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HOUSE RESEARCH ORGANIZATION

daily floor report

Thursday, May 8, 2025
89th Legislature, Number 59
The House convenes at 10 a.m.
Part Two

Two bills are on the Major State Calendar, one resolution is on the Constitutional Amendments Calendar, and 81 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

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Thursday, May 08, 2025

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Part 2

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- SUBJECT:** Requiring driver’s licenses to show a registered sex offender designation
- COMMITTEE:** Homeland Security, Public Safety & Veterans’ Affairs — favorable, without amendment
- VOTE:** 10 ayes — Hefner, R. Lopez, Canales, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson
- 0 nays
- 1 absent — Cortez
- WITNESSES:** For — (*Registered, but did not testify:* Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Robin Foster, Harris County Deputies’ Organization FOP Lodge 39; Nathan Carroll, Houston Police Department; Ray Hunt, Houston Police Officers’ Union; Anthony Kivela, Houston Police Retired Officers Association; Adrian Martinez, Carlos Ortiz, San Antonio Police Officers Association; Bryan Flatt, TMPA; Steven Deline; Thomas Parkinson)
- Against — Mary Sue Molnar, Texas Voices; Sven Hendrickson; Diane Ramirez; Scott Smith; Diana Zalewski (*Registered, but did not testify:* Kathy Mitchell, Equity Action; Justin Martinez, Latino Justice PRLDEF; Cole Meyer, Texas Appleseed; Alycia Castillo, Texas Civil Rights Project; Allen Place, Texas Criminal Defense Lawyers Association; Richard Carden; Brenda Jones)
- BACKGROUND:** Concerns have been raised that the absence of a visible and standardized indicator on the driver’s licenses or state IDs of individuals required to register as sex offenders can cause inefficiencies or delays in verifying a person’s registration status that could potentially hinder public safety and law enforcement efforts.
- DIGEST:** HB 1777 would require the Texas Department of Public Safety (DPS), upon receiving an applicable court order, to include a designation on a person’s driver’s license or state ID indicating that the person was subject to sex offender registration requirements.

HB 1777 would take effect, September 1, 2025, and would only apply to driver's licenses issued or renewed on or after the effective date of the bill.

SUBJECT: Allowing tax credits or refunds for diesel used to operate certain equipment

COMMITTEE: Ways & Means — favorable, without amendment

VOTE: 13 ayes — Meyer, Martinez Fischer, Bernal, Button, Capriglione, Gervin-Hawkins, Hickland, Muñoz, Noble, V. Perez, Troxclair, Turner, Vasut

0 nays

WITNESSES: For — Robert Jones (*Registered, but did not testify*: Sara Allen, Sysco; Mark Borskey, Texas Trucking Association)

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

BACKGROUND: Some have suggested that diesel fuel used to operate auxiliary power units and power take-off equipment should be eligible for credit or refund of the motor fuel tax, since the fuel is not used to propel a motor vehicle.

DIGEST: HB 1663 would authorize holders of applicable licenses issued by the comptroller to take a credit on a tax return for the period in which a purchase of diesel fuel occurred and would authorize a non-license holder to file a refund claim with the comptroller if the person paid tax on diesel fuel used in Texas by auxiliary power units or power take-off equipment on any motor vehicle.

If the quantity of that diesel fuel could be accurately measured while the motor vehicle was stationary by any metering device or other measuring method separately from fuel used to propel the motor vehicle, the comptroller could approve and adopt the use of the device as a basis for determining the quantity of diesel fuel consumed in those operations for a tax credit or tax refund.

If there was no separate metering device or other approved measuring method, the license holder could take the credit, and the non-license holder could claim the refund on a percentage of the diesel fuel consumed by each motor vehicle equipped with an auxiliary power unit or power

take-off equipment. The comptroller would be required to determine the percentage of diesel fuel for which the credit or refund could be claimed.

The climate-control air conditioning or heating system of a motor vehicle that had a primary purpose of providing for the convenience or comfort of the operator or passengers would not be considered a power take-off system, and a credit or refund could not be allowed for the tax paid on any portion of the diesel fuel that was used for that purpose. A credit or refund could not be allowed for the diesel fuel tax paid on that portion of the diesel fuel that was used for idling.

The bill would take effect on September 1, 2025.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$5,230,000 to general revenue related funds through the biennium.

SUBJECT: Extending certain benefits to death investigation professionals

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

VOTE: 7 ayes — Button, K. Bell, Bhojani, Harris Davila, Lujan, Luther, Richardson

0 nays

4 absent — Talarico, Longoria, Meza, Ordaz

WITNESSES: For — Carl Rogers, Ector County Medical Examiner Office (*Registered, but did not testify*); Sylvia Holmes, Justice of the Peace and Constable Association of Texas; John Wilkerson, Texas Municipal Police Association (TMPA))

Against — None

On — Allen Craddock, TDI, Division of Workers' Compensation

BACKGROUND: Some have suggested that death investigation professionals should be eligible for the same benefits as first responders, given that they are exposed to many of the same hazards.

DIGEST: CSHB 1306 would amend certain provisions of the Government Code to extend certain benefits available to public safety employees and first responders to death investigation professionals. The bill would define “death investigation professional” to mean a justice of the peace, a death investigator employed by a county’s office of death investigator, a county medical examiner, or an employee of a county medical examiner’s office.

The bill would entitle death investigation professionals who were exposed to a contagious disease to reimbursement for reasonable medical expenses incurred for preventive treatment. For death investigation professionals to be eligible for reimbursement, exposure would have to have occurred while conducting or assisting in an inquest. The governmental entity that

employed the public safety employee or the county served by the death investigation professional would be responsible for reimbursing the employee.

CSHB 1306 would entitle death investigation professionals to receive preventive immunizations for diseases that they could be exposed to while conducting or assisting in an inquest and for which immunization was possible.

CSHB 1306 would add justices of the peace, a death investigator employed by a county's office of death investigator, a county medical examiner or an employee of a county medical examiner's office to the list of individuals whose surviving family members were eligible for financial assistance benefits under certain conditions.

The bill also would include death investigation professionals in the definition of "first responder" for the purposes of provisions related to expedited provision of medical benefits for certain injuries sustained by first responders in the course and scope of their employment.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to a lack of data about the number of medical examiners, death investigators, or justices of the peace whose survivors might be eligible for financial assistance under the provisions of the bill.

- SUBJECT:** Prohibiting certain food additives in school-provided meals
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 13 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Leach, Leo Wilson, Schoolcraft, Talarico
- 0 nays
- 2 absent — Hunter, Kerwin
- WITNESSES:** For — Grace Price, End Chronic Disease; Travis McCormick, Make Texans Healthy Again; Jason Karp; Nina Miller (*Registered, but did not testify*); Joel Romo, Partnership for a Healthy Texas; Matt Dowling, Texas Medical Association; Clayton Travis, Texas Pediatric Society; Jennifer Easley, Texas PTA; Charlene Reagan, Fran Rhodes, Shelia Franklin, True Texas Project; and 6 individuals)
- Against — Eric Knustrom, Consumer Brands Association
- On — Kristina Miller, LINQ; Lena Wilson, Texas Department of Agriculture (*Registered, but did not testify*); Catherine Steele, Texas Department of Agriculture; Monica Martinez, Texas Education Agency)
- BACKGROUND:** Concerns have been raised over the adverse health effects of certain food additives in school-provided meals, as scientific research has linked some artificial dyes, preservatives, and chemicals to behavioral and health issues in children.
- DIGEST:** CSHB 1290 would prohibit a school district or charter school that provided free or reduced-price meals to eligible students under state or federal programs from providing as part of such a meal any food that contained the following substances:
- brominated vegetable oil (BVO);
 - potassium bromate;
 - propylparaben;

- azodicarbonamide;
- butylated hydroxyanisole (BHA);
- titanium dioxide;
- certain artificial food dyes; or
- any additive that was substantially similar to any of the explicitly prohibited additives.

A school district or charter school would not be in violation of the bill if it received a waiver from the education commissioner.

