HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Saturday, May 10, 2025
89th Legislature, Number 61
The House convenes at 9 a.m.
Part Four

Two resolutions are on the Constitutional Amendments Calendar and 118 bills are on the General State Calendar for second reading consideration today. The list of bills in Part Four of the *Daily Floor Report* appears on the following page.

Gary VanDeaver
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Saturday, May 10, 2025

89th Legislature, Number 61

Part 4

SUBJECT: Establishing motor fuel measuring, quality, and testing standards

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 — Paul Hardin, Texas Food & Fuel Association (*Registered, but did not testify*: Shana Joyce, Koch; David DeAngelo, RaceTrac, Inc.; Jay Brown, Valero Energy Corporation)

Against — None

On — (*Registered, but did not testify*: David Serrins, TCEQ; Derek Burkhalter and Charlotte Melder, TDLR)

BACKGROUND: Some have suggested that creating an exception to certain national fuel standards would ease logistical challenges due to a requirement for different quality standards in relation to the 99th longitude line, dividing Texas and contributing to higher gas prices based on location.

DIGEST: CSHB 4690 would require gasoline or gasoline blended with ethanol that was sold or offered for sale in Texas during periods when areas adjacent to the meridian of 99° 00’ west longitude line on opposite sides of the line had different volatility classes under the most recently adopted Schedule of U.S. Seasonal and Geographic Volatility Classes in ASTM International’s publication D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” to conform with quality standards under state law and Texas Commission on Licensing and Regulation (TCLR) rules if it complied with the volatility class for either area.

Gasoline sold or offered for sale in Texas would conform with quality standards and rules set by TCLR if it met or exceeded the most recently adopted Driveability Index prescribed by the Vapor Pressure and Distillation Class Requirements for vapor pressure or distillation classes AAA, AA, or A under ASTM International's publication D4814.

Gasoline blended with up to 15 volume percent ethanol would be granted a vapor pressure tolerance waiver of 1.0 pound per square inch except for gasoline blends sold or offered for sale beginning May 1 and ending October 1 each year in counties required to comply with low emissions motor fuel standards.

Seasonal specifications for vapor pressure could be extended for a maximum period of 15 days to allow for the distribution of existing stocks. New stocks of a higher volatility classification could not be offered for retail sale before the effective date of the higher volatility classification.

The vapor-to-liquid ratio specification under the bill would not apply to gasoline or gasoline ethanol blends. The bill could not be construed to interfere with regulations for low emissions motor fuels adopted to comply with federal law.

The bill would require the Texas Department of Licensing and Regulation (TDLR) to follow the standards and procedures established in provisions regarding the testing of motor fuel quality, as amended by the bill. TCLR would be required to set the specifications and tolerances for motor fuel metering devices to be the same as the most recently adopted or amended standards recommended by the National Institute of Standards and Technology at the time the device was used.

The bill would require TCLR to set the minimum quality standards for motor fuel sold or offered for sale to the most recently adopted or amended petroleum standards on the date of the sale by ASTM International. TCLR would be required to adopt rules to ensure that gasoline or gasoline blended with ethanol that was sold or offered for sale in this state met the standard specification requirements applicable to the period and region, as described in the most recent edition of ASTM

International's publication D4814. TDLR would be authorized to collect samples and conduct testing at any location where motor fuel was kept, transferred, sold, or offered for sale to verify that the motor fuel complied with the motor fuel quality standards described under the bill.

The bill would repeal certain provisions regarding minimum motor fuel quality and testing standards.

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 filing fees for nomination by convention be paid to state chairs

COMMITTEE: Elections — favorable, without amendment

VOTE: 5 ayes — Shaheen, Bucy, Morales Shaw, Plesa, Raymond

4 nays — Isaac, Swanson, Toth, Wilson

WITNESSES: For — Judith Lehman, Chair, Libertarian Party of Fayette County; Ginny Moore, Chair, Washington County Libertarians; Andrew Amelang, Jessi Cowart, Kevin Hale, The Libertarian Party of Texas; Kate Prather, Sd1 LP Texas Representative & Hopkins County Chair; Wes Benedict; Elizabeth Miller; Michelle Wigingtom; Anastasia Wilford (*Registered, but did not testify*: Ted Brown, Libertarian Party of Texas; Daniel McCarthy, LP Texas; Paul Darr, Vice Chair Libertarian Party; Edwin Zimmerman, Washington County Libertarian; and 6 individuals)

Against — (*Registered, but did not testify*: Kathy Haigler; Russell Hayter)

On — (*Registered, but did not testify*: Laura Rogers, County and District Clerk Association; Jennifer Doinoff, Texas Association of County Election Officials; Chuck Pinney, Texas Secretary of State)

BACKGROUND: Concerns have been raised that while candidates from political parties that nominate candidates by primary election are required to pay fees directly to their party, candidates from political parties that nominate by convention must pay fees to the secretary of state.

DIGEST: HB 4309 would require filing fees and petitions relevant to being considered for nomination by a political party's convention to be paid and submitted to the applicable state or county chair rather than the secretary of state or county judge. The bill would make conforming repeals to remove reference to relevant fees received by the secretary of state and county judge.

The bill would take effect September 1, 2025.

SUBJECT: Requiring remote participation options for certain protective orders

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 — Heather Bellino, Texas Advocacy Project; Krista Varney, Texas Council on Family Violence; Namelokai Sein Kina (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Andrea Sparks, Buckner International; Josie Castro Garcia, Dallas County; Katherine Strandberg, Every Body Texas; Adrian Martinez and Carlos Ortiz, San Antonio Police Officers Association (SAPOA); Kristen Lenau, Texas Association Against Sexual Assault; Amy Bresnen, Texas Family Law Foundation; Kerrie Judice, TexProtects; Aaron Setliff, The El Paso County Attorney's Office; Bryan Flatt, TMPA; Julie Wheeler, Travis County Commissioners Court; Steven Deline)

Against — None

BACKGROUND: Some have suggested that the logistical challenges, safety concerns, and emotional stress associated with in-person participation in protective order proceedings may discourage some survivors of family violence and protected witnesses from seeking or modifying protective orders.

DIGEST: HB 4696 would require a court, on written request by an applicant or a witness who was to be protected by a proposed protective order or was protected by an existing protective order, to provide a method for the applicant or witness to participate remotely in a hearing on the application for the protective order or a motion to modify the protective order, unless the court found good cause to deny the request.

The bill would take effect September 1, 2025.

SUBJECT: Establishing the Commission on Border Security and Illegal Immigration

COMMITTEE: State Affairs — favorable, without amendment

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

0 nays

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

Against — (*Registered, but did not testify*: Emily French, Common Cause Texas; Zhao Guo; Daphne Hoffacker; Melanie Walter-Mahoney)

BACKGROUND: Some have suggested that establishing a commission to conduct border security-related reviews and studies, develop a list of infrastructure projects supporting border security, and develop a state plan to address certain immigration topics could provide for more targeted approaches to border security appropriations and legislative recommendations.

DIGEST: HB 2308 would establish the Texas Commission on Border Security and Illegal Immigration as an advisory commission that would be required to:

- conduct a thorough review of the economic, legal, cultural, and educational impact of illegal immigration on the state and its political subdivisions;
- conduct a thorough examination of state and federal laws relating to immigration, migration, and guest worker programs;
- conduct a thorough review of state laws impacting illegal immigration;
- develop a comprehensive list of infrastructure projects supporting border security in counties on the Texas-Mexico border;
- study the impact of a state migrant worker program on providing employees to industries most in need of skilled or unskilled migrant labor;

- develop a comprehensive, coordinated, and sustainable state plan to address illegal immigration, immigration and the use of migrant workers, and the integration of immigrants with Texas residents;
- recommend to the governor and the Legislature administrative and legislative actions necessary to implement the state plan required by the bill, consistent with the respective constitutional powers, rights, and responsibilities of Texas and the United States and necessary to protect the health, safety, and welfare of Texas residents; and
- advise the governor and the Legislature on proposed legislation related to border security and illegal immigration on request of the governor and certain other state leadership to encourage a comprehensive, coordinated, and sustainable state response to issues related to immigration.

Administration. The commission would be composed of 11 members as follows:

- the lieutenant governor or the lieutenant governor's designee;
- the speaker of the House of Representatives or the speaker's designee;
- the governor or the governor's designee;
- the attorney general or the attorney general's designee;
- the comptroller or the comptroller's designee;
- three members of the House of Representatives appointed by the speaker, not more than two of whom could be from the same political party; and
- three members of the Senate appointed by the lieutenant governor, not more than two of whom could be from the same political party.

