Election Code sec. 41.0052(a-1) to any independent school district (ISD) that held its general election for officers on a date other than the November uniform election date.

The bill would repeal certain provisions relating to restrictions on ISDs authorized to change their general election dates. The bill would prevail over another relevant bill of the 89th Legislature.

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

SUBJECT: Establishing authority to declare certain federal actions unconstitutional

COMMITTEE: State Affairs — favorable, without amendment

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

5 nays — Hernandez, Anchía, Y. Davis, Thompson, Turner

2 absent — Geren

WITNESSES: None (*Committee substitute considered in a public hearing on April 25*)

DIGEST: CSHB 796 would add Chapter 394 to the Government Code, establishing the Joint Legislative Committee on Constitutional Enforcement as a permanent joint committee of the Legislature to review federal actions that challenged the sovereignty of the state and of the people for the purpose of determining if the federal action was constitutional.

The committee would consist of six members of the House of Representatives appointed by the speaker of the House and six members of the Senate appointed by the lieutenant governor. No more than four members of the committee could be members of the same political party. Committee members would serve two-year terms beginning with the convening of each regular legislative session. The speaker of the House and the lieutenant governor would each be required to designate a committee member as a joint chair of the committee. The committee would be required to meet at the call of either joint chair, and a majority of members would constitute a quorum.

The committee would be authorized to review any federal action to determine whether it was an unconstitutional federal action, defined as a federal action enacted, adopted, or implemented without authority specifically delegated to the federal government by the people and the states through the U.S. Constitution.

When reviewing an action, the committee would have to consider the plain reading and reasoning of the U.S. Constitution and the understood definitions at the time of the framing and construction of the Constitution by our forefathers, as demonstrated by:

- the ratifying debates in the several states;
- the understanding of the leading participants at the constitutional convention;
- the understanding of the doctrine in question by the state constitutions in existence at the time the Constitution was adopted;
- the understanding of the Constitution by the first U.S. Congress;
- the opinions of the first chief justice of the Supreme Court;
- the background understanding of the doctrine in question under the English Constitution of the time; and
- the statements of support for natural law and natural rights by the framers and the philosophers they admired.

No later than 180 days after the committee held its first public hearing to review a specific federal action, the committee would be required to vote to determine, by majority vote, whether the action was unconstitutional.

Legislative determination. The committee would report its determination that a federal action was unconstitutional to the House of Representatives and Senate during the current legislative session, if the Legislature was convened at the time of the determination, or during the next regular or special legislative session. Each legislative house would be required to vote on whether the federal action was unconstitutional, and if a majority of each house determined that the action was unconstitutional, the determination would be sent to the governor for approval or disapproval as provided for by the Texas Constitution regarding bills.

A federal action would be declared by the state to be unconstitutional on the day the governor approved the Legislature's vote making the determination. The determination also would become law if presented to the governor as a bill and not objected to by the governor. The secretary of state would forward official copies of the declaration to the president of the United States, the speaker of the House of Representatives and the

president of the Senate of the U.S. Congress, and all members of the Texas delegation to Congress with the request that the declaration be entered in the Congressional Record.

Other determinations. CSHB 796 would not limit or alter the authority of the governor, the attorney general, a statewide elected official, a state or federal court, a judge or justice, a state or local appointed or elected official, or the governing body of a political subdivision to issue a verbal or written opinion determining a federal action to be unconstitutional. Such an opinion could be referred to the committee for review under the bill.

Effect of declared unconstitutional federal action. The bill would provide that a federal action declared to be unconstitutional under the Texas Sovereignty Act would have no legal effect in the state and could not be recognized by the state or a political subdivision as having legal effect. The state and political subdivisions could not spend public money or resources or incur public debt to implement or enforce a federal action declared to be unconstitutional. A person authorized to enforce state laws could enforce those laws, including the offense of official oppression under Penal Code sec. 39.03, against a person who attempted to implement or enforce a federal action declared to be unconstitutional.

The bill would not prohibit a public officer who had taken an oath to defend the U.S. Constitution from interposing to stop acts of the federal government which, in the officer's best understanding and judgment, violated the Constitution. Texas officials in federal, state, and local government would be required to honor their oaths to preserve, protect, and defend the U.S. Constitution and to act to constitutionally defend the state and its people. The attorney general would be authorized to defend the state to prevent the implementation and enforcement of a federal action declared to be unconstitutional.