The bill would apply beginning with the 2026-2027 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:** Amending tuition and fee exemptions for peace officers
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 10 ayes — Wilson, Howard, A. Davis, Lambert, V. Perez, Shaheen, Shofner, Tinderholt, VanDeaver, Ward Johnson
- 0 nays
- 1 absent — Lalani
- WITNESSES:** For — Tim McDonald (*Registered, but did not testify*: Rick Ramirez, City of Austin; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Rick Thompson, County Judges and Commissioners Association of Texas; James Parnell, Dallas Police Association; Jonathan Blanchard, Dallas Police Department; Ky Ash, DPS Officers Association (DPSOA); James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Buffy Crownover, Jama Pantel, Justices of the Peace and Constables Association of Texas; Carlos Ortiz, San Antonio Police Officers Association; Brian Hawthorne, Sheriffs' Association of Texas; Bryan Flatt, TMPA; David Scott)
- Against — None
- BACKGROUND:** Under current law, peace officers are exempted from paying tuition and fees for specific criminal justice or law enforcement courses at public institutions of higher education. Some have suggested that expanding the definition of law enforcement-related degree programs to include a broader range of fields relevant to peace officer service could expand access to educational benefits and better reflect the diverse roles and responsibilities of peace officers in the state.
- DIGEST:** CSHB 1527 would expand the scope of the tuition and fee exemption for peace officers at public institutions of higher education by removing language limiting the exemption to an undergraduate student. Instead of applying to individual courses, the bill would apply the exemption to a student enrolled in one or more courses that were part of a law

enforcement-related degree program. The bill would add a requirement that the student hold a basic peace officer proficiency certificate issued by the Texas Commission on Law Enforcement (TCOLE).

The bill would expand the definition of a law enforcement-related degree program to include programs in:

- criminal justice;
- public administration and public affairs;
- emergency management;
- youth and community studies;
- law;
- Spanish or any other foreign language commonly spoken in Texas;
- accounting, including forensic accounting;
- psychology;
- social work, including clinical social work;
- nursing;
- chemistry;
- biology;
- forensic science; or
- computer science, data science, and cybersecurity.

CSHB 1527 would apply beginning with the 2025 fall semester.

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 fiscal implications of the bill cannot be determined due to the lack of data to estimate the number of peace officers who would participate in qualified degree programs.

SUBJECT: Increasing certain benefits paid by the state’s judicial retirement systems

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

VOTE: 5 ayes — Lambert, Plesa, Bumgarner, Holt, Vo
0 nays
4 absent — Bryant, L. Garcia, Hayes, Schoolcraft

WITNESSES: For — John Cayce, Texas Association of Retired, Senior and Former Judges, Inc.; Ben Woodward (*Registered, but did not testify*: Dale Laine, Texas Association of Retired, Senior and Former Judges, Inc.)

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

On — Porter Wilson, Employees Retirement System of Texas

BACKGROUND: Some have suggested that an annual increase in annuities during the fiscal biennium is needed to ensure benefits provided to certain annuitants under the state’s two judicial retirement systems keep up with inflation.

DIGEST: HB 4802 would require the Employees Retirement System of Texas to recompute each annuity being paid to an annuitant receiving certain service or disability retirement or a death benefit annuities based on an effective date of retirement or a death that occurred on or before September 1, 2024, by multiplying the amount of the monthly annuity being paid to the annuitant by 7.5 percent on September 1, 2025, and again on September 1, 2026. The bill would apply to an eligible annuitant under the Judicial Retirement System of Texas Plan One or Plan Two.

The bill would take effect September 1, 2025, and the adjustment of benefits required under the bill would apply only to annuity payments made on or after that date.

SUBJECT: Amending local government authority to purchase real property

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 10 ayes — C. Bell, Zwiener, Cole, Cortez, Garcia Hernandez, Leo Wilson, Lowe, Luther, Rosenthal, Spiller

0 nays

1 absent — Tepper

WITNESSES: For — None

Against — None

On — Nathan Watkins

BACKGROUND: Concerns have been raised regarding a lack of uniformity among local governments with respect to legal authority to use and purchase real property. Some have suggested expanding the Public Property Finance Act to authorize certain local governments to enter into contracts for the acquisition of real property, including through a contract.

DIGEST: HB 3462 would revise the definition of “governing body” under the Public Property Finance Act to specify that a governing body could acquire real property as well as personal property.

The bill would amend provisions relating to real property and improvements for school districts to allow the governing body of a governmental agency, rather than only a school district board of trustees, to execute, perform, and make payments under a contract for the use, purchase, or other acquisition of real property or related improvements.

The bill also would extend the maximum authorized term of a contract under the Public Property Finance Act from 25 to 35 years.

The bill would take effect September 1, 2025.

- SUBJECT:** Requiring digital device manufacturers provide access to repair material
- COMMITTEE:** Trade, Workforce & Economic Development — committee substitute recommended
- VOTE:** 9 ayes — Button, Talarico, K. Bell, Bhojani, Harris Davila, Lujan, Luther, Meza, Richardson
- 0 nays
- 2 absent — Longoria, Ordaz
- WITNESSES:** For — Luke Metzger, Environment Texas; Chris Bross, Other World Computing; Donna Pizarro, Service Express the Right to Repair Org; Greyson Gee, Texas Public Policy Foundation; Bill Kelly, TexPIRG (*Registered, but did not testify*: Suzanne Aalderts, Innovei Technologies; Jeff Burdett, NFIB; Jamie Haynes, Texans Wake Up; Cindi Castilla, Texas Eagle Forum; Terri Hall, Texas TURF, Texans for Toll-free Highways, We the People - Liberty in Action, Grassroots America - We the People; Shelia Franklin, Julie McCarty, Fran Rhodes, and David Rogers, True Texas Project; Tom Glass; Matt Long; Brita Treat)
- Against — (*Registered, but did not testify*: Carlos Guitierrez, The Consumer Healthcare Products Association)
- On — Mike Meroney, Safelite Autoglass
- BACKGROUND:** Concerns have been raised about consumers’ ability to repair their own digital electronic devices. Some have suggested that requiring manufacturers to make certain repair materials widely available, including tools, manuals, and replacement parts, would lower consumer costs, extend device lifespans, and increase competition in the repair market.
- DIGEST:** CSHB 2963 would require an original equipment manufacturer of digital electronic equipment to make the tools, documentation, and replacement parts necessary to diagnose, maintain, or repair their products available, on fair and reasonable terms, to any independent repair provider or owner

of equipment manufactured by or on behalf of, sold by, or supplied by the manufacturer.

The bill would define “fair and reasonable terms” to mean that a manufacturer must make available tools, parts, and documentation without conditioning availability on the recipient being an authorized repair provider, at no cost or at the same or lower cost than what is charged to authorized providers, and could only charge actual costs for physical materials. These resources would have to be made available to independent repair providers and product owners within one year of the product’s first sale in Texas.

The bill would apply to digital electronic equipment with a wholesale price of at least \$50 that was sold to consumers in Texas and would exclude certain devices and categories of manufacturers, including certain critical infrastructure technology, motor vehicles, medical devices, certain farm equipment, aerospace, airplane, or train equipment, heavy equipment, certain safety equipment and systems, and appliances, among others.

Manufacturers could make repair resources available either directly or through authorized providers or third parties. An authorized repair provider could provide materials to individuals if permitted under the provider’s agreement with the manufacturer.

Equipment manufacturers would not be required to provide repair materials that were no longer supplied to authorized providers, were used only for free remote diagnostics, or would disclose trade secrets beyond what was necessary for repair. They also would not be required to share source code or materials that could compromise safety, security, or violate laws. The bill would not prevent a manufacturer from offering preassembled parts or requiring Internet-based authorization before an independent repair provider used a part or tool. The bill would also allow the manufacturer to offer alternative relief to the purchaser, such as a reimbursement of the purchase price or a replacement device.

CSHB 2963 would establish a limitation of liability for manufacturers and authorized repair providers. Manufacturers or authorized repair providers

would not be liable for damage, injury, or data loss that resulted from repairs done by independent providers or owners, or from misuse of provided materials.