The governor or governor's designee, or at the discretion of the governor, the lieutenant governor or lieutenant governor's designee would serve as the presiding officer of the commission.

The office of the governor would be required to staff the commission. Commission members would not be entitled to compensation for service

but could receive per diem and travel expenses according to the General Appropriations Act. A vote of the majority of the commission members present when a quorum was present would be an action of the commission, and the commission would be required to meet quarterly and at other times at the call of the presiding officer.

State agency information. The commission would be authorized to request a state agency to provide available agency information that the commission considered necessary to discharge its duties. A state agency would be required to cooperate with the commission to provide the requested information to the extent not inconsistent with law, within the limits of the agency's statutory authority, and timely as necessary to accomplish the purposes of the commission.

Testimony and expert consultants. The bill would authorize the commission to invite testimony from the governor, legislators, state agencies, and members of the public in performing its powers and duties. The commission also could consult with experts or other knowledgeable public or private individuals on any matter related to the commission's powers and duties.

Public hearing. The commission could hold one or more public hearings that it considered advisable in locations the commission selected to afford interested persons an opportunity to appear and present views on any subject relating to the commission's powers and duties.

Reports. The commission annually would be required to report to the Legislature and the governor on its activities and recommendations. The bill would require the commission to submit an initial report within six months after the first commission meeting and its first annual report within six months after the date the initial report was submitted, or as soon as practicable after that date. The commission would be required to provide to members of the public any report on request. These provisions would expire January 1, 2028.

The bill would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, HB 2308 would have a negative impact of $928,461 on the general revenue related funds through the biennium.

SUBJECT: Revising state health benefit provisions for mental illness and disorders

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

VOTE: 6 ayes — Lambert, Plesa, Bryant, Bumgarner, L. Garcia, Holt

2 nays — Hayes, Schoolcraft

1 absent — Vo

WITNESSES: For — Greg Hansch, National Alliance on Mental Illness Texas (NAMI) (*Registered, but did not testify*: Stephanie Mace, AARP Texas; Priscilla Camacho, Alamo Colleges District; Sherri Layton, La Hacienda Treatment Center; Texas Association of Addiction Professionals; Association of Substance Abuse Programs; Duane Galligher, Texas Association of Addiction Professionals; Association of Substance Abuse Programs; Matthew Bentley, Texas Coalition for Patients; Mackenzie Lyra, Texas Health Resources; Will Holleman, Texas Hospital Association; Amanda Tollett, Texas Medical Association; Mary Beth Kiser, Texas Psychological Association; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Blaise Duran, Employees Retirement System of Texas; Katrina Daniel, Teacher Retirement System of Texas)

BACKGROUND: Concerns have been raised that gaps in healthcare coverage may hinder government employees enrolled in health plans regulated by the Texas Department of Insurance from fully accessing services for certain mental health and substance use disorders. Some have proposed aligning existing state laws governing these services with those regulating state employee insurance to ensure parity.

DIGEST: CSHB 1142 would amend the Insurance Code to apply provisions relating to group health benefit plan coverage for certain serious mental illnesses,

mental health conditions, substance use disorders, or other related conditions to:

- a basic coverage plan under the Texas Employees Group Benefits Act;
- a basic plan under the Texas Public School Retired Employees Group Benefits Act;
- a plan providing basic coverage under the State University Employees Uniform Insurance Benefits Act; and
- a primary care coverage plan under the Texas School Employees Uniform Group Health Coverage Act.

The bill would require the applicable trustee, board of trustees, or system to enforce compliance by evaluating the benefits and coverage offered by a health benefit plan for quantitative and nonquantitative treatment limitations in in-network and out-of-network inpatient and outpatient care, emergency care, and prescription drugs.

The bill would exempt basic coverage plans under the Texas Employees Group Benefits Act and the State University Employees Uniform Insurance Benefits Act from certain provisions relating to autism spectrum disorders.

The bill would remove a provision limiting the board of trustees of the Employees Retirement System of Texas from contracting or providing a coverage plan for serious mental illness that was less extensive than the coverage provided for any physical illness.

The bill would take effect September 1, 2025, and would apply only to a plan year that commenced before January 1, 2026.

SUBJECT: Revising provisions related to property tax appraisal review boards

COMMITTEE: Ways & Means — committee substitute recommended

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

0 nays

WITNESSES: For — Paul Pennington, Citizens For Appraisal Reform; Ryan Chismark, Texas Association of Property Tax Professionals (*Registered, but did not testify*: Sarah Horn, National Federation of Independent Business (NFIB); Megan Mauro, Texas Association of Business; Julia Parenteau, Texas Realtors; Carl Walker, Texas Taxpayers and Research Association (TTARA); Russell Hayter; Lorri Michel)

Against — Jordan Wise, Texas Association of Appraisal Districts

On — (*Registered, but did not testify*: Allison Mansfield, Texas Comptroller of Public Accounts)

BACKGROUND: Tax Code sec. 41.61 authorizes an appraisal review board (ARB) to subpoena witnesses or books, records, or other documents in connection with a property appraisal protest by a property owner. An ARB may not issue a subpoena unless the ARB holds a hearing to determine if good cause exists for the issuance of a subpoena. The ARB must deliver written notice of the good cause hearing to the parties to the protest not later than the fifth day before the date of the good cause hearing.

Some have suggested that amending the training for ARB members and notice requirements for taxpayer protests of property appraisals would increase fairness and transparency for taxpayers.

DIGEST: CSHB 1533 would amend certain provisions related to the training of appraisal review board (ARB) members and notice and appeal procedures in taxpayer protests of property appraisals.

Training of appraisal review board members. If the comptroller contracted with a service provider to assist with an ARB training course, CSHB 1533 would require at least one trainer of the course to be a taxpayer representative. A taxpayer representative would have to be an individual who resided in the state, was licensed to practice law in the state, had practiced law in the state for at least five years, and had knowledge of and experience in property tax law. The taxpayer representative could not have represented an appraisal district, ARB, or taxing unit in any capacity; served as an officer or employee of an appraisal district; or served as a member of an ARB.

The comptroller could contract with an ineligible individual to serve as an ARB course trainer if no other individual who applied to be a trainer met the eligibility requirements and the individual resided in the state, had knowledge of and experience with the property tax system, and had a bachelor's degree. The trainer could not be an officer or employee of an appraisal district or a taxing unit, and could not be a member of an ARB or the board of directors of an appraisal district.

Taxpayer protest of property appraisal. The bill would amend the required time by which a property owner must give an ARB notice of the property owner's choice to have a hearing on a protest conducted via phone or videoconference. The bill would require the notice to be filed by the fifth, rather than the 10th, day before the date of the hearing if the property owner had not designated an agent to represent the owner at the hearing, or by the 10th day before the date of the hearing if the property owner had designated an agent.

If an ARB dismissed a protest on jurisdictional grounds, the bill would require the ARB to notify the property owner in writing of its decision and state in the notification the grounds for its determination.

The bill would increase the required time by which an ARB must notify parties of a good cause hearing relating to a subpoena under Tax Code sec. 41.61 from the fifth day before the hearing date to the 15th day before the hearing date.

Right to appeal by a person leasing property. The bill would entitle a person leasing property who was contractually obligated to reimburse the

property owner for property taxes to appeal through binding arbitration an ARB order determining a property appraisal protest if:

- the protest was brought by the person because the property owner did not file a protest, the protest was brought by the property owner, but the property owner did not appeal the order; and
- the appraised or market value of the property as determined by the order was $5 million or less.

A person who appealed an ARB order under the bill would be considered the property owner for the appeal. The comptroller would be required to provide required notices to both the property owner and the person bringing the appeal.

Discovery. The bill would prohibit a court conducting a judicial review of a taxpayer protest from ordering discovery unless the discovery was requested by a party to the appeal. The court could not impose deadlines for discovery related to an expert witness that fell before the deadlines specified by the Texas Rules of Civil Procedure or otherwise accelerate discovery related to an expert witness, unless agreed to by the parties.

Other provisions. The bill would require a notice pertaining to property that was not on the appraisal roll in a prior year because it was omitted from the roll to be sent to the property owner by certified mail.

The bill would remove the requirement for an agent who electronically submitted a designation of agent form to provide the chief appraiser with information concerning the Internet Protocol (IP) address of the computer the person used to complete the form.