Declaratory relief for unconstitutional federal action. CSHB 796 would establish that any court in the state had original jurisdiction in a proceeding seeking a declaratory judgment that a federal action effective in the state was an unconstitutional federal action under the Texas Sovereignty Act. In determining whether to grant a person declaratory

relief, a court could not rely solely on the decisions of other courts interpreting the U.S. Constitution and would have to rely on the plain meaning of the text of the Constitution and any applicable constitutional doctrine as understood by the framers of the Constitution. Relief would be exempt from the statutory provision allowing a court to refuse to render or enter a declaratory judgment or decree if it would not terminate the uncertainty or controversy giving rise to the proceeding.

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.

SUPPORTERS SAY:

CSHB 796, establishing the Texas Sovereignty Act, would protect Texas' sovereignty and help restore the proper constitutional balance of power between the state and federal government by creating a specific legislative mechanism for the state to review potentially unconstitutional federal actions and determine whether or not to enforce an action. Texas must address growing federal overreach, and CSHB 796 would reaffirm the principle of federalism as expressed in the 10th Amendment of the U.S. Constitution. Texas already does not enforce certain federal laws, and the bill would provide a process that would make it clear to Texans why the state government decides to comply or not comply with federal laws.

In reviewing federal actions, the joint legislative committee created by CSHB 796 would be required to apply an originalist interpretation of the U.S. Constitution, which would clarify that the framers wanted state legislatures to be more powerful on most issues, despite misinterpretations of the Supremacy Clause. The Constitution itself, not the Supreme Court or another branch of the federal government, should be the supreme authority in the nation.

CRITICS SAY:

CSHB 796 would violate the U.S. Constitution by allowing the state Legislature to veto Supreme Court decisions, contravening the Supremacy Clause. By requiring federal actions to be weighed in light of the framers' original intent, this bill would impose a specific legal interpretation, which no bill should do because this is a power granted by the Constitution to the judiciary, not the legislative branch. Courts must be allowed to exercise independent interpretive judgment. By undermining the role of the federal

judicial branch, the bill could weaken constitutional checks and balances and the rule of law.

CSHB 796 would give the state too much power over federal law and could allow the state to violate federally protected rights of individuals. If the federal government overstepped its constitutional authority, the state's elected national representatives should be responsible for standing up for Texans' rights in Congress.

NOTES: An HRO bill analysis for HB 796 was originally published in Part One of the *Daily Floor Report* on April 24.

SUBJECT: Requiring competitive bidding for procurement of lobbying services

COMMITTEE: Intergovernmental Affairs — committee substitute recommended

VOTE: 7 ayes — C. Bell, Cortez, Leo Wilson, Lowe, Luther, Spiller, Tepper

2 nays — Zwiener, Rosenthal

2 absent — Cole, Garcia Hernandez

WITNESSES: For — None

Against — Paula Blackmon, City of Dallas (*Registered, but did not testify*: Ricardo Ramirez, City of Austin; Jon Weist, City of Irving)

BACKGROUND: Some have suggested that requiring a competitive bidding process used for other types of contracts for lobbying and other government relations services would help to ensure proper oversight and prevent misuse of public money.

DIGEST: CSHB 223 would establish that a procurement for lobbying, government relations, or similar services intended to influence state or federal lawmakers on behalf of a municipality was not exempt from competitive bidding or competitive proposal requirements applicable to certain municipal expenditures.

The bill would take effect September 1, 2025, and would apply only to a contract for procurement made on or after the effective date.

SUBJECT: Requiring courts to notify OAG of certain election-related hearings

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Shaheen, Isaac, Plesa, Swanson, Toth, Wilson

2 nays — Bucy, Morales Shaw

1 absent — Raymond

WITNESSES: For — Ed Johnson, Harris County Ballot Security; Chuck DeVore, Texas Public Policy Foundation; Ken Moore (*Registered, but did not testify*: Andrew Eller, Election Integrity Committee and Secure Texas Elections Subcommittee of the State Republican Executive Committee, Self; Kathy Haigler; Russell Hayter; Marcia Strickler; Lucy Trainor)

Against — Emily French, Common Cause Texas (*Registered, but did not testify*: Mary Ibarra, ACLU of Texas; Taylor Trevino, Texas Civil Rights Project; and 9 individuals)

On — Dr. Laura Pressley, True Texas Elections (*Registered, but did not testify*: Will Wassdorf, Office of the Attorney General; Christina Adkins, Texas Secretary of State)

BACKGROUND: Some have suggested that the attorney general should be notified of court hearings seeking election-related restraining orders to allow the Office of the Attorney General (OAG) an opportunity to participate.