The bill would make any provision in a contract that sought to waive or limit compliance void and unenforceable, including in an agreement between an authorized repair provider and a manufacturer.

The bill would grant exclusive enforcement authority to the attorney general. The attorney general could not proceed if the person cured the violation within a 30-day period and provided a written statement of intent not to violate the bill again. Violations following the cure period would constitute deceptive trade practices. The attorney general also could seek an injunction to restrain future violations and could recover attorney's fees and investigative costs.

The bill would not create a private right of action.

The bill would only apply to products first sold in Texas on or after the effective date. The bill would take effect September 1, 2026.

- SUBJECT:** Entitling pregnant drivers to use high-occupancy lanes
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 11 ayes — Craddick, M. Perez, Curry, Gámez, Harris Davila, Hefner, LaHood, Little, C. Morales, Patterson, Paul
- 0 nays
- 2 absent — Canales, E. Morales
- WITNESSES:** For — (*Registered, but did not testify:* M Paige Williams, Dallas Criminal District Attorney John Creuzot; David Reynolds, Texas Chapter American College of Physicians; Cindi Castilla, Texas Eagle Forum; Amanda Tollett, Texas Medical Association; Thomas Parkinson)
- Against — (*Registered, but did not testify:* Amber Mills, MOVE Texas Action Fund; Veronikah Warms, Texas Civil Rights Project; Kyle Riley, Texas Impact; Michelle Venegas-Matula and Erin Walter, Texas Unitarian Universalist Justice Ministries; Becky Bullard; Steven Deline; AJ Juraska; Thomas Thomson; Susan Thomson)
- BACKGROUND:** Concerns have been raised that pregnant drivers are being given tickets for driving alone in high occupancy (HOV) lanes despite having an unborn baby, which is considered an individual under the Penal Code. Some have suggested that entitling pregnant drivers to use any HOV lane could provide pregnant drivers with improved access to HOV lanes, which are designed to provide a smoother, quicker, comfortable, and less stressful driver experience.
- DIGEST:** HB 2462 would entitle a pregnant operator of a motor vehicle to use any high occupancy vehicle lane in Texas regardless of whether the vehicle is occupied by a passenger other than the operator's unborn child.
- The bill would take effect September 1, 2025.

- SUBJECT:** Creating an Adopt-a-County Road program
- COMMITTEE:** Transportation — favorable, without amendment
- VOTE:** 12 ayes — Craddick, M. Perez, Curry, Gámez, Harris Davila, Hefner, LaHood, Little, C. Morales, E. Morales, Patterson, Paul
- 0 nays
- 1 absent — Canales
- WITNESSES:** For — (*Registered, but did not testify:* Steven Albright, AGC of Texas; Melissa Shannon, Bexar County Commissioners Court; Adam Haynes, Conference of Urban Counties; Rick Thompson, County Judges and Commissioners Association of Texas; Elisa M. Tamayo, El Paso County; Larry Woolley, Johnson County and County Judges and Commissioners Association of Texas; Julie Wheeler, Travis County Commissioners Court; Ben Zeller, Victoria County, TX)
- Against — None
- BACKGROUND:** Some have suggested that creating a program to allow a county commissioners court to enter into certain partnership agreements could help rural counties afford costs to repair and maintain county roads.
- DIGEST:** HB 2560 would create the Adopt-a-County Road program. The bill would authorize a county commissioners court to enter into a partnership agreement with a person under which:
- the person would have to make a donation, gift, or grant of funds to repair and maintain a section of a county road; and
 - the county would have to install signs as public recognition that funding for the repair and maintenance of the section of county road has been provided by that person.
- HB 2560 would require the commissioners court to determine the amount of such a donation, gift, or grant required for a person to be publicly

recognized. The bill would restrict the use of funds received by the county through the partnership agreement to the repair and maintenance of a county road subject to the agreement, including authorized uses for the county and road district highway fund.

The bill would take effect September 1, 2025.

- SUBJECT:** Establishing liability exemptions for allowing entry to handgun licensees
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Leach, Dyson, Hayes, LaHood, Landgraf, Schofield
5 nays — Johnson, Dutton, Flores, J. González, Moody
- WITNESSES:** For — Gary Zimmerman (*Registered, but did not testify*: Sarah Horn, NFIB; Larry Gonzales, Texas Credit Union Association; Mark Borskey, Texas State Rifle Association; Michelle Evans)
Against — None
- BACKGROUND:** Concerns have been raised that current law does not address the potential liability of a business for damages that could arise from allowing handgun license holders to lawfully carry concealed handguns on the premises.
- DIGEST:** HB 644 would establish that a person with control over the premises of a business who allowed entry to a handgun license holder with a concealed handgun would not be liable based solely on that permission for damages that arose from the lawful carrying of a concealed handgun on the premises by the license holder.
- The bill would specify that the lack of an oral or written communication that constituted notice that entry on the property by the license holder was forbidden would be sufficient to constitute allowing a license holder with a concealed handgun to enter the premises for purposes of the liability exemption.
- The bill would take effect September 1, 2025, and would not apply to a cause of action that accrued before that date.

SUBJECT: Expanding toll discount programs to first responders

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Craddick, M. Perez, Curry, Gámez, Harris Davila, Hefner, LaHood, C. Morales, E, Morales, Paul

1 nay — Little

2 absent — Canales, Patterson

WITNESSES: For — James Monks, Austin EMS Association; Jack Finger (*Registered, but did not testify*: Houston Tower, Austin EMS Association; Michael Bullock, Austin Police Association; Larry Young, Game Warden Peace Officers Association; Anthony Kivela, HPROA; Fabiola Barreto, Texas AFL-CIO; Nicholas Hanetho, Texas State Association of Fire Fighters; John Sierega, TMPA; Steven Deline)

Against — (*Registered, but did not testify*: Arturo Ballesteros, North Texas Tollway Authority)

On — (*Registered, but did not testify*: Santiago Franco, Harris County Commissioners Court; Stephen Stewart, TxDOT)

BACKGROUND: Some have suggested that discount programs that provide the free or discounted use of a toll project by certain veterans should be extended to first responders, including paramedics, peace officers, and firefighters.

DIGEST: HB 2725 would expand the customers to whom a toll discount program was required to provide free or discounted use of a toll project to include an electronic toll collection customer whose account related to a vehicle registered to a paramedic, peace officer, or firefighter.

The bill would take effect September 1, 2025.

- SUBJECT:** Requiring recording and archiving of TxDOT traffic footage
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 11 ayes — Craddick, M. Perez, Curry, Gámez, Harris Davila, Hefner, LaHood, C. Morales, E. Morales, Patterson, Paul
- 1 nay — Little
- 1 absent — Canales
- WITNESSES:** For — Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Christina Murzin; Daniel Wilson (*Registered, but did not testify*); Michael Bullock, Austin Police Association; M Paige Williams, Dallas Criminal District Attorney John Creuzot; Ray Hunt, Houston Police Officers’ Union; Scott Rubin, Texas Police Chiefs Association; Krista Wilson
- Against — (*Registered, but did not testify*): Cindi Castilla, Texas Eagle Forum; Steven Deline)
- On — (*Registered, but did not testify*): Lance Simmons, P.E., Texas Department of Transportation (TxDOT))
- BACKGROUND:** Some have suggested that using available highway camera technology to maintain a video archive of traffic footage could aid law enforcement in solving crime.
- DIGEST:** CSHB 2621 would require the Texas Department of Transportation (TxDOT) to record live video feed of each video camera used to carry out its functions and to archive those recordings for at least 30 days from the recording date. A recording made under the bill would be confidential and would not be subject to disclosure under state public information law. TxDOT could provide access to a recording to:
- a law enforcement agency for use related to a criminal investigation; or

- respond to an emergency, such as a motor vehicle collision resulting in serious bodily injury or death, a bridge collapse, or the activation of a statewide alert system.

The bill would take effect September 1, 2025.