The bill would require an appraisal district in a county with a population of 120,000 or more to maintain a website. The appraisal district would be required to post on the website its completed non-confidential appraisal records and update the posted records at least once each week with updated property appraisals.

Effective dates. The changes to ARB training requirements and the authorization for a lessee to appeal through binding arbitration would

apply on or after January 1, 2026. All other provisions would apply on or after the effective date of the bill.

The bill would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the bill would have a negative impact of $770,000 to general revenue related funds through the biennium.

SUBJECT: Establishing a matching grant program for hospital technology upgrades

COMMITTEE: Public Health — committee substitute recommended

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

1 nay — Olcott

1 absent — Johnson

WITNESSES: For — Christine Bryan, Texas Hospital Association, Texas Coalition for Healthy Minds, Clarity Child Guidance Center; Ashley Sacriste, Universal Health Services-Behavioral Health (*Registered, but did not testify*: Charles Cascio, AARP Texas; Christina Hoppe, Children's Hospital Association of Texas; Heather Vasek, DHR Health; Elisa Hernandez, El Paso Children's Hospital; Christine Yanas, Methodist Healthcare Ministries; Christine Busse, NAMI Texas; Jessica Schleifer, Teaching Hospitals of Texas; Tessa Galloso, Texans Care for Children; Michael Johnson, Texas Association of Behavioral Health Systems; Nora Cox, Texas e-Health Alliance; Mackenzie Lyra, Texas Health Resources; Nicole Sunstrum, Texas Psychological Association; Brianna Waldock, TexProtects; Rebecca Ramirez, The National Association of Social Workers -Texas Chapter; Andrew Smith, University Health; Steven Deline)

Against — None

On — (*Registered, but did not testify*: Veronica Martinez, HHSC)

BACKGROUND: Concerns have been raised that many freestanding psychiatric hospitals lack the technological infrastructure to meet federal interoperability standards for electronic health data exchange, which could result in care fragmentation, clinical delays, and medication errors.

DIGEST: CSHB 1621 would require the Health and Human Services Commission (HHSC) to establish a matching grant program to enhance the technological capabilities of certain hospitals providing mental health care

services in Texas. The bill would apply to hospitals licensed under the Texas Hospital Licensing Law and licensed mental hospitals.

To qualify for a grant, a hospital would have to:

- demonstrate its planned use for the grant money and matching funds to improve the quality of and access to mental health care services in Texas;
- align with the interoperability and technology standards in the federal 21st Century Cures Act; and
- meet any additional eligibility criteria established by HHSC.

CSHB 1621 would require HHSC to condition each grant provided to a hospital on the hospital providing funds from non-state sources in an amount equal to 100 percent of the grant amount. The bill would authorize the hospital to seek and receive gifts, grants, or donations from any person to raise the required non-state sourced funds. A hospital awarded a grant could use the grant money and matching funds for:

- purchasing a data-recording platform for certified electronic health records;
- expanding the interoperability of health information in the hospital or as part of a network with other health care providers;
- expanding a patient's access to the patient's digital health records and mental health care services;
- improving information technology infrastructure for data privacy and patient information security, including consent management; and
- improving the efficiency of mental health care service provision through the use and interconnectivity of mobile devices.

The bill would require HHSC to submit a biennial report to the Legislature regarding the results of the matching grant program by December 1 of each even-numbered year. The bill would take effect September 1, 2025.

SUBJECT: Designating constables as final policy makers for certain lawsuits

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

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

0 nays

WITNESSES: For — (*Registered, but did not testify*: Veronikah Warms, Texas Civil Rights Project; Steven Deline)

Against — (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court)

BACKGROUND: Some have suggested that it can be difficult in a civil rights lawsuit under federal law to identify who within a county is a final policy maker on law enforcement decisions for the county.

DIGEST: HB 2242 would establish that, for the purpose of a civil rights action brought under federal civil rights law, a constable was a final policy maker on law enforcement decisions for the constable's county.

The bill would take effect September 1, 2025, and would apply only to a cause of action that accrued on or after that date.

SUBJECT: Regulating roadside or lot vendors and solicitors in certain counties

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 11 ayes — C. Bell, Zwiener, Cole, Cortez, Garcia Hernandez, Leo Wilson, Lowe, Luther, Rosenthal, Spiller, Tepper

0 nays

WITNESSES: For — James Slack, Matt Gray, Montgomery County Constable, Pct.4 (*Registered, but did not testify*: Francesca Chillino, Texas Humane Legislation Network)

Against — None

BACKGROUND: Some have suggested that more counties should be authorized to regulate roadside vendors, as these businesses can create safety and welfare challenges for residents.

DIGEST: HB 2012 would authorize the commissioners court of a county with a population of more than 600,000 that was adjacent to a county with a population of more than four million to regulate the sale of food, merchandise, or live animals, the placement or maintenance of structures by vendors, and the solicitation of money in an unincorporated area of the county if they occurred on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot.

The bill would take effect September 1, 2025.

SUBJECT: Requiring TVC to conduct a study on the provision of veterans' benefits

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 — William West, The American Legion, Department of Texas; Ray Herrera, Wilson County Veteran Services (*Registered, but did not testify*: Kathy Green, AARP Texas; James Teal, County Judge; Russell King, County of Wilson; Elisa M. Tamayo, El Paso County; Ray Hunt, Houston Police Officers' Union; Ben Lyssy and Wayne Gisler, Karnes County; Jim Brennan, Texas Coalition of Veterans Organizations; James Cunningham, Texas Council of Chapters of MOAA AND TCVO; Kelsey Bernstein, Texas Council of Community Centers; Bryan Flatt, TMPA; Mitch Fuller, VFW Department of Texas)

Against — None

On — Sal Castillo and Dr. Blake Harris, Texas Veterans Commission

BACKGROUND: Concerns have been raised about whether the allocation of resources for the care of veterans in the state is sufficient. Some have suggested that a comprehensive assessment is needed to evaluate the efficacy of current veterans' benefits delivery systems, including the adequacy of the number of claims benefit advisors serving eligible veterans.

DIGEST: HB 2193 would require the Texas Veterans Commission (TVC) to conduct a study to determine:

- the number of veterans in the state entitled under federal law to receive veteran benefits from TVC;

- the location of the veterans entitled to services disaggregated by county;
- the number of claims benefit advisors currently employed by TVC;
- the number of advisors necessary for TVC to employ and the geographic locations at which those advisors should work to provide services to veterans in the most efficient manner, considering the geographic areas currently served by veterans county service officers and the option of allowing multiple counties to be served at the same location to minimize drive times and travel distances for veterans receiving services; and
- the costs to implement this service delivery system, including the estimated costs of hiring, training, and equipping claims benefit advisors, offices, office operations, and support staff.

The bill would authorize TVC to consider collocating claims benefit advisors with facilities, institutions, and organizations that were providing services to veterans in determining the costs to implement the service delivery system.

HB 2193 would require TVC to submit to the governor, the lieutenant governor, the speaker of the House of Representatives, and each member of the Legislature a report on the study's results with recommendations for legislative or other action by June 1, 2026.

The bill would expire January 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: Combining mail-in ballot applications for main and runoff elections

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Shaheen, Bucy, Morales Shaw, Plesa, Raymond, Wilson

3 nays — Isaac, Swanson, Toth

WITNESSES: For — Kevin Hale, The Libertarian Party of Texas; Susana Carranza; Valerie DeBill (*Registered, but did not testify*: Mary Ibarra, ACLU of Texas; Dave Jones, Clean Elections Texas; Chase Bearden, Coalition of Texans with Disabilities; Emily French, Common Cause Texas; Crystal Zamarron, Deeds Not Words; Marc Hoskins, Disability Rights Texas; Elisa M. Tamayo, El Paso County; Amber Mills, MOVE Texas Civic Fund; Salena Braye, Pure Justice; Jay Williamson, The County and District Clerks' Association of Texas; Cicely Kay, Travis County Commissioners Court; and 30 individuals)

Against — Ed Johnson, Harris County Ballot Security; Kathy Haigler (*Registered, but did not testify*: Andrew Eller, SREC EI Committee and Secure Texas Elections LP Subcommittee; Ken Moore; Lucy Trainor)

On — (*Registered, but did not testify*: Ryan Jimenez, Secretary of State; Jennifer Doinoff, Texas Association of County Election Officials)

BACKGROUND: Some have suggested that providing for a runoff ballot to be automatically sent to voters who voted by mail could address confusion for voters, especially those 65 or older or with disabilities, who may expect to receive runoff ballots without having to request them.

