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HOUSE RESEARCH ORGANIZATION

daily floor report

Saturday, May 24, 2025
89th Legislature, Number 73
The House convenes at 10 a.m.
Part Two

One bill is on the Major State Calendar, three resolutions are on the Constitutional Amendments Calendar, and 90 bills are on the General State Calendar for second reading consideration today. The list of bill analyses included in Part Two of the *Daily Floor Report* appears on the next page.

Gary VanDeaver
Chairman
89(R) - 73

HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Saturday, May 24, 2025
89th Legislature, Number 73
Part 2

SUBJECT: Expanding participation in the Texas Leadership Scholars Program

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

SENATE VOTE: On final passage (May 1) — 31 - 0

WITNESSES: For — (*Registered, but did not testify*: Kelle Kieschnick, Texas Business Leadership Council; Steven Deline)

Against — None

On — (*Registered, but did not testify*: Sarah Keyton, Texas Higher Education Coordinating Board)

BACKGROUND: Education Code ch. 61 subch. T-3 establishes provisions related to the Texas Leadership Scholars Program. The subchapter defines "leadership scholarship" as a scholarship awarded to an undergraduate student under the program, and "research scholarship" as a scholarship awarded to a graduate student under the program.

Concerns have been raised that during the Texas Leadership Scholars Program's implementation, participation was limited to a select group of institutions and preferential treatment was given to students from those schools, which was not the legislative intent of the program. Some have suggested that clarifying the definition of "eligible institution" for the program could correct these limitations and provide equitable access for all eligible institutions and students.

DIGEST: SB 2055 would specify that an "eligible institution" for the purposes of the Texas Leadership Scholars Program was any general academic teaching institution, as defined by the Higher Education Coordinating Act of 1965.

The bill also would specify that the Texas Higher Education Coordinating Board's (THECB) rules would have to provide that a student could not receive a scholarship under either the leadership or research scholarship program for more than four years per program, rather than prohibit a student from receiving such a scholarship under the program for more than four years.

THECB rules also would have to provide that each eligible institution received at least one research scholarship award, with remaining awards distributed among eligible institutions based, in part, on the number of research doctoral degrees awarded by each institution.

THECB would be prohibited from adopting rules for the Texas Leadership Scholars Program that limited the general academic teaching institutions that could participate in the program or that gave preference to students enrolled in certain general academic teaching institutions.

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

SUBJECT: Amending certain provisions on TDLR advisory bodies

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

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

0 nays

1 absent — Gerdes

SENATE VOTE: On final passage (May 1) — 26 - 5

WITNESSES: For — (*Registered, but did not testify*: Cyrus Reed, Lone Star Chapter Sierra Club; Larry Gonzales, Qualified Applied Behavior Analysis Credentialing Board)

Against — None

On — (*Registered, but did not testify*: Charlotte Melder, Texas Department of Licensing and Regulation)

BACKGROUND: Concerns have been raised that inconsistencies in statute around term lengths for certain board members and references to advisory bodies have created administrative inefficiencies in Texas Department of Licensing and Regulation oversight.

DIGEST: SB 2075 would authorize the Texas Commission on Licensing and Regulation (TCLR) to establish an advisory board to advise TCLR or the Texas Department of Licensing and Regulation (TDLR) regarding a program subject to regulation by TDLR.

Unless otherwise provided by a law establishing a regulatory program administered by TDLR, TCLR could establish:

- the number of advisory board members, provided that the number of members was an odd number of three or more;
- the qualifications for an advisory board member; and

- the terms of advisory board members.

Members of an advisory board would be required to be appointed by TCLR's presiding officer with TCLR's approval. On approval of TCLR, its presiding officer would be required to designate a member of the advisory board to serve as its presiding officer for a two-year term. The presiding officer could vote on any matter before the advisory board.

The bill would make conforming changes to replace references to advisory committees with references to advisory boards and accordingly adjust certain term and member requirements in provisions pertaining to TDLR oversight. The bill would repeal certain provisions across the Occupations Code relating to term limits, meetings, ex-officio members, and member removal.

The bill would take effect September 1, 2025.