- SUBJECT:** Amending regulations for cottage food production operations
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 10 ayes — VanDeaver, Campos, Collier, Frank, Johnson, J. Jones, Olcott, Pierson, Schofield, Shofner
- 1 nay — Bucy
- 2 absent — Cunningham, Simmons
- WITNESSES:** For — Sheila McKnight, Cactus Butt Creations; Judith McGeary, Farm and Ranch Freedom Alliance; Samuel Hooper, Institute for Justice; Jada Lucero; Elizabeth Villalobos (*Registered, but did not testify*: Jay Crossley, Farm & City; Kelley Masters, Homemade Texas; Travis McCormick, Make Texans Healthy Again; Charles Maley, South Texans’ Property Rights Association; Jeff Paine)
- Against — Brittani Quinn, Mad Batter Cheesecakes; Jonathan Williams
- On — Tim Stevenson, Department of State Health Services
- BACKGROUND:** Current law allows a cottage food production operation to produce certain food in the individual producer’s home, other than foods that require time and temperature controls for safety (“time and temperature control for safety foods”). Concerns have been raised that the current scope of cottage food laws may be too limited to meet the growing demand for locally produced food, especially as the COVID-19 public health emergency increased demand for local food systems and food transparency.
- DIGEST:** CSHB 2588 would revise the definition of a “cottage food production operation” to include a nonprofit organization. To meet the bill’s definition, the food would have to be produced at the home of a director or officer of the nonprofit organization.
- The bill would expand the types of food a cottage food production operation would be authorized to produce. Instead of a list of specific foods, the bill would authorize an operation to produce any food,

including a time and temperature control for safety food, except for the following:

- meat, meat products, poultry, or poultry products;
- seafood, including seafood products, fish, fish products, shellfish, and shellfish products;
- ice or ice products, including shaved ice, ice cream, frozen custard, popsicles, and gelato;
- low-acid canned goods;
- products containing cannabidiol or tetrahydrocannabinol; or
- raw milk and raw milk products.

CSHB 2588 would require an operation that sold to consumers a time and temperature control for safety food to register with the Department of State Health Services (DSHS) in the form and manner prescribed by DSHS. The food would have to be stored and delivered at the air temperature necessary to prevent the growth of bacteria that may cause human illness and labeled in accordance with the bill. The bill would authorize the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules for an operation's sale of a time and temperature control for safety food.

The bill would prohibit a local government authority, including a local health department, from requiring a cottage food production operation to obtain any type of license or permit or pay any fee to produce, sell, or provide samples directly to a consumer or cottage food vendor of applicable food. The bill also would prohibit a local government authority from employing or continuing to employ a person who knowingly required or attempted to require a cottage food production operation to obtain such a license or permit.

The bill also would raise the cap on an operation's annual gross income from \$50,000 to \$100,000 and would require DSHS to annually adjust the cap for inflation using the Consumer Price Index for All Urban Consumers (CPI-U).

Labeling. The bill would revise labeling requirements for food sold by a cottage food operation by replacing the requirement for the label to include a statement that the food was not inspected by DSHS or a local

health department with a requirement for the label to state: “THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE THAT IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION.”

The operation would not be required to include its name and address on the food label if the operation registered with DSHS in the form and manner DSHS prescribed and included on the label a unique identification number provided by DSHS. The executive commissioner of HHSC could adopt rules to implement this provision.

The bill would repeal the requirement to include a specified statement with safe handling instructions and would replace it with a similar requirement applicable to all time and temperature control for safety foods. The bill also would require an operation that sold a time and temperature control for safety food to include on the food label the date the food was made.

Cottage food vendor. The bill would provide the option for an operation to sell and deliver food to a cottage food vendor, defined in the bill as a person located in Texas who had a contractual relationship with a cottage food production operation to sell, on behalf of the operation, a food other than a time and temperature control for safety food directly to consumers located in Texas.

CSHB 2588 would authorize a cottage food production operation to sell food to a cottage food vendor at wholesale. Notwithstanding any other law, a cottage food production operation that manufactured and distributed at wholesale cottage food for resale by others would be exempt from DSHS licensing requirements under the Texas Food, Drug, and Cosmetic Act.

The bill also would authorize a cottage food vendor to sell food produced by a cottage food production operation directly to consumers at a farmers’ market, farm stand, food service establishment, or any retail store. The bill would require the vendor to display a sign in a prominent place, disclosing that the food was produced in a private residence that is not subject to governmental licensing or inspection, and the food would need to include the date when it was made on the label.

The bill would require a cottage food vendor that purchased food from a cottage food production operation at wholesale to register with DSHS in the form and manner DSHS prescribed and would authorize the executive commissioner of HHSC to adopt rules to implement the registration requirement.

Internet sales. The bill would remove mail order as an authorized method of sales for a cottage food production operation. The bill would retain the authorization in current law for a cottage food production operation to make a sale through the Internet and would allow the food to be personally delivered to the consumer by the operator's employee or household member as an alternative to the operator.

Samples and donations. CSHB 2588 would authorize a cottage food production operation to provide samples of its products to consumers at any location in Texas in accordance with the sanitary standards set out in statutory provisions regulating food samples at farms and farmers' markets.

The bill also would allow an operation to donate food, other than time and temperature control for safety food, for sale or service at an event, including a religious or charitable organization's bake sale, to the same extent an individual would be allowed by law to donate food.

Repeals. The bill would repeal existing requirements for a cottage food production operation's sale of frozen raw and uncut fruit or vegetables relating to labeling and safe storage and delivery temperature. The bill also would repeal a provision prohibiting a cottage food operation from selling to consumers a time and temperature control for safety food, except as authorized by law.

The bill would take effect September 1, 2025.

- SUBJECT:** Creating offenses for promoting or possessing child-like sex dolls
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 11 ayes — Smithee, Wu, Bowers, Cook, J. Jones, Little, Louderback, Money, Moody, Rodríguez Ramos, Virdell
- 0 nays
- WITNESSES:** For — Kaden Lopez, Texas Family Project; Deborah Simmons (*Registered, but did not testify*: James Kershaw, Harris County Deputies' Organization FOP #39; Heidi Ruiz, Houston Police Department; Ray Hunt, Houston Police Officers' Union; Brian Hawthorne, Sheriffs' Association of Texas (SAT); John Wilkerson, Texas Municipal Police Association (TMPA))
- Against — None
- BACKGROUND:** Some have suggested that existing enforcement tools are insufficient and that criminal penalties are needed to address the possession and promotion of anatomically correct dolls resembling children and intended for sexual gratification that exploit the likeness of minors and reinforce harmful behavior.
- DIGEST:** CSHB 1443 would create criminal offenses related to child-like sex dolls. A person would commit an offense if the person knowingly:
- promoted a child-like sex doll, a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000);
 - possessed a child-like sex doll with intent to promote, a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000); or
 - possessed a child-like sex doll, a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).
- A person who possessed two or more child-like sex dolls would be presumed to have possessed the dolls with the intent to promote them.

The bill would define a “child-like sex doll” as an obscene, anatomically correct doll, mannequin, or robot that has the features of a child and is intended to be used for sexual stimulation or gratification.

It would be an affirmative defense to prosecution that the person possessed or promoted a child-like sex doll for a bona fide law enforcement purpose.

The bill would take effect September 1, 2025.

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:** Prohibiting disclosure and use of firearm information in foster homes
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 8 ayes — Hull, Manuel, Dorazio, Noble, Richardson, Schatzline, Slawson, Swanson
- 3 nays — A. Davis, C. Morales, Rose
- WITNESSES:** For - (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); Nick Tuccio, National Rifle Association; Mark Borskey, Tara Mica, Texas State Rifle Association)
- Against - (*Registered, but did not testify*: Terry Kosobud, Grandparents for Public Schools; Diana Forester, Texans Care for Children; Nicole Golden, Texas Gun Sense; Robert Watson, Texas Impact; Susana Carranza; Hayden Cohen; Maria Person; Susan Stewart)
- On - (*Registered, but did not testify*: Hector Ortiz, DFPS Resource Witness; Rachel Ashworth-Mazerolle, Health and Human Services Commission)
- BACKGROUND:** Concerns have been raised that requiring foster families to disclose firearm information could discourage participation in the foster care system and prevent individuals from exercising their constitutional rights.
- DIGEST:** CSHB 1403 would prohibit the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), and a child-placing agency that contracted with DFPS from requiring an agency foster home to disclose the specific types of firearms that are present in the home or to notify the child-placing agency if there was any change in the types of firearms present.
- The bill would prohibit HHSC, DFPS, and the child-placing agency from using any information they had or obtained relating to the types of

firearms present in an agency foster home for any purpose other than determining whether there were firearms in the home.