DIGEST: Rather than allowing applicants for mail-in ballots to opt into applying for both a main election and any resulting runoff election, HB 2442 would establish that an application for a mail-in ballot would serve as an application for both the main election and any resulting runoff election. The bill would permit an applicant for a mail-in ballot for a main election to opt out of receiving a ballot for a resulting runoff election.

The bill would take effect September 1, 2025.

SUBJECT: Limiting the authority of municipalities to regulate home-based businesses

COMMITTEE: Intergovernmental Affairs — committee substitute recommended

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

0 nays

1 absent — Tepper

1 present not voting — Leo Wilson

WITNESSES: For — (*Registered, but did not testify*: Faith Villarreal, Texas Association of Business; Julia Parenteau, Texas Realtors)

Against — None

On — (*Registered, but did not testify*: Clifford Sparks, City of Dallas; Monty Wynn, Texas Municipal League)

BACKGROUND: Concerns have been raised about the application to home-based business owners of certain zoning, licensing, and permitting requirements. Some have suggested that a municipality's enforcement of these requirements should consider the impact, if any, of a home-based business on the neighboring community.

DIGEST: CSHB 2464 would define a "home-based business" as a business that operated from a residential property, by the owner or tenant of the property, and for the purpose of manufacturing, providing, or selling a lawful good or providing a lawful service.

The bill would define a "no-impact home-based business" to mean a home-based business:

- that did not generate on-street parking or a substantial increase in traffic;

- in which no business activities were visible from a street; and
- in which, at any time on the property where the business was operated, the total number of employees and clients or patrons did not exceed the municipal occupancy limit for the property.

The bill would prohibit a governing body of a municipality from adopting or enforcing an ordinance or other measure that prohibited the operation of a no-impact home-based business or required a person that operated a no-impact home-based business or that owned the property where the business was operated to obtain a license, permit, or other approval to operate the business.

In addition, a municipality could not require the property where the business was operated to be rezoned for a non-residential use. If the residence where the business was operated consisted only of a single-family detached residential structure or a multi-family structure with not more than two residential units, the municipality also could not require installation of a fire sprinkler protection system.

The governing body of a municipality could require that a home-based business be in compliance with federal, state, and local law, including fire codes, compatible with the residential use of the property, and secondary to the use of the property as a residential dwelling. Additionally, the governing body of a municipality could limit or prohibit the operation of a home-based business that sold alcohol or illegal drugs, was a structured sober living home, or was a sexually oriented business.

The bill would not prohibit enforcement of a rule or deed restriction imposed by a homeowners' association or other private agreement or an ordinance regulating the operation of a short-term rental unit.

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

SUBJECT: Revising procedure for depositions of certain crime victims or witnesses

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Smithee, Bowers, Cook, J. Jones, Louderback, Virdell

2 nays — Little, Money

3 absent — Wu, Moody, Rodríguez Ramos

WITNESSES: For — Alicia Patterson, Dallas County District Attorney's Office - John Creuzot (*Registered, but did not testify*: James Richards, Texas Police Chiefs Association)

Against — None

On — Allen Place, Texas Criminal Defense Lawyers Association

BACKGROUND: Art. 39.025 of the Code of Criminal Procedure provides for depositions of elderly or disabled witnesses in criminal cases, but does not require these testimonies to be recorded on video. Under art. 39.12, a deposition taken in a criminal action may not be read in court unless certain conditions are met, such as the unavailability of the witness to testify in person, and requires an oath to that effect.

Some have suggested that without a visual record of an elderly or disabled witness's testimony, important nonverbal cues, demeanor, and context may be lost, potentially weakening the impact of their testimony in court.

DIGEST: CSHB 2348 would amend art. 39.025 of the Code of Criminal Procedure to allow a court, on the motion of either party, to order the state's attorney to take the deposition of an elderly or disabled person by video recording. The bill would require the person operating the recording device to be available to testify regarding the authenticity of the video recording and the taking of the deposition in order for the recording to be admissible in court.

The bill would allow a court to permit the introduction of the full video-recorded deposition into evidence without requiring the jury to view the entire recording. The bill would not preclude a party from introducing and playing portions of the recording as needed.

The bill also would apply the oath requirement in art. 39.12 to the reading or publication of a written or recorded deposition taken from a general witness, an elderly or disabled person, or a Medicaid or Medicare recipient or their caregiver, and would allow, rather than require, a court to permit the use of these written or recorded depositions in court under certain conditions.

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

SUBJECT: Authorizing certain municipalities to receive hotel occupancy tax revenue

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 11 ayes — Meyer, Martinez Fischer, Bernal, Button, Capriglione, Gervin-Hawkins, Hickland, Muñoz, Noble, V. Perez, Turner

0 nays

2 absent — Troxclair, Vasut

WITNESSES: For — Mark McBrayer, City of Lubbock (*Registered, but did not testify*: Justin Bragiel, Texas Hotel & Lodging Association; Ron Hinkle, Texas Travel Alliance)

Against — (*Registered, but did not testify*: Adam Cahn)

On — (*Registered, but did not testify*: Lara Abi Habib, Texas Comptroller of Public Accounts)

BACKGROUND: Some have suggested that authorizing the City of Lubbock to designate a project financing zone (PFZ) would allow the city to receive the incremental hotel tax revenue from all hotels in the zone.

DIGEST: CSHB 2313 would add a municipality with a population of more than 250,000 but less than 300,000 that contained a component institution of the Texas Tech University System to the municipalities authorized to designate a project financing zone for a qualified project, to use municipal hotel occupancy tax revenue to fund that project, and to pledge that revenue to fund obligations associated with the project.

The bill would prevail over another act of the 89th Legislature to the extent of any conflict and would take effect September 1, 2025.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of $900,000 to general revenue related funds through the biennium. LBB estimates that the negative fiscal impact would continue

to grow after fiscal year 2030, with total revenue foregone by the state estimated to total $121,700,000 by fiscal year 2055, the last full year of entitlement for the zones.

SUBJECT: Authorizing certain municipalities to use hotel tax revenue to fund growth

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 11 ayes — Meyer, Martinez Fischer, Bernal, Button, Capriglione, Gervin-Hawkins, Hickland, Muñoz, Noble, V. Perez, Turner

0 nays

2 absent — Troxclair, Vasut

WITNESSES: For — Tanya Pence, New Braunfels Convention and Visitors Bureau (*Registered, but did not testify*: Jared Werner, City of New Braunfels; Justin Bragiel, Texas Hotel & Lodging Association; Ron Hinkle, Texas Travel Alliance)

Against — None

On — (*Registered, but did not testify*: Lara Abi Habib, Julio Mendoza-Quiroz, and Elliot Reed, Texas Comptroller of Public Accounts)

BACKGROUND: Some have suggested that allowing New Braunfels to use tax revenue derived from hotel and convention center projects would help support economic development, tourism, and infrastructure growth.

DIGEST: CSHB 2289 would extend the applicability of provisions authorizing municipal hotel occupancy taxes to a municipality through which the Comal River flows.

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

NOTES: According to the Legislative Budget Board, the bill would have a negative impact to the general revenue fund beginning in fiscal year 2029 and continuing for 10 years.

SUBJECT: Authorizing direct health plan contracts with APRNs

COMMITTEE: Insurance — favorable, without amendment

VOTE: 9 ayes — Dean, Vo, J. González, Goodwin, Hopper, Morgan, Paul, Spiller, Wharton

0 nays

WITNESSES: For — Holly Jeffreys, Texas Nurse Practitioners (*Registered, but did not testify*: Charles Cascio, AARP Texas; Shannon Meroney, National Association of Benefits and Insurance Professionals (NABIP-TX); Carl Isett, Texas Association of Benefit Administrators; Blake Hutson, Texas Association of Health Plans)

Against — None

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

BACKGROUND: Concerns have been raised that insurance contracting requirements restrict advanced practice registered nurses (APRNs) from contracting independently with health plans unless their supervising physician participates in the same plan.

DIGEST: HB 1942 would allow health maintenance organizations (HMOs) to contract directly with advanced practice registered nurses (APRNs) to provide health care services on behalf of the HMO, regardless of whether the supervising physician was contracted to provide services to the HMO. The bill also would authorize insurers offering preferred provider benefit plans to designate APRNs as preferred providers, regardless of whether the supervising physician was designated as a preferred provider under the same plan.