SUBJECT: Establishing tax credit for donations to certain nonprofits supporting families

COMMITTEE: Ways & Means — favorable, without amendment

VOTE: 9 ayes — Meyer, Button, Capriglione, Hickland, Muñoz, Noble, Troxclair, Turner, Vasut

3 nays — Martinez Fischer, Gervin-Hawkins, V. Perez

1 absent — Bernal

SENATE VOTE: On final passage (April 28) — 31 - 0

WITNESSES: None (*Considered in a formal meeting May 20*)

BACKGROUND: Tax Code sec. 171.1015 defines "tiered partnership arrangement" as an ownership structure in which any of the interests in one taxable entity treated as a partnership or an S corporation for federal income tax purposes (a "lower tier entity") are owned by one or more other taxable entities (an "upper tier entity").

Concerns have been raised that many nonprofit organizations that support children and families affected by trauma, mental health challenges, and economic hardship lack sufficient resources to meet growing needs across Texas. Some have suggested offering a tax credit could encourage private sector donations to eligible nonprofits providing family-strengthening services.

DIGEST: SB 2018 would establish that a taxable entity that made an eligible designated contribution could apply for a strong families credit against the franchise tax in the amount and under the conditions prescribed by the bill. The bill would define a designated contribution as a monetary contribution to an eligible organization that the contributor designated at the time of contribution as being made for the purpose of the strong families credit.

Eligible organizations. An organization would be considered an eligible organization for the purposes of the credit if the organization:

- was exempt from federal income taxation as a 501(c)(3) organization;
- was authorized to transact business in the state;
- had provided certain services for families in Texas for at least three years preceding the organization's receipt of its initial designated contribution;
- did not directly or indirectly provide or provide information related to abortion services; and
- had not received, directly or indirectly through a contractor, more than 50 percent of its total annual revenue from the state or a political subdivision of the state in the preceding state fiscal year.

Eligible services for families described above would include comprehensive case management services for at-risk families based on assessment of family strengths and needs, including assisting families in achieving self-sufficiency and stability and encouraging workforce participation, or services and resources to assist fathers in learning and improving parenting skills and being more engaged in their children's lives through in-school programs and online resources.

To remain eligible, an organization would have to submit the following information each calendar year in a manner prescribed by the comptroller:

- a description of the qualifying services and resources provided by the organization;
- the total number of individuals served through those services and resources during the previous calendar year and the number of those individuals served and provided resources using designated contributions;
- outcomes for those services and resources;
- the organization's financial and contact information;
- a statement, signed under penalty of perjury by an officer of the organization, that the organization met all criteria to qualify for eligibility, had fulfilled requirements for the previous calendar year, and intended to fulfill the requirements for the next calendar year; and

- any other documentation necessary to verify eligibility or compliance.

The comptroller could consult with the state campaign manager and state policy committee to determine the manner in which an organization would be required to demonstrate that it was eligible under the bill.

An eligible organization would also be required to:

- conduct a local, state, and national criminal background check for all individuals working directly with children in a program funded by designated contributions that included the use of the national sex offender registry database and a commercial multistate and multijurisdictional criminal records locator or other similar commercial nationwide database;
- spend no more than 5 percent of the total dollar amount of designated contributions on administrative expenses;
- spend all designated contributions other than that 5 percent to provide services or resources for residents of this state; and
- annually submit to the comptroller a copy of the eligible organization's most recent Form 990 filed with the Internal Revenue Service.

Upon receiving a designated contribution, an eligible organization would have to provide the contributing entity with a certificate of contribution that included:

- the entity's name;
- the eligible organization's name;
- the entity's federal employer identification number, if applicable;
- the entity's state taxpayer identification number, if applicable;
- the amount of the designated contribution; and
- the date the contribution was made.

Credit limits and carryforwards. The amount of a taxable entity's credit for a report would equal the lesser of the amount of designated contributions made to eligible organizations or the amount of franchise tax

due for the report after applying all other applicable credits. A taxable entity could not apply for a credit for a report in connection with more than $1 million in designated contributions, and the total amount of strong families credits awarded could not exceed $5 million each year.

If a taxable entity was eligible for a credit that exceeded the limitation, the entity could carry forward the unused portion of the credit for not more than five consecutive reports.

Application for carryforward. A taxable entity would have to apply for the credit in a manner prescribed by the comptroller and include with the application any information the comptroller requested to determine the entity's eligibility. The comptroller could award a credit to an eligible taxable entity that applied for the credit if the limit on the total amount of credits had not been exceeded.

The comptroller could adopt rules prescribing the application process, including rules prescribing a process by which the credits were awarded on a first-come, first-serve basis, an enrollment period with application deadlines, the use of electronic applications, and information required to be submitted with the application. The comptroller could rely on an audited cost report provided by an entity in awarding a credit.