A child-placing agency that used such information in violation of the bill would be liable to the state for a civil penalty of up to \$5,000 per violation. The bill also would authorize the attorney general to bring an action to recover the civil penalty.

Information relating to the types of firearms present in an agency foster home would be confidential and exempt from disclosure under the Public Information Act.

The bill would take effect September 1, 2025.

- SUBJECT:** Commissioning a study on potential clinical sites for nursing students
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 10 ayes — Wilson, Howard, A. Davis, Lambert, V. Perez, Shaheen, Shofner, Tinderholt, VanDeaver, Ward Johnson
- 0 nays
- 1 absent — Lalani
- WITNESSES:** For — Jack Frazee, Texas Nurses Association (*Registered, but did not testify*); Priscilla Camacho, Alamo Colleges District; Kevin Warren, DHR Health; Christine Yanas, Methodist Healthcare Ministries; Jessica Schleifer, Teaching Hospitals of Texas; Kelsey Bernstein, Texas Council of Community Centers; Mackenzie Lyra, Texas Health Resources; Gregg Knaupe, Texas Hospital Association; Preston Poole, Texas Association of Community Health Centers; Steven Deline; Maria Person)
- Against — None
- On — (*Registered, but did not testify*): Elizabeth Mayer, Texas Higher Education Coordinating Board)
- BACKGROUND:** Concerns have been raised that Texas has a shortage of licensed vocational nurses and that a lack of clinical training spaces has contributed to the problem of some nursing schools having to turn away qualified applicants. Some have suggested that certain state and federal healthcare facilities in the state could serve as clinical training sites for nursing students to address this issue.
- DIGEST:** HB 3032 would require the Texas Higher Education Coordinating Board (THECB) to conduct a study in collaboration with the Health and Human Services Commission, the Texas Board of Nursing, the Texas Department of Criminal Justice, and the Texas Juvenile Justice Department regarding the feasibility of establishing clinical sites at correctional facilities, state

juvenile facilities, hospitals, and federally qualified health centers to provide clinical learning experiences for nursing students.

By December 1, 2026, THECB would be required to submit a written report to the governor, lieutenant governor, speaker of the House, and each relevant standing committee, detailing the study's results and any recommendations for legislative or other action.

The bill would expire September 1, 2027.

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: Waiving toll fees for certain veterans

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

VOTE: 7 ayes — Hefner, R. Lopez, Canales, Holt, Isaac, Louderback, McLaughlin

1 nay — Dorazio

3 absent — Cortez, Hickland, Pierson

WITNESSES: For — Charlie Malouff (*Registered, but did not testify*: Elisa M. Tamayo, El Paso County; Dakota Moyers, Self; Jim Brennan, Texas Coalition of Veterans Organizations; William West, The American Legion, Dept of Texas; Mitch Fuller, VFW Dept of Texas; Timothy Mabry; Kimberly Moyers)

Against — None

On — (*Registered, but did not testify*: Stephen Stewart, TxDOT)

BACKGROUND: Some have suggested that veterans who use toll roads when traveling to receive services such as medical treatment should be exempt from paying toll fees.

DIGEST: HB 1557 would require, rather than authorize, a toll project entity to establish a veteran discount program that included free use of the entity's toll project for certain veterans. The bill also would remove the option for the toll program to include discounted use of the toll project for customers whose accounts were associated with a vehicle that had specialty plates issued to veterans with disabilities or who were recipients of meritorious service medals.

The bill would take effect September 1, 2025.

- SUBJECT:** Expanding eligibility to certain retired judges for visiting assignments
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 10 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, Hayes, LaHood, Landgraf, Moody
- 1 nay — Schofield
- WITNESSES:** For — (*Registered, but did not testify*: Bryan Mitchell, Dallas County Criminal District Attorney - John Creuzot)
- Against — None
- On — Brandon Johnson
- BACKGROUND:** Concerns have been raised that judicial caseloads in certain regions of Texas, particularly along the Texas-Mexico border, are straining court resources. Some have suggested that allowing certain retired or former judges to serve as visiting judges could help alleviate these burdens and expand judicial capacity.
- DIGEST:** HB 1664 would allow a retired or former district court judge to be eligible for inclusion on the list of such judges available for assignment if the judge certified under oath to the presiding judge, on a form prescribed by the state board of regional judges, that during the preceding 15 years the judge had not been publicly reprimanded or censured by the State Commission on Judicial Conduct and:
- had not resigned or retired after the State Commission on Judicial Conduct (SCJC) had notified the judge of the commencement of a full investigation into an allegation or appearance of misconduct or disability of the judge and before the final disposition of that investigation; and
 - if the judge had resigned from office under these circumstances, had not been publicly reprimanded or censured as a result of the investigation.

A judge would be ineligible for inclusion on the list only if, during the preceding 15 years, the judge was named in a public statement by the SCJC as having resigned or retired in lieu of discipline.

The bill would expire September 1, 2033.

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: Changing the day presidential electors must convene

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Shaheen, Bucy, Isaac, Morales Shaw, Plesa, Raymond, Swanson

0 nays

2 absent — Toth, Wilson

WITNESSES: For — (*Registered, but did not testify:* Ed Johnson, Harris County Ballot Security; Andrew Eller; Kathy Haigler; Russell Hayter; Ken Moore)

Against — None

On — (*Registered, but did not testify:* Ryan Jimenez, Texas Secretary of State)

BACKGROUND: Concerns have been raised that Texas law has been in conflict with federal law since Congress changed the date for the meeting and vote of the electoral college from the first Monday to the first Tuesday after the second Wednesday in December following its appointment.

DIGEST: HB 2811 would require presidential electors to convene at the State Capitol on the first Tuesday, rather than Monday, after the second Wednesday in December following their election to perform their duties as prescribed by federal law.

The bill would take effect September 1, 2025.

- SUBJECT:** Authorizing the creation of a public law school in the Rio Grande Valley
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 9 ayes — Wilson, Howard, A. Davis, Lalani, Lambert, V. Perez, Shaheen, VanDeaver, Ward Johnson
- 0 nays
- 2 absent — Shofner, Tinderholt
- WITNESSES:** For — (*Registered, but did not testify:* Tracy Johnson, DFER TX; David Albert; Bianca Arvin-Eagle; Isaac Chavira; Steven Deline; Maximiliano Prado)
- Against — None
- BACKGROUND:** Concerns have been raised that the Rio Grade Valley is underserved in regards to legal education and legal representation. Some have suggested that providing for the establishment of a public law school in the Rio Grande Valley could address this issue and increase the opportunity for students in the area to attend law school.
- DIGEST:** HB 2088 would allow the governing board of a university system to establish and operate, as a professional school of the system, a school of law in Cameron County or Hidalgo County as the governing board considered appropriate. In administering the law school, the governing board could prescribe courses leading to customary degrees offered at other leading American law schools and could award those degrees. The governing board could assign responsibility for the management of the law school to a general academic teaching institution in the university system. Establishment of a law school under the bill would be subject to the availability of funding, either through appropriation or from another source.
- The governing board of a university system that intended to establish a law school would be required to notify the Texas Higher Education

Coordinating Board (THECB). If THECB received notification from more than one governing board, THECB would have to determine which of those governing boards would be allowed to establish a school. THECB would have to base the determination on the need for a law school in a geographic area, potential student demand, available system resources, the feasibility of the specific proposal of each system, and other criteria THECB considered appropriate.

Before the governing board established a law school, it would have to request THECB to prepare a feasibility study to determine the actions the system would have to take to obtain accreditation. The bill would require THECB to deliver a copy of the study to the governing board and to the chair of each legislative standing committee with jurisdiction over higher education.