The bill would establish that these provisions did not authorize HMOs or insurers to supervise or control the practice of medicine, consistent with existing restrictions under the Occupations Code.

HB 1942 would take effect September 1, 2025.

SUBJECT: Granting right to repurchase property for which property taxes are owed

COMMITTEE: Land & Resource Management — favorable, without amendment

VOTE: 7 ayes — Gates, Lalani, Alders, Hinojosa, Hunter, Morgan, Virdell

0 nays

2 absent — Y. Davis, R. Lopez

WITNESSES: None

BACKGROUND: Some have suggested that if an entity that acquired property through eminent domain fails to meet its property tax responsibilities for the property, the original owners should be given a chance to repurchase the property.

DIGEST: HB 2011 would amend Property Code to specify that a person from whom a real property interest was acquired through eminent domain for a public use would be entitled to repurchase the property if the entity that acquired the property had an obligation to pay ad valorem taxes on the property and had failed to pay any of the taxes within two years of the taxes being due. No later than the 180th day after an entity that acquired such property determined that the former property owner was entitled to repurchase the property, the entity would have send a notice to the previous property owner or the owner's heirs, successors, or assigns, including a statement regarding the unpaid taxes.

The bill would authorize an owner whose real property was acquired by an entity responsible for paying ad valorem taxes on the property, or the owners heirs, successors, or assigns to request at any time after the 18-month anniversary of the acquisition, but no more than once annually, that the condemning entity make a determination and provide information regarding whether all such taxes had been paid or, if not, the unpaid amount, due date, and whether the entity had a good faith intention to pay the unpaid taxes.

A person entitled to repurchase real property under HB 2011 would be

authorized to inform the entity that acquired the property of the person's intent to repurchase the property before the applicable notice was required or requested information provided by the acquiring entity.

The bill would take effect September 1, 2025.

SUBJECT: Expanding fireworks sales in certain counties on the Texas-Mexico border

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 8 ayes — C. Bell, Cole, Cortez, Garcia Hernandez, Leo Wilson, Luther, Spiller, Tepper

3 nays — Zwiener, Lowe, Rosenthal

WITNESSES: For — (*Registered, but did not testify*: Glenn Davis, Jaston Davis, American Fireworks; Phil Claiborne, American Promotional Events Inc West – DBA TNT Fireworks; Eddie Lucio, Big G's Fireworks; Adam Haynes, Conference of Urban Counties; Chester Davis, Texas Pyrotechnic Association; Jason Ttout, TNT Fireworks)

Against — (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court)

BACKGROUND: Some have suggested that the zone in which fireworks can be sold during the Cinco de Mayo holiday should be expanded.

DIGEST: HB 1629 would increase from 100 to 150 miles the distance from the Texas-Mexico border within which a retail fireworks permit holder could sell fireworks to the public during the period from May 1 to midnight on May 5 in a county where the commissioners court had approved the sale of fireworks during that period.

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: Exempting county commissioners from certain weapons offenses

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 — Kyle Carruth, Gun Owners of America; Gary Zimmerman (*Registered, but did not testify*: Amy Nguyen, Axon; Rick Thompson, County Judges and Commissioners Association of Texas; John Beckmeyer, Leigh Gibson, Richard Hayes, and Emily Taylor, Gun Owners of America - Texas; Chris McNutt, Texas Gun Rights; Steven Deline; Michelle Mostert; John Swicegood; Richard Womack; Janet Womack)

Against — (*Registered, but did not testify*: Paula Hansen, Robin Breed, Heather Kennedy, and Sarah West, Moms Demand Action; and 11 individuals)

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

BACKGROUND: Some have suggested that county commissioners who are licensed to carry a handgun should be authorized to carry in restricted areas while performing their official duties.

DIGEST: HB 2993 would exempt a county commissioner who was carrying a handgun and held a lawful handgun license from the offenses of unlawful carrying of a weapon and of possessing or going with certain weapons to a place where a weapon was prohibited.

The bill would take effect September 1, 2025.

SUBJECT: Restricting political contributions by out-of-state contributors

COMMITTEE: State Affairs — committee substitute recommended

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

0 nays

WITNESSES: For — Tom Glass, Texas Constitutional Enforcement; John Bolgiano (*Registered, but did not testify*: Cyrus Reed, Lone Star Chapter Sierra Club; Sandra Haverlah, Texas Consumer Association; Mark Treat; Brita Treat)

Against — (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Steven Deline)

On — J.R. Johnson, Texas Ethics Commission

BACKGROUND: Concerns have been raised about potential undue influence from out-of-state donors on elections in Texas. Some have suggested that setting clear limits on political contributions from outside the state would ensure transparency and accountability in campaign financing.

DIGEST: CSHB 3592 would prohibit a candidate or officeholder from knowingly accepting, for an election in which the candidate's or officeholder's name appeared on the ballot, political contributions that were made by a person with a principal address that was located outside the state and exceeded $5,000 for a statewide election, $2,500 for a district election, or $1,000 for a county election.

A candidate or officeholder who accepted a contribution in violation of the bill would be required to return it by the later of the last day of the reporting period under provisions of the Elections Code related to political reporting or the fifth day after the contribution was accepted.

A person who violated the bill would be liable for a civil penalty of up to three times the amount of the violating contributions accepted or made. The Texas Ethics Commission could impose a civil penalty under the bill only after a formal hearing. TEC would be required to adopt rules as necessary to implement the bill.

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

SUBJECT: Requiring fire safety standards and emergency plans for battery facilities

COMMITTEE: State Affairs — committee substitute recommended

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

0 nays

WITNESSES: For — Michael O'Brian, Advanced Power Alliance; Texas Solar and Storage Association; Stephanie Smith, Lone Star Energy Storage Alliance; David Nash (*Registered, but did not testify*: Judd Messer, Advanced Power Alliance; Laura Merten, Apex Clean Energy; Joshua Sanders, City of Houston; Carrie Simmons, Conservative Texans for Energy Innovation; Yahaira Scarlett Leon, Crescentia Initiative; Mike Toomey, Cypress Creek Renewables; Suzi Mcclellan, EDF Renewables; Nelson Nease, EDP Renewables; John Pitts, Jr, Engie NA; Luke Metzger, Environment Texas; Anne-Marie Griger, GridStor LLC; Shannon Ratliff, Invenergy LLC; Will McAdams, Jupiter Power; John Kroll, KULR, Inc.; Cyrus Reed, Lone Star Chapter Sierra Club; Tom Holloway, Lone Star Energy Storage Alliance (LESA); Margo Cardwell, Plus Power, LLC; Spearmint Renewable Development Co, LLC; and Enel North America, Inc.; Alec Lewis, RWE Clean Energy; Daniel Giese, Solar Energy Industries Association; Matt Boms, TAEBA; Will McAdams, Tesla; Frances Blake, Texas Association of Builders; Gabriela Perdichizzi, Texas Association of Business; Cindi Castilla, Texas Eagle Forum; Blake Roach, Texas Farm Bureau; Taylor Kilroy, Texas Public Power Association; Mark Stover, Texas Solar and Storage Association; Richard Bohnert; David Carter; Steven Deline; Dr. Milinda Morris; Nancy White)

Against — None

On — (*Registered, but did not testify*: Charles Allen, State Fire Marshal's Office (TDI); David Carter)

BACKGROUND: Some have suggested that, with the increasing integration of utility-scale batteries into the state's electricity system, clear safety standards and emergency response protocols are needed for battery storage facilities.

DIGEST: **Fire safety standards.** CSHB 3824 would require the insurance commissioner to, by rule, adopt fire safety standards and testing requirements for the design, installation, operation, and safety of battery energy storage facilities with a capacity of at least one megawatt hour installed on or after January 1, 2027. The standards and requirements would have to be based solely on nationally recognized standards for battery energy storage equipment or facilities established by UL Solutions and minimum standards related to stationary energy storage facilities established by the National Fire Protection Association. The commissioner could periodically update the standards and requirements as necessary to reflect changes in the UL or National Fire Protection Association standards on which the commissioner's standards were based.

The bill would require each battery operator or municipally owned utility that owned or operated a battery energy storage facility to ensure that the facility met the adopted standards in effect at the time the operator or utility first applied for a building permit or other authorization from the relevant political subdivision to install the facility. Unless expressly authorized by another statute, a municipality or county could not adopt, enforce, or maintain a regulation that was inconsistent with the standards adopted by the commissioner under CSHB 3824.