DIGEST: CSHB 1475 would require a court to notify the attorney general of an election-related criminal investigation hearing through email as soon as practicable before a hearing seeking a temporary restraining order. A court could not hold such a hearing sooner than two hours after the court provided notice unless the attorney general waived the requirement after receiving notice.

A court would be required to allow the attorney general to participate remotely in a relevant hearing using any reasonably available method.

The attorney general would have to designate an email address at which to receive a notice under the bill. A temporary restraining order issued in violation of the bill would be void and unenforceable.

The bill would take effect September 1, 2025.

SUBJECT: Requiring notice of certain construction near a National Wildlife Refuge

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

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

1 nay — Ward Johnson

1 absent — Martinez Fischer

WITNESSES: None (*Committee substitute considered in a public hearing on May 1*)

BACKGROUND: Concerns have been raised that wildlife is colliding with structures that reach heights commonly used during migration movements. Some have suggested that requiring advance notice of the construction of certain tall buildings to the Parks and Wildlife Department would allow the department to evaluate and address whether a structure could be dangerous to wildlife in Texas.

DIGEST: CSHB 3556 would prohibit a person from constructing a structure taller than 500 feet in a certain area unless the person provided notice to the Parks and Wildlife Department (TPWD) no later than 90 days before the date the person began the construction. The bill would apply only in a county with a population of less than 500,000 that:

- borders the Gulf of Mexico and is a county in which a national wildlife refuge is wholly or partly located; or
- is adjacent to such a county.

Notice provided to TPWD would be required to include sufficient detail for the department to reasonably evaluate the potential impact of the proposed structure on wildlife. TPWD could bring an action for injunctive relief to enjoin a violation of the bill.

CSHB 3556 would authorize TPWD, no later than 90 days after the date TPWD received the notice, to:

- review the notice and evaluate the proposed structure to determine the structure's potential impact on wildlife; and
- if TPWD determined the proposed structure would materially harm wildlife in Texas, bring an action for injunctive relief to limit or enjoin construction of the structure.

Under the bill, TPWD would be authorized to bring such an action in a district court for the county in which the structure was being constructed or was proposed to be constructed. The bill also would authorize the court to grant appropriate injunctive relief if it found that a person began construction of the structure in violation of the notice requirement or that the proposed structure will materially harm wildlife in Texas. TPWD would not be required to post a bond in an action for injunctive relief under the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025. The bill would apply only to a person who began construction of a structure on or after the 90th day after the effective date.

NOTES: An HRO bill digest of HB 3556 was originally published in the *Daily Floor Report* on April 30.

SUBJECT: Amending provisions on the Texas Pharmaceutical Initiative board

COMMITTEE: Public Health — committee substitute recommended

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

0 nays

2 absent — Schofield, Simmons

WITNESSES: For - (*Registered, but did not testify*: Charles Cascio, AARP TX; David Reynolds, Texas Chapter American College of Physicians; Duane Galligher, Texas Pharmacy Association; Patricia Aronin; Steven Deline)

Against - None

On - (*Registered, but did not testify*: Michael Geeslin, Texas Pharmaceutical Initiative)

BACKGROUND: Government Code Sec. 2177.006 requires the governing board of the Texas Pharmaceutical Initiative to develop and submit a business plan to the governor, the legislature, and the Legislative Budget Board on certain policies and procedures related to the initiative by October 1, 2024.

Concerns have been raised that the size of the Texas Pharmaceutical Initiative's governing board may limit effective communication and hinder board operations. Some have suggested that expanding the board's membership and establishing staggered terms would improve continuity and functionality.

DIGEST: CSHB 4638 would amend provisions governing the Texas Pharmaceutical Initiative (TPI) to increase the number of governor-appointed board members from three to five. The bill also would require board members to serve staggered six-year terms, with one-third, or as close as possible, of the members' terms expiring on February 1 of each odd-numbered year.

Vacancies on the board would have to be filled for the unexpired term in the same manner as the original appointment.

The bill would amend Government Code sec. 2177.006 to require the governing board to submit its business plan no later than June 1 of each even-numbered year. In addition to existing requirements, the business plan would have to include recommendations on best practices and cost savings related to the provision of pharmacy benefits using program utilization.

CSHB 4638 would require the governor, as soon as practicable after the bill's effective date, to appoint the additional board members as required under the bill and designate two members to serve terms expiring February 1, 2027, two members to serve terms expiring February 1, 2029, and one member to serve a term expiring February 1, 2031.

The bill would revise the expiration of provisions governing TPI from September 1, 2025, to September 1, 2031.

The bill would take effect September 1, 2025.