No state funds could be appropriated for this purpose for a state fiscal biennium ending on or before August 31, 2031.

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, there would be costs related to the establishment of the law school beginning in fiscal year 2032.

- SUBJECT:** Amending provisions to reference the term “school psychologist”
- 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 — Ashley Arnold, Amanda Afifi, Texas Association of School Psychologists (TASP) (*Registered, but did not testify*: Steven Aleman, Disability Rights Texas; Greg Hansch, National Alliance on Mental Illness Texas (NAMI); Kelly Rasti, Raif Calvert, Texas Association of School Boards (TASB); Andrea Chevalier, Texas Council of Administrators of Special Education)
- Against — None
- On — (*Registered, but did not testify*: Robert Romig, Texas Behavioral Health Executive Council; Kristin McGuire, Monica Martinez, Texas Education Agency)
- BACKGROUND:** Some have suggested that the term “licensed specialist in school psychology,” meaning a school psychologist with specialized training in education and mental health, should be replaced in statute with “school psychologist,” which is a more generally understood term and would help parents and teachers more easily understand the services provided by these specialists.
- DIGEST:** HB 2598 would amend certain provisions in the Education Code, Government Code, and Occupations Code to replace references to “licensed specialist in school psychology” with “school psychologist.”
- The bill would take effect September 1, 2025.

- SUBJECT:** Requiring colleges to provide fentanyl prevention instruction to freshmen
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 11 ayes — Wilson, Howard, A. Davis, Lalani, Lambert, V. Perez, Shaheen, Shofner, Tinderholt, VanDeaver, Ward Johnson
- 0 nays
- WITNESSES:** For — Sandra Bagwell, Michael Land, Texas Against Fentanyl (*Registered, but did not testify*: Christine Busse, NAMI Texas; Nicole Malone, National Association of Social Workers–Texas Chapter; Hayden Cohen, Students Engaged in Advancing Texas; Stefanie Turner, Texas Against Fentanyl; Lee Johnson, Texas Council of Community Centers; Shannon Noble, Texas Counseling Association; and 9 individuals)
- Against — None
- BACKGROUND:** Concerns have been raised that there are currently no state-required fentanyl poisoning awareness curriculum requirements for higher education institutions.
- DIGEST:** HB 3062 would require each higher education institution to provide research-based instruction related to fentanyl prevention and drug poisoning awareness to entering undergraduate students as soon as practicable during the students’ first semester or term at the institution. The required instruction would have to include:
- suicide prevention;
 - prevention of fentanyl abuse and addiction;
 - awareness of local institutional and community resources and any processes involved in accessing those resources; and
 - health education that included information about substance use and abuse.
- The instruction could be provided online and by an entity, or an employee or agent of an entity, that was:

- a public, private, or independent higher education institution;
- a library;
- a community service organization;
- a religious organization;
- a local public health agency; or
- an organization employing mental health professionals.

The bill would apply beginning with the 2026 fall semester 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: Establishing an advanced air mobility program

COMMITTEE: Transportation — committee substitute recommended

VOTE: 10 ayes — Craddick, M. Perez, Gámez, Harris Davila, Hefner, LaHood, C. Morales, E. Morales, Patterson, Paul

2 nays — Curry, Little

1 absent — Canales

WITNESSES: For — Amanda Nelson, Bristow Group Inc.; Daniel Dalton, Wisk Aero LLC (*Registered, but did not testify*: Joshua Sanders, City of Houston; Spencer Gutierrez, City of Sugar Land; Neftali Partida, Greater Houston Partnership; Andrea Coker, North Texas Commission; Juan Antonio Flores, Port San Antonio and San Antonio Mobility Coalition.; Leticia Van de Putte, San Antonio Chamber of Commerce; Rahul Sreenivasan, Texas 2036; Jeff Emerick, Texas Association of Business; Molly Spratt, Texas Association of Manufacturers; Tyler Schroeder, The Boeing Company)

Against — None

On — Dan Harmon, Texas Department of Transportation

BACKGROUND: Concerns have been raised that Texas is facing increasing challenges to meeting its citizens' transportation needs due to rapid population growth. Some have suggested that enacting certain Urban Air Mobility Advisory Committee recommendations could facilitate the development of urban air mobility, which could streamline and modernize mobility for passengers and cargo by using on under-utilized aerial transit routes.

DIGEST: CSHB 3134 would require the Texas Department of Transportation (TxDOT) to ensure the implementation of the highest level of public safety protocols and airspace efficiency and to coordinate the development of advanced air mobility (AAM) infrastructure across Texas.

Advanced air mobility plan. CSHB 3134 would require TxDOT to establish an office within the aviation division, develop a statewide strategic plan in partnership with federal and local stakeholders, promote uniform standards for vertiports and zoning, study energy needs, support uniform planning and zoning provisions, hold a public education campaign, publish informational materials, and administer a matching grant program for research at public institutions of higher education.

Provisions related to powered lift aircraft or electric aircraft, including electric vertical takeoff and electric conventional takeoff landing aircraft, would be applicable only to an aircraft with a gross takeoff weight of 300 pounds or more that was capable of transporting passengers or cargo.

Collaboration. CSHB 3134 would require TxDOT, the Office of the Governor, the Texas Education Agency, and the Texas Higher Education Coordinating Board to collaborate with public school districts, institutions of higher education, and interested public and private stakeholders on educational opportunities related to AAM technology. The bill would require the statewide strategic plan to:

- ensure public safety and airspace efficiency;
- determine short-term, medium-term, and long-term goals for AAM and the associated economic impact of achieving those goals; and
- comprehensively address all aspects of AAM.

The bill would require TxDOT to consult with the U.S. Department of Transportation, the Federal Aviation Administration, commercial air carriers, political subdivisions of Texas that own or control an airport, and any other relevant stakeholders. The bill also would require the office within the aviation division to establish working relationships with those entities.

Rules. CSHB 3134 would require the Texas Transportation Commission to adopt rules to implement the grant program established and would require those rules to specify a minimum percentage of additional matching funds that would have to be provided by the AAM industry or other persons as a condition of receiving matching funds under the program.

The bill would prohibit a political subdivision of the state from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation related to advanced air mobility, the ownership of an advanced air mobility aircraft, or the aerial operation of an advanced air mobility aircraft unless the political subdivision was an airport operator.

Repeals. CSHB 3134 would repeal provisions that required TxDOT to take certain actions related to aviation transportation systems that used highly automated aircraft, which could be manned or unmanned, to operate and transport passengers or cargo at lower altitudes for commercial, public service, private, or recreational purposes.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of \$9,399,200 to general revenue related funds through the biennium.

- SUBJECT:** Requiring certain Medicaid notices and materials for newborns
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 9 ayes — Hull, Manuel, A. Davis, Dorazio, C. Morales, Richardson, Rose, Schatzline, Swanson
- 1 nay — Slawson
- 1 absent — Noble
- WITNESSES:** For — Alec Mendoza, Texans Care for Children (*Registered, but did not testify*); Andrea Sparks, Buckner International; Stacy Wilson, Children’s Hospital Association of Texas; Joshua Sanders, City of Houston; Kevin Warren, DHR Health; Katherine Strandberg, Every Body Texas; Lynn Cowles, Every Texan; Christine Yanas, Methodist Healthcare Ministries; Bryan Mares, National Association of Social Workers-Texas; Preston Poole, Texas Association of Community Health Centers; Kelsey Bernstein, Texas Council of Community Centers; Gregg Knaupe, Texas Hospital Association; Amanda Tollett, Texas Medical Association; Linda Litzinger, Texas Parent to Parent; Stefanie Page, Texas Pediatric Society; Michelle Venegas-Matula, Texas Unitarian Universalist Justice Ministry; Desiree Ingram, Texas Women’s Healthcare Coalition; Brianna Waldock, TexProtects; Ashley Harris, United Ways of Texas; Steven Deline)
- Against — None
- On — (*Registered, but did not testify*: Lori Gabbert-Charney, Department of State Health Services)
- BACKGROUND:** Concerns have been raised that many Medicaid-eligible newborns are not being automatically enrolled in coverage at birth as required by law and are experiencing delays in manual enrollment, leaving some newborns uninsured during critical early checkups.
- DIGEST:** HB 3940 would require the Health and Human Services Commission (HHSC) to annually provide a written notice to each managed care

organization (MCO) and health care provider that regularly provided health care services to Medicaid recipients who were pregnant women or newborn children.