On request by a municipality in which a facility subject to the bill was located, or a county if the facility were in an unincorporated area, the facility owner or operator would be required to, at the battery operator's expense, contract with an independent, third-party engineer licensed in this state or other consultant with appropriate expertise to:

- evaluate the facility before the start of operations to ensure compliance with the requirements of CSHB 3824;
- produce a written report that included the evaluation, identified any noted deficiencies in compliance, and recommended actions to correct deficiencies; and
- provide the report to the requesting municipality or county.

At the time the operator first applied for a building permit or other authorization from the relevant political subdivision to install the battery energy storage facility, the battery operator would have to make available to the engineer or consultant and the requesting municipality or county:

- documents relating to the site layout;
- any manufacturer specifications for the facility;
- a UL 9540A report and any UL listings and associated documentation for the facility;
- National Fire Protection Association standards, including any associated documentation, for the facility;
- electrical drawings for the facility;
- monitoring procedures for the facility; and
- fire protection system documentation for the facility.

Emergency operations plan. At the commencement of facility installation, the operator would have to provide the relevant political subdivision with a required emergency operations plan for the facility.

At least once every five years, each battery operator would have to contract with, at the battery operator's expense, an independent, third-party engineer licensed in Texas or other consultant with appropriate expertise to produce a fire safety inspection report for the facility and provide the report to the municipality or county, as applicable. The report would have to include an evaluation of:

- the structural integrity and weatherproofing of any enclosure against design specifications at the site of the facility;
- the maintenance schedule and any associated documentation for the facility;
- the emergency operations plan required by the bill;
- any hazard mitigation analysis for the facility;
- any monitoring procedures and gas or fire safety alarm activation history for the facility;
- fire protection system inspection and testing records for the facility; and

- the ventilation equipment of the facility or other safety equipment with the same or a similar function.

The report also would have to identify any noted deficiencies and recommend actions to correct them.

CSHB 3824 would require a battery operator or a municipally owned utility to produce a site-specific emergency operations plan for each battery energy storage facility site owned or operated by the operator or utility. The plan would have to include:

- an identification of potential risks and hazards specific to the site
- a hazard mitigation analysis;
- procedures for the safe shutdown, de-energizing, or isolation of equipment and facilities under emergency conditions
- procedures for handling equipment damaged in a fire or other emergency event;
- procedures and schedules for conducting drills using the procedures required by the bill and documentation related to the performance of the drills;
- procedures for communication between the operator or utility and first responders, including procedures that facilitate communication between first responders and emergency contacts designated by the operator or utility; and
- emergency operations protocols to ensure safety during critical events.

The battery operator or a municipally owned utility would be required to:

- provide the site-specific emergency operations plan to the local first responder responsible for providing fire protection services in the area in which the facility was located before operating the battery energy storage facility; and
- maintain safety data sheets or comparable documents as well as the site-specific emergency operations plan at an on-site location accessible to personnel responsible for the operations and

maintenance of the battery energy storage facility and first responders.

The battery operator or a municipally owned utility would be required to offer to local first responders, free of cost, education and annual training regarding responding to an equipment failure incident at the battery energy storage facility site.

Enforcement. The insurance commissioner, by rule, would have to delegate to the state fire marshal the authority to take disciplinary and enforcement actions to enforce the bill and adopt a schedule of administrative penalties for violations subject to a penalty under the bill to ensure that the amount of a penalty imposed was appropriate to the violation.

The bill would take effect September 1, 2025.

SUBJECT: Prohibiting discrimination in organ transplants based on vaccination status

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — VanDeaver, Campos, Cunningham, Frank, Olcott, Pierson, Schofield, Shofner

5 nays — Bucy, Collier, Johnson, J. Jones, Simmons

WITNESSES: For — Jackie Schlegel, Texans for Medical Freedom; Michelle Evans, Texans for Vaccine Choice (*Registered, but did not testify*: Travis McCormick, Make Texans Healthy Again; Cindi Castilla, Texas Eagle Forum; CJ Grisham; Russell Hayter; Leslie Thomas; Mark Treat)

Against — (*Registered, but did not testify*: Danielle Lobsinger Bush, Texas Healthcare and Bioscience Institute; Hayden Cohen; Steven Deline; Daphne Hoffacker)

On — (*Registered, but did not testify*: Will Holleman, Texas Hospital Association; Matt Dowling, Texas Medical Association; Clayton Travis, Texas Pediatric Society)

BACKGROUND: Concerns have been raised that patients may be denied organ transplants, assigned lower priority on transplant lists, or refused related medical services based on their vaccination status.

DIGEST: HB 4076 would prohibit a health care provider from taking certain actions solely on the basis of an individual's vaccination status, including:

- determining an individual was ineligible to receive an organ transplant;
- denying medical or other services related to an organ transplant, including evaluation, surgery, counseling, and postoperative treatment;
- refusing to refer the individual to a transplant center or other related specialist for evaluation or receipt of an organ transplant;
- refusing to place the individual on an organ transplant waiting list; or

- placing the individual at a position lower in priority on the list than the position the individual would have been placed if not for the individual's vaccination status.

HB 4076 would authorize a health care provider to consider an individual’s vaccination status when making a treatment recommendation or decision, only if a physician, following an individualized evaluation of the potential transplant recipient, determined that the vaccination status was medically significant to the organ transplant.

The bill would not require a referral or recommendation for, or the performance of, a medically inappropriate organ transplant and would apply to each stage of the organ transplant process. The bill would prohibit a person from taking an adverse action or imposing a penalty of any kind against a health care provider based solely on the fact that the health care provider complied with the bill.

HB 4076 would establish that a physician who made a good-faith determination that an individual’s vaccination status was medically significant to the organ transplant would not violate the bill. The bill would authorize a health care provider to:

- develop alternative risk mitigation strategies, including antibody testing, prophylactic treatments, and antiviral therapy, in lieu of requiring a vaccination; and
- inform patients of the risks and benefits of receiving a vaccination.

The bill would take effect September 1, 2025.

SUBJECT: Establishing COVID-19 vaccine informed consent requirements

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — VanDeaver, Campos, Cunningham, Frank, Olcott, Pierson, Schofield, Shofner

5 nays — Bucy, Collier, Johnson, J. Jones, Simmons

WITNESSES: For — Jackie Schlegel, Texans for Medical Freedom; Michelle Evans, Texans for Vaccine Choice (*Registered, but did not testify*: Stephen Howsley, Family Freedom Project; Cindi Castilla, Texas Eagle Forum; Lauren DeWitt; CJ Grisham; Peter Neikirk; Leslie Thomas)

Against — (*Registered, but did not testify*: Nora Del Bosque, March Of Dimes; Dr. Jason Terk, Texas Medical Association and Texas Pediatric Society; Jack Frazee, Texas Nurses Association; Rekha Lakshmanan, The Immunization Partnership; and 7 individuals)

On — (*Registered, but did not testify*: Greg Leos, Department of State Health Services)

BACKGROUND: Some have suggested that requiring written informed consent before COVID-19 vaccination could help restore public trust and promote integrity in the vaccine administration process.

DIGEST: HB 4535 would require the Department of State Health Services (DSHS) to develop a standardized information sheet that included information on:

- the risks associated with COVID-19 vaccination, including potential side effects;
- the expedited manner in which the COVID-19 vaccine was developed;
- whether long-term scientific studies had been performed on the COVID-19 vaccine;
- whether manufacturers of the COVID-19 vaccine were subject to civil liability for any injuries caused by the vaccine; and

- the federal Vaccine Adverse Event Reporting System, including clear instructions for reporting any vaccine-related injury or reaction.

HB 4535 would require a health care provider, before administering a COVID-19 vaccination, to obtain an individual's written informed consent. If the individual were a minor or lacked the mental capacity to provide informed consent, the parent, guardian, or conservator could provide written informed consent on the individual's behalf. The bill would require the informed consent to include an acknowledgment that the individual providing informed consent received the information sheet developed by DSHS.

The bill would authorize the appropriate licensing authority to impose disciplinary action on a health care provider who administered a COVID-19 vaccination in violation of the bill in the same manner and using the same procedures as the authority used to impose disciplinary action on a provider who violated the authority's licensing or other regulatory laws or rules.

The bill would take effect September 1, 2025.