A taxable entity could be awarded an amount less than the total amount of the credit if the award would exceed the limitation. The comptroller would have to notify a taxable entity in writing of the amount of credit, if any, awarded to the entity. An award or denial of an award would not be a contested case under the Administrative Procedure Act. Additionally, subject to certain limitations, an entity could claim the amount of the awarded credit on the report originally due after the entity received notice of the amount of the credit.

Combined groups and tiered partnerships. A credit for designated contributions made by a member of an affiliated group that filed a combined report under a tiered partnership arrangement as described by Tax Code sec. 171.1015 would have to be claimed on the combined report required for the combined group. The combined group also would be considered the taxable entity making the designated contribution. An

upper tier entity that included the total revenue of a lower tier entity for purposes of computing its taxable margin could claim the credit for contributions made by the lower tier entity to the extent of the upper entity's ownership interest in the lower tier entity. No more than $1 million in credit awarded for designated contributions made during the period on which a report was based could be claimed on the report.

Exceptions, prohibited assignments. The taxable entity could not convey, assign, or transfer the credit to another entity unless substantially all of the assets of the taxable entity were also conveyed, assigned, and transferred in the same transaction.

Other provisions. The bill would expire on January 1, 2029. The expiration of the bill would not affect the carryforward of a credit after the bill's expiration date based on designated contributions made before that date.

An entity could apply only for a credit on a designation made on or after June 1, 2026, and the bill would apply only to a report due on or after that date.

The bill would take effect June 1, 2026.

SUBJECT: Requiring THECB to conduct a study on health physics education

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

SENATE VOTE: On final passage (April 24) — 29 – 2

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

Against – None

BACKGROUND: Concerns have been raised that Texas faces a shortage of skilled professionals in health physics, a field related to protecting persons and the environment from radiation exposure via risk assessments, safety protocols, and regulatory compliance.

DIGEST: SB 1534 would require the Texas Higher Education Coordinating Board, in collaboration with the Texas Workforce Commission, to conduct a study on health physics education in Texas. The bill would require the study to identify gaps in health physics training programs provided by institutions of higher education and assess workforce needs in the nuclear energy and radiological safety sectors.

By December 1, 2026, the board would be required to prepare and submit to each standing committee of the Legislature that had primary jurisdiction over higher education or workforce development a written report that summarized the results of the study conducted under the bill and included recommendations for legislative or other action based on the results of the study.

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: Limiting dwelling unit occupancy regulation by home-rule municipalities

COMMITTEE: Land & Resource Management — favorable, without amendment

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

1 nay — R. Lopez

3 absent — Y. Davis, Hinojosa, Hunter

SENATE VOTE: On final passage (April 14) — 30 - 1

WITNESSES: None (*Considered in a formal meeting April 28*)

BACKGROUND: Concerns have been raised that occupancy limits may harm students' ability to find affordable housing. Some have suggested that the health and safety concerns that occupancy limits based on familial status in certain cities were designed to address could be addressed using other regulatory metrics.

DIGEST: SB 1567 would prohibit a home-rule municipality in which a university campus was located from adopting or enforcing a zoning regulation that limited the number of people who could occupy a dwelling unit based on age, familial status, occupation, relationship status, or whether the occupants were related to each other by a certain degree of affinity or consanguinity.

Such a municipality could not impose an occupancy limit that was more restrictive than one occupant per sleeping room with a minimum floor area of 70 square feet and one additional occupant for each additional 50 square feet of floor area in the same sleeping room.

SB 1567 would not prohibit a municipality from limiting occupancy based on health and safety standards in a building code, fire code, Department of State Health Services standards, or affordable housing program guidelines.

The bill would prohibit a municipality from requiring a real estate broker, agent, or other third party fiduciary to submit a lease or related document to determine the number of unrelated occupants of a dwelling unit for the purpose of enforcing an occupancy requirement.

The bill would not prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association or by other private agreement.

SB 1567 would authorize a property owner in a municipality that violated the bill to bring an action against the municipality for damages and equitable relief. The municipality's governmental immunity to suit and from liability would be waived to the extent of liability under the bill.

The bill would take effect September 1, 2025.

SUBJECT: Limiting regulation of new HUD-code manufactured housing.