The bill would require the notice to remind providers and MCOs that when a newborn child of a Medicaid recipient had not yet been assigned a Medicaid ID, the provider could accept or use the recipient's Medicaid ID on any claim for reimbursement under Medicaid. The bill also would require the notice to encourage MCOs and providers to educate Medicaid recipients who were mothers or the prospective mothers of newborn children that the recipient's Medicaid ID could be used until their child was enrolled in Medicaid.

HB 3940 would amend the resource information that a provider offering prenatal care to a pregnant woman during gestation or at the delivery of an infant was required to give to a newborn's parents to include information about Medicaid benefits for children, including eligibility requirements and the application process. The resource guide would also have to include information on how to contact HHSC to report the child's birth for the purpose of enrolling the child in Medicaid.

The bill also would require that parents or caregivers receive written notice, developed by HHSC, informing them that their newborn child was automatically eligible for Medicaid. The notice would have to state that the woman's Medicaid ID could be used for reimbursement claims for services provided to the child until the child was enrolled in Medicaid and assigned a separate ID.

HB 3940 would require documentation in a newborn mother's health record that the woman received the required resource pamphlet and, if applicable, the resource guide and notice.

The bill would take effect September 1, 2025.

- SUBJECT:** Establishing requirements for certain civil depositions and dismissals
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 10 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, LaHood, Landgraf, Moody, Schofield
- 1 nay — Hayes
- WITNESSES:** For — (*Registered, but did not testify*: Lisa Medina, Texas on Family Violence)
- Against — (*Registered, but did not testify*: Brandon Johnson; Thomas Parkinson)
- BACKGROUND:** Concerns have been raised that individuals may misuse the legal system to harass, intimidate, or financially exhaust victims of family violence or abusive conduct through pre-suit deposition requests. Some have suggested that additional safeguards are needed to prevent this kind of misuse and protect the rights of victims.
- DIGEST:** CSHB 4027 would establish procedures for certain civil proceedings involving allegations of family violence or abusive conduct.

Deposition of alleged victims. The bill would require a petitioner seeking to depose a person alleging certain types of family violence or abusive conduct to disclose whether the petitioner was or had been subject to a protective order or criminal complaint related to abusive conduct. The petitioner also would be required to provide the court with copies of any applicable orders or complaints.

A court could grant the petition for an oral deposition only if it found, by clear and convincing evidence, that the petitioner did not have a history or pattern of family violence or abusive conduct involving the alleged victim and that the petition was not intended to harass, intimidate, or control the alleged victim.

Motion to dismiss. The bill would require a court to grant a motion to dismiss a civil proceeding if it found, by clear and convincing evidence, that the purpose of the proceeding was to harass, intimidate, or control an alleged victim of certain types of family violence or abusive conduct. A respondent to such a motion would be required to disclose whether the respondent was or had been subject to a protective order or criminal complaint related to abusive conduct and to provide the court with copies of any applicable orders or complaints.

Attorney's fees. The bill would authorize a trial court that granted a motion to dismiss under these provisions for certain types of family violence or abusive conduct to award costs and attorney's fees to the prevailing movant on request.

Scope and effective date. The bill's provisions could not be modified or repealed by a rule adopted by the Texas Supreme Court under its general rulemaking authority.

The bill would take effect September 1, 2025, and would apply only to petitions for an order authorizing an oral deposition or motions to dismiss filed on or after that date.

- SUBJECT:** Establishing penalty for noncompliance with certain audit requirements
- COMMITTEE:** Intergovernmental Affairs — favorable, without amendment
- VOTE:** 9 ayes — C. Bell, Zwiener, Cortez, Garcia Hernandez, Leo Wilson, Lowe, Luther, Spiller, Tepper
- 1 nay — Rosenthal
- 1 absent — Cole
- WITNESSES:** For — None
- Against — (*Registered, but did not testify*: Rick Ramirez, City of Austin; Steven Deline)
- BACKGROUND:** Some have suggested that establishing penalties for a municipality that was noncompliant with annual audit requirements would improve accountability and transparency for taxpayers.
- DIGEST:** HB 4097 would allow a person to submit a complaint to the attorney general of a suspected violation of provisions regarding an annual audit or filing of financial statements for municipalities.
- If the attorney general determined that a municipality had not had its records and accounts audited and an annual financial statement prepared based on the audit or had not filed the financial statement and the auditor's opinion on the statement in the office of the municipal secretary or clerk before the 180th day after the last day of the municipality's fiscal year, the municipality could not adopt an ad valorem tax rate that exceeded the municipality's no-new-revenue tax rate for:
- the tax year that began on or after the date of the attorney general's determination; or
 - a subsequent tax year that began before the date the municipality had an annual audit completed and financial statement prepared or

filed the financial statement and auditor's opinion on the financial statement with the municipal clerk, as applicable.

The bill would take effect September 1, 2025, and would only apply to the adoption of an ad valorem tax rate for a tax year that began on or after the effective date.

- SUBJECT:** Revising certain provisions related to business organizations
- 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 — Daryl Robertson, Travis Wofford, Texas Business Law Foundation (*Registered, but did not testify*: Ava Boyd, Northwest Registered Agent LLC; Chuck Mains, Texas Business Law Foundation; Carol Sims, Texas Civil Justice League)
- Against — None
- On — (*Registered, but did not testify*: David Eskew, Texas Secretary of State)
- BACKGROUND:** Business Organizations Code sec. 21.168(e) authorizes a board of directors of a corporation to delegate to a person the authority to enter into a transaction to issue rights or options. That person may issue rights or options in the number, at the time, and for the consideration the person may determine if the authorization of the board of directors states certain information, including the maximum number of rights or options, and the maximum number of shares issuable on exercise of those rights or options, that may be issued under the authorization.
- Business Organizations Code sec. 22.218 (a) establishes that the board of directors of a nonprofit corporation, if authorized by the certificate of formation or corporate bylaws, may designate one or more committees to have and exercise the authority of the board in the management of the corporation.
- Some have suggested that, due to the complexity and dynamics of corporate law, the Business Organizations Code requires ongoing

substantive and technical updates to remain responsive to the current needs of Texas' business organizations.

DIGEST:

CSHB 4862 would revise certain provisions of the Business Organizations Code related to code construction, entity formation, governing persons and officers, meetings, mergers, shareholder rights, derivative proceedings, defective corporate acts, limited liability companies, limited partnerships, and other business matters.

Domestic entities. The bill would establish and revise various provisions on domestic entities.

Code construction. CSHB 4862 would establish that a reference or grant of jurisdiction to a district court would constitute a reference or grant of concurrent jurisdiction to a business court if the business court had authority under state law to adjudicate the claim.

The bill would authorize the managerial officials of a domestic entity to consider the laws and judicial decisions of other states and the practices observed by entities formed in those states. The plain meaning of the text of the Business Organizations Code could not be supplanted, contravened, or modified by the laws of any other state.

Forum and venue. The bill would allow the governing documents of a domestic entity to require one or more courts in the state to serve as the exclusive forum and venue for any internal entity claims.

Certificate of formation. A restated certificate of formation for a for-profit or professional corporation could omit any provisions necessary to effect certain changes or cancellations of shares after they had become effective. Certain omissions and insertions in the restated certificate of formation would not require shareholder approval.

Ratification of documents. If statute required the approval by a governing authority of any plan, agreement, instrument, or other document, the bill would authorize the governing authority to approve those documents in final or substantially final form. The governing authority could ratify these documents prior to filing them with the secretary of state.

Ratification would be considered effective as of the time the governing body approved the document and would satisfy any requirement that the document be approved in a specific manner or sequence.