SUBJECT: Establishing public school liability for acts related to sexual misconduct

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 6 ayes — Leach, Johnson, Dyson, Flores, LaHood, Landgraf

3 nays — Dutton, Hayes, Schofield

2 absent — J. González, Moody

WITNESSES: For — Shannon Ayres, Citizens Defending Freedom; Heather Long, Heather Long Law PC (Dallas, Texas); Tami Brown Rodriquez, Jaco Booyens Ministries; Aileen Blachowski, Texas Education 911; Charlie Ginn, Texas Trial Lawyers Association; and 8 individuals (*Registered, but did not testify*: Debbie Lindstrom, Tara Schulte, Citizens Defending Freedom; Daniel Hunt, SREC Committeeman SD3; Cindi Castilla, Texas Eagle Forum; Ware Wendell, Texas Watch; Steve Bresnen; Stacie Flowers; Jennifer Lundy; Daniel Rodriquez; Susan Valliant)

Against — (*Registered, but did not testify*: Amy Beneski, Texas Association of School Administrators; Margo Cardwell, Fred Shannon, Texas Civil Justice League; Paige Williams, Texas Classroom Teachers Association; Carrie Griffith, Texas State Teachers Association; Dwight Harris)

On — Monty Exter, Association of Texas Professional Educators

BACKGROUND: Concerns have been raised that a disproportionate number of reports pertaining to sexual and violent misconduct have been filed against Texas educators in recent years. Some have suggested that imposing civil liability on Texas public schools and professional school employees could help to reduce incidents of abuse.

DIGEST: CSHB 4623 would make a public school liable for an act or omission that was committed by a professional school employee against a student enrolled in the school that was sexual misconduct, as defined by the bill, or failure to report suspected child abuse or neglect.

In an action against a public school under the bill, the professional school employee who committed the act or omission would have to be named as a defendant. The public school and the professional school employee would be jointly and severally liable for an award of damages.

A claimant who prevailed in an action under the bill would be required to be awarded actual damages, court costs, and reasonable and necessary attorney's fees. The remedies authorized by the bill would be in addition to any other legal remedies.

A public school's governmental immunity to suit and from liability would be waived to the extent of liability created by the bill. A professional school employee could not assert official immunity in an action brought under the bill.

Under the bill, a professional school employee would include:

- a superintendent or administrator serving as educational leader and chief executive officer of the school, principal or equivalent chief operating officer, teacher, substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a public school;
- a teacher employed by a company that contracted with a public school;
- a student in an education preparation program participating in a field experience or internship;
- a certified school bus driver;
- a member of the board of trustees of an independent school district or a member of the governing body of an open-enrollment charter school; and
- any other person employed by a public school whose employment required certification and the exercise of discretion.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing the transfer of malt beverages between licensed premises

COMMITTEE: Licensing & Administrative Procedures — committee substitute recommended

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

1 nay — Harless

WITNESSES: For — Randy Edwards, Buckstin Brewing Company; Dustin Evans, Southern Roots Brewing Company; Bryan Winslow, St. Elmo Brewing Company (*Registered, but did not testify*: Travis Bailey and Caroline Wallace, Texas Craft Brewers Guild)

Against — Rick Donley, The Beer Alliance of Texas (*Registered, but did not testify*: JP Urrabazo, The Beer Alliance of Texas; Doug Davis, Tom Spilman, Wholesale Beer Distributors of Texas; Joey Bennett, Todd Kercheval, Ricky Knox, Wine and Spirits Wholesalers of Texas (WSWT))

On — Matthew Cherry, TABC; Lance Lively, Texas Package Stores Association (*Registered, but did not testify*: Thomas Graham, TABC)

BACKGROUND: Concerns have been raised that current regulation of the transportation and exchange of malt beverages between licensed premises under the same ownership can limit operational flexibility and create logistical challenges for businesses with multiple locations.

DIGEST: CSHB 4773 would authorize the holder of a brewer's license to transfer malt beverages produced under the license between any of the license holder's licensed brewery premises, including a facility operating under an alternating brewery proprietorship or contract brewing arrangement, during the hours authorized by state law and subject to rules prescribed by the Texas Alcoholic Beverage Commission (TABC).

The holder of a brewer's license would not be authorized to transport malt beverages unless the license holder provided TABC with a description, as

required by TABC, of each motor vehicle used by the license holder to transport malt beverages and each motor vehicle was plainly marked or lettered to indicate that it was being used by the license holder to transport malt beverages.

The holder of a brewer's license to whose licensed premises malt beverages had been transported could sell the transported malt beverages to ultimate consumers and, in Texas, to the holders of general and branch distributors' licenses and licensed brewers outside the state.

The holder of a brewpub license operating more than one brewpub could transfer malt beverages brewed under the license between any of the license holder's brewpubs during certain hours, subject to rules prescribed by TABC. Requirements established for holders of brewers' licenses regarding the motor vehicles used for transport would also apply to motor vehicles used by brewpub licensees.

The bill would remove provisions authorizing certain sales only for brewpub license holders that held a wine and malt beverage retailer's permit and whose sale of malt beverages consisted only of malt beverages brewed on the brewpub's premises.

The bill also would amend provisions on authorized sales to allow the holder of a brewpub license to whose brewpub premises malt beverages had been transported to:

- sell or offer without charge, on the brewpub's premises, to ultimate consumers for consumption on or off those premises, the transported malt beverages, to the extent the sales or offers were allowed under the holder's other permits or licenses; and
- sell the transported malt beverages to those retailers to whom the holder of a general distributor's license could sell malt beverages or qualified persons to whom the holder of a general distributor's license could sell malt beverages for shipment and consumption outside the state.

Provisions governing the exchange or transportation of malt beverages between licensed premises under the same ownership would not apply to

malt beverages that were transferred between two brewpubs operated by the same license holder.

A malt beverage transported under the bill could not be considered to be brewed by the brewpub or produced on the premises to which the malt beverage would be transported.

The bill would take effect September 1, 2025.

SUBJECT: Amending certain ballot delivery and counting deadlines

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Shaheen, Isaac, Swanson, Toth, Wilson

4 nays — Bucy, Morales Shaw, Plesa, Raymond

WITNESSES: For — Ed Johnson, Harris County Ballot Security; Kathy Haigler; Susan Valliant (*Registered, but did not testify*: Russell Hayter; Michelle Mostert; Bill Sargent; Lucy Trainor)

Against — Mary Ibarra, ACLU of Texas; Marliza Marin, Common Cause Texas; Taylor Trevino, Texas Civil Rights Project; Katherine Cano (*Registered, but did not testify*: Sofia Lozano, Common Cause Texas; Amber Mills, MOVE Texas Civic Fund; Brenda Cruz, Texas Democratic Party; and 8 individuals)

On — Chuck Pinnney, Texas Secretary of State (*Registered, but did not testify*: Christina Adkins, Texas Secretary of State)

BACKGROUND: Some have suggested that certain Election Code provisions relating to the timeliness of accepting ballots voted early by mail, vote counting, and the authenticity of election results should be amended to reduce election vulnerabilities caused by delayed reporting of voting results.

DIGEST: CSHB 1091 would amend provisions relating to mail-in ballot delivery, as well as the early voting ballot counting deadline and notice requirements.

Ballot submission and delivery. The bill would move up the deadline for submitting a mail-in ballot application from the 11th day to the 15th day before an election and invalidate mail-in ballots received after the polls were closed on Election Day. The bill would remove a provision providing for the counting of certain mail-in ballots arriving by 5 p.m. on the day after Election Day.

Only balloting materials for ballots voted by personal appearance could be delivered to the early voting ballot board between the end of early voting

by personal appearance and the closing of the polls on Election Day. The bill would remove from this provision materials for ballots used for early voting by personal appearance or by mail in an election where regular paper ballots were used. The bill would require the jacket envelopes of hand-delivered mail-in ballots to be delivered to the presiding judge of the early voting ballot board as soon as practicable on Election Day.

Required notices. The required notices of each balloting material delivery posted at the main early voting polling place also would have to be posted on the website of the entity conducting the election. The notice would have to include the dates and times that the early voting ballot board would convene to review or count ballots if that information were known at the time the early voting clerk posted the notice. Required notification of the time the delivery was made by the early voting clerk to the county chair of each political party would have to be provided in writing, by email, or by telephone.