Notice. When a notice was required or permitted to be given to an owner, member, or governing person of a domestic entity, a document attached to or enclosed with a meeting notice would be considered part of the notice for purposes of satisfying notice requirements.

Notice of business actions taken with less than unanimous written consent would, in addition to existing regulations, be required to contain a description of the action that was the subject of consent and could, instead of containing the complete notice, direct the owner or member to a publicly available electronic resource where a description of the action and any other applicable information required by law could be accessed.

Mergers, exchanges, and conversions. The bill would authorize a plan of merger or plan of exchange to include provisions for the appointment of one or more persons as a representative of the owners or members of a party to the merger or exchange of interests, including those whose own membership was cancelled, converted, or exchanged in the merger. The provisions appointing the representative could delegate exclusive authority to take certain actions on behalf of the owners or members, prescribe the binding effect of the appointment, and provide that the provisions could not be amended after the merger had become effective or could only be amended with certain persons' consent or approval. Certain disclosures would not be considered part of a plan of merger or plan of exchange but would have the effects provided in the plan.

Lawful actions taken by a converted entity in connection with a conversion would be considered authorized, adopted, and approved by the converted entity and its governing authority and would not require any further action for purposes of the code.

Other general provisions. The bill would remove an authorization for business filings to be filed by facsimile and would require methods of delivery not explicitly listed in statute to be approved by the secretary of state.

The bill would change certain references to “individuals” throughout the Business Organizations Code to references to “persons.” The bill would change certain references to “governing persons” to references to “managerial officials.” For references to corporate acts that were void or voidable, the bill would add “ineffective” acts.

For-profit corporations. CSHB 4862 would authorize the board of directors of a corporation that had outstanding shares to amend its certificate of formation to omit certain provisions. If the corporation had only one class of outstanding stock that met certain conditions specified by the bill, the board of directors would be authorized to reclassify by subdividing issued shares of stock into a greater number of shares or by combining issued shares into a lesser number of shares. The board also could increase or decrease the number of authorized shares by multiplying the existing number by the same multiple through which the issued shares were increased or decreased.

After such reclassifications were made, the bill would require the board of directors to transfer a certain amount of surplus to its stated capital. If the surplus was less than what was required to be transferred, a corporation would be prohibited from reclassifying the shares.

The bill would allow the consideration received for a corporation’s treasury shares to have a value greater than, less than, or equal to the par value of the shares and to consist of the types of consideration allowed by law, including cash, promissory notes, or benefits to the corporation.

The bill would amend Business Organizations Code sec. 21.158(e) to specify that a person who was authorized to issue rights and options would be authorized to issue rights under the other terms on which shares could be issued on the exercise of those rights and options, as the person could determine if the person’s authorization met the criteria established by law. The bill would remove the requirement that the authorization of the board of directors state the maximum number of rights or options issuable.

The bill would add former directors, officers, or shareholders of a closely held corporation to those to whom certain procedures for derivative proceedings did not apply.

Defective corporate acts. The bill would amend the definition of “defective corporate act” to include any act taken by the corporation that was ineffective due to a failure of authorization, including a failure to file a filing instrument that was required under corporate statute to complete the effectiveness of the act, and make conforming changes.

A corporation would be prohibited from ratifying with retroactive effect a defective corporate act that resulted from a failure of authorization attributable to the failure to file certain filing instruments specified in the bill.

A corporation would only be required to file a certificate of validation with respect to a defective corporate act if, in addition to existing criteria, the filing instrument previously filed required any change to give effect to the defective corporate act, or the filing instrument was not previously filed with the filing officer. The bill would remove the requirement for a certificate of validation to include each defective corporate act that was a subject of the certificate and certain other information related to defective corporate acts, such as dates, numbers of shares issued, the nature of the failure of authorization, and previous filing instruments. The bill would add to information required in the certificate of validation a statement that the corporation had ratified one or more defective corporate acts that would have required the filing of a filing instrument or other document.

Nonprofit corporations. CSHB 4862 would amend the definition of “board of directors” of a nonprofit corporation to mean the group of individuals, rather than persons, vested with the management of the corporation. The term would not include the member or members of the corporation if the certificate of formation of the corporation vested the management of the corporation in the members.

The bill would amend Business Organizations Code sec. 22.218(a) to authorize the certificate of formation or bylaws of a nonprofit corporation or the board of directors by resolution, rather than solely the board of

directors by resolution, to designate one or more committees to exercise all, or a specified portion of, the authority of the board of directors in the management of the corporation.

The bill would make the same changes with respect to defective corporate acts for nonprofit corporations as it made for for-profit corporations.

Limited liability companies and limited partnerships. CSHB 4862 would make a subscription to purchase an interest in a limited liability company (LLC) or a limited partnership (LP) in the process of being formed irrevocable to the extent provided by the terms of the subscription if the subscription was in writing, signed by the subscriber, and stated that it was irrevocable. A written subscription entered into after the LLC or LP was formed would be a contract between the subscriber and the company.

The bill would remove provisions establishing that an assignee of an interest in an LLC was entitled to require reasonable information or a reasonable account of the company's transactions and make reasonable inspections of the books and records, instead entitling the assignee to the right to examine records as provided under state law.

The bill would add former directors, officers, or shareholders of a closely held LLC or LP to those to whom certain procedures for derivative proceedings did not apply.

The bill would amend provisions related to the execution of filings to require a certificate of merger of a domestic LP to be signed by at least one general partner and by each designated new general partner, but not by a withdrawing general partner. A certificate of conversion or exchange filed on behalf of a domestic limited partnership would have to be signed by at least one general partner.

An LP would be required to send a written notice of the winding up of its business affairs to each known claimant against the LP.

Other entities. CSHB 4862 would require a cooperative association to include in its annual report to members the name, address, occupation,

date of expiration of the term of office of each officer and director, and any compensation paid by the association to each officer or director.

The bill would repeal the requirement for cooperative associations that met certain membership and revenue thresholds to file financial condition reports containing certain information about the association, as well as penalties for a failure to file these reports.

CSHB 4862 would make certain state laws related to purposes, powers, and terminations of domestic entities applicable to unincorporated nonprofit associations.

The bill would take effect September 1, 2025.

- SUBJECT:** Prescribing venue in actions related to private transfer fees
- 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
- BACKGROUND:** Property Code sec. 5.201 defines “private transfer fee” as an amount of money that is payable on the transfer of an interest in real property or payable for a right to make or accept a transfer.
- Concerns have been raised that a lack of a clear venue provision in suits relating to private transfer fees creates practical issues for property owners who may have to travel to distant counties to resolve disputes. Some have suggested that requiring actions relating to private transfer fees to be brought in the county where the real property was located would provide certainty and consistency in venue determinations.
- DIGEST:** HB 4170 would require an action related to private transfer fees, other than an action brought by the attorney general, to be brought in the county in which the real property was located.
- The bill would take effect September 1, 2025.

- SUBJECT:** Revising waiver and liability provisions for space flight activities
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 10 ayes — Leach, Johnson, Dutton, Dyson, J. González, Hayes, LaHood, Landgraf, Moody, Schofield
- 1 nay — Flores
- WITNESSES:** For — Tom Ayres, Starlab Space (*Registered, but did not testify*: Alexa Aragonéz, City of Houston; Jason Kim, Firefly Aerospace)
- Against — None
- BACKGROUND:** Some have suggested that Texas law regarding liability protections for commercial space flight activities should be updated to align with federal standards and support the growth of the space flight industry in Texas.
- DIGEST:** HB 4157 would revise the definition of “space flight participant” to include any individual carried aboard a spacecraft, launch vehicle, or reentry vehicle, regardless of whether the individual was crew.
- The bill would remove the requirement for agreement and warning statements signed by space flight participants to be signed by a competent witness.
- HB 4157 would establish that reciprocal waivers of claims between parties engaged in space flight activities under the Federal Aviation Regulations were effective and enforceable in Texas, including a waiver by a contractor, subcontractor, or customer of any party participating in a space flight activity.
- The bill would take effect September 1, 2025, and apply only to causes of action that accrued on or after the effective date.