Ballot counting and results. The early voting ballot board would be required to count mail-in ballots that arrived after the polls closed on Election Day and within six days after the election, or the next regular business day if the date fell on a Saturday, Sunday, or legal holiday. The board's required convention to count votes would have to be within 13 days after the election for an election held on the date of the general election for state and county officers.

An early voting ballot board or a central counting station officer could not accumulate the results of early voting ballots until:

- 12 p.m. on Election Day, if the entity conducting the election counted the ballots by hand;
- 3 p.m. on Election Day, if the entity conducting the election did not count the ballots by hand and had a population of 150,000 or more; or
- 6 p.m. on Election Day, if the entity conducting the election did not count the ballots by hand and had a population of less than 150,000.

The bill would prohibit an early voting ballot board or central counting station officer from producing a printout or other tangible record of the early voting ballot count or accumulation of results until the polls closed

on Election Day. The bill would not prevent a board or officer from performing preliminary procedures other than accumulating the results of early voting ballots or generating a report of the early voting ballot count or accumulation before the applicable provided times.

Required notices. The central counting station could operate at any time when ballots could be processed or counted. The central counting manager would be required to notify the early voting ballot board presiding judge of the time and place that the judge could deliver early voting ballots within 72 hours before the central counting station manager planned to begin processing or counting early voting ballots.

The central counting station manager would be required to post notice of the dates and times that the central counting station would operate in the election in the place used for posting notice of meetings of the governing body of and on the website of the entity conducting the election within 72 hours before the initial date and time that the central counting station began operations in an election. For each date and time listed in the notice, the notice would have to identify whether the central counting station would be counting early voting ballots voted by mail or early voting ballots voted by personal appearance. In a general election for state and county officers, the notice would have to be provided to each county chair of a political party that had a nominee on the ballot.

The secretary of state would have certain rulemaking authority necessary to implement the bill.

Other provisions. The bill would make conforming repeals to comply with amended deadlines and procedures for delivering and counting ballots.

The bill would take effect September 1, 2025.

SUBJECT: Increasing penalties for certain election fraud offenses

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Shaheen, Isaac, Plesa, Raymond, Swanson, Toth, Wilson

2 nays — Bucy, Morales Shaw

WITNESSES: For — Ed Johnson, Harris County Ballot Security; Dr. Laura Pressley, True Texas Elections; Ken Moore (*Registered, but did not testify*: Andrew Eller, SREC EI Committee and Secure Texas Elections LP Subcommittee; Kathy Haigler; Russell Hayter; Perla Hopkins; Leslie Thomas)

Against — Kevin Hale, The Libertarian Party of Texas; Susana Carranza; Sophia Mirto (*Registered, but did not testify*: Mary Ibarra, ACLU of Texas; Veronikah Warms, Texas Civil Rights Project)

On — (*Registered, but did not testify*: Jennifer Doinoff, Texas Association of County Election Officials)

BACKGROUND: Some have suggested that election fraud should be punished consistently with other election-related violations.

DIGEST: HB 5115 would amend the Election Code to move certain second-degree felony offenses (two to 20 years in prison and an optional fine of up to $10,000) from the list of miscellaneous offenses to the list of election fraud offenses, including:

- knowingly or intentionally making an effort to count votes the person knew were invalid or alter a report to include votes the person knew were invalid; and
- knowingly or intentionally making an effort to refuse to count votes the person knew were valid or alter a report to exclude votes the person knew were valid.

The bill would increase the penalty for an election fraud offense from a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000) to a second-degree felony.

The bill also would increase the penalty for an election fraud offense committed while a person was acting in the person's capacity as an elected official from a state-jail felony (180 days to two years in a state jail and an optional fine of up to $10,000) to a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to $10,000).

For an attempt to commit an election fraud offense while the person was acting in the person's capacity an an elected official, the bill would increase the penalty from a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) to a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000).

The bill would make conforming changes and repeal a provision increasing election fraud offenses to the next higher category of offense under certain circumstances.

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

NOTES:

According to the Legislative Budget Board, any fiscal impact on the demand for state correctional resources would not be significant.

SUBJECT: Prohibiting the inclusion of shipping costs in instructional material prices

COMMITTEE: Public Education — favorable, without amendment

VOTE: 14 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Hunter, Kerwin, Leach, Leo Wilson, Schoolcraft

0 nays

1 absent — Talarico

WITNESSES: For — (*Registered, but did not testify*: Misty Fisher, Instructional Materials Coordinators' Association of Texas (IMCAT); Raif Calvert, TASB; Gabe Grantham, Texas 2036; Colby Nichols, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Cindi Castilla, Texas Eagle Forum; Brandon Garcia, Texas Public Charter Schools Association; Bianca Arvin-Eagle)

Against — (*Registered, but did not testify*: Dorothy Ann Compton; Daniela Sanchez-Salinas; Emily Witt)

On — (*Registered, but did not testify*: Colin Dempsey, Texas Education Agency; Steven Deline)

BACKGROUND: Concerns have been raised that school districts can face substantial shipping charges for instructional material purchases.

DIGEST: HB 5515 would prohibit an instructional materials publisher or manufacturer from including in the materials' price a freight and shipping cost that:

- exceeded the actual cost of delivering the instructional material, as determined based on the standard rate published by the carrier for the specified delivery method of the instructional material; or
- included a handling or similar charge that was not directly related to the shipment of physical copies of the instructional material.

The bill would take effect September 1, 2025.

SUBJECT: Prohibiting school administrators from performing certain services

COMMITTEE: Public Education — committee substitute recommended

VOTE: 11 ayes — Buckley, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Hinojosa, Hunter, Kerwin, Leach

0 nays

4 absent — Bernal, Leo Wilson, Schoolcraft, Talarico

WITNESSES: For — Abby Yarborough (*Registered, but did not testify*: Christianna Brown, Elaina Brown, Shelia Franklin, Julie McCarty, Fran Rhodes, True Texas Project; Bianca Arvin-Eagle; Louise Derusseau; Veronica Fabian; Mark Treat)

Against — (*Registered, but did not testify*: Monica Brown, True Texas Project; Steven Deline; Daphne Hoffacker)

On — (*Registered, but did not testify*: Raif Calvert, TASB; Andrea Chevalier, Texas Council of Administrators of Special Education; Steve Lecholop, Texas Education Agency; Clarice Cross; Zenobia Joseph; Jennifer Kost; Daniela Sanchez-Salinas)

BACKGROUND: Some have suggested that statutory provisions are needed to prevent school administrators from improperly using their public positions to profit from private educational consulting contracts while directing contracts to those educational business entities.

DIGEST: CSHB 3372 would prohibit a school administrator from performing personal services or receiving any financial benefit for the performance of personal services for:

- any business entity that conducted or solicited business with the school district that employed the administrator;
- an education business that provided services regarding the curriculum or administration of any school district; or

- another school district, charter school, or regional education service center.

An administrator who violated the bill would be liable to the state for a civil penalty of $10,000 for each violation.

The bill would define an “administrator” as a person who had significant administrative duties relating to the operation of a school district. The definition would not include a school district employee whose employment contract responsibilities primarily included classroom instruction of students.

CSHB 3372 would repeal Education Code sec. 11.201(e), which prohibits a school district’s superintendent from receiving any financial benefit for personal services performed by the superintendent for any business entity that conducts or solicits business with the district.

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

SUBJECT: Requiring the Northeast Texas Municipal Water District to hold a hearing

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 10 ayes — Harris, Martinez, Ashby, Barry, C. Bell, Buckley, Fairly, Gámez, J. Garcia, Villalobos

2 nays — Romero, Zwiener

1 absent — M. González

WITNESSES: For — (*Registered, but did not testify*: Grant Ruckel, Energy Transfer)

Against— None

BACKGROUND: Some have suggested that the Northeast Texas Municipal Water District should be required to hold a public hearing on selling water or water rights to ensure that a potential sale is supported by local constituencies.

DIGEST: CSHB 5659 would require the board of directors of the Northeast Texas Municipal Water District to hold a public hearing on a proposed water supply contract or acquisition of a water appropriation permit before the district could enter into such a contract or acquire such a permit. The board would be required to provide any interested person an opportunity to appear before the board at the hearing and speak on the proposed contract or permit acquisition. The bill also would require the board to provide notice in the manner prescribed by applicable law.

The district would be authorized to enter into such a contract or acquire such a permit only if the contract or permit acquisition was approved by a majority vote of the governing body of each city that was entitled to appoint one or more directors to the board.

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.