COMMITTEE: Land & Resource Management — favorable, without amendment

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

1 nay — Y. Davis

2 absent — Alders, Hinojosa

SENATE VOTE: On final passage (April 10) — 28 - 2

WITNESSES: None

BACKGROUND: Concerns have been raised that restrictive local ordinances have made it difficult to install manufactured homes in certain areas, which can limit affordable housing opportunities.

DIGEST: SB 785 would prohibit a municipality from requiring a specific use permit for a new HUD-code manufactured home if the home had been constructed according to federal and state law and the municipality did not require a specific use permit for other residential property in the same zoning classification.

A municipality with zoning regulations or zoning district boundaries would be required to permit the installation of a new HUD-code manufactured home for use as a dwelling within the municipality's boundaries under at least one residential zoning classification, type of residential zoning district, or dedicated zoning classification for HUD-code manufactured homes. The municipality would have to ensure that at least one of these classifications or districts applied to a substantial area within its boundaries, and could not adopt or enforce other zoning regulations or district boundaries that prohibited the installation of such homes. If the municipality had a comprehensive zoning map, the municipality would have to indicate on the map the areas described above.

These provisions would not limit municipal regulations to protect historical landmarks or the inclusion of property in a historic district or affect deed restrictions established before January 2, 2025. These provisions also would not apply to a municipality in which all residentially zoned areas had deed restrictions on September 1, 2025, prohibiting the placement of manufactured homes or that did not have any areas or districts zoned for business or industrial use.

The bill would take effect September 1, 2025.

SUBJECT: Requiring development, provision of perinatal palliative care materials

COMMITTEE: Public Health — favorable, without amendment

VOTE: 7 ayes — VanDeaver, Cunningham, Frank, Olcott, Pierson, Schofield, Shofner

4 nays — Bucy, Collier, Johnson, Simmons

2 absent — Campos, J. Jones

SENATE VOTE: On final passage (April 15) — 26 - 4

WITNESSES: For — None

Against — None

BACKGROUND: Some have suggested that parents should be informed about available perinatal palliative care services that can support families who receive a life-threatening diagnosis.

DIGEST: SB 1233 would require the Health and Human Services Commission (HHSC), in collaboration with the Department of State Health Services (DSHS) and the Palliative Care Interdisciplinary Advisory Council, to develop perinatal palliative care informational materials that included a description of the health care and other services available through perinatal palliative care and information about available medical assistance benefits for prenatal care, childbirth, and perinatal palliative care.

SB 1233 would define "perinatal palliative care" as the provision of comprehensive, supportive care to reduce the suffering of a woman who was pregnant or delivered a child, her unborn child or infant, and her family, from diagnosis of the unborn child's life-threatening or life-limiting illness or medical condition through the duration of the perinatal period and possible death as a result of the illness or condition. The term would include medical, social, and mental health care, including counseling by healthcare professionals, clergy, social workers, and other

individuals focused on alleviating fear and pain and ensuring the woman, her unborn child or infant, and her family experienced a supportive environment. The term would not include an act or omission intended to cause or hasten an unborn child's death. "Perinatal period" would mean the period beginning at conception and ending on an infant's first birthday.

The bill would require HHSC to develop, regularly update, and publish a geographically indexed list of perinatal palliative care providers and programs in Texas that included the name, physical address, and phone number of each provider or program. The bill would authorize HHSC to include perinatal palliative care providers and programs in other states but would prohibit including abortion providers or an affiliate of an abortion provider unless the provider or affiliate performed abortions only during a medical emergency as defined by applicable Texas law.

The bill would require HHSC to post on its website the informational materials and the list of providers and programs, including the contact information, and to note the providers and programs that provide services free of charge. The bill would require HHSC, in collaboration with DSHS, to develop a form for a pregnant woman to certify she received the informational materials and the list.

SB 1233 would require a health care provider who diagnosed a pregnant woman's unborn child with a life-threatening or life-limiting illness or medical condition to, at the time of the diagnosis:

- provide the pregnant woman with a written copy of the perinatal palliative care informational materials, the list of the perinatal palliative care providers and programs, and the perinatal palliative care certification form; and
- obtain from the pregnant woman the signed perinatal palliative care certification form and place the form in the pregnant woman's medical records.

An exception would apply if the health care provider verified that the pregnant woman's medical record contained a signed perinatal palliative care certification form for that pregnancy.

The bill would authorize a pregnant woman, if a health care provider failed to provide to the woman the perinatal palliative care informational materials, to submit a complaint to HHSC in the form and manner HHSC prescribed. A health care provider who violated the bill would be subject to disciplinary action by the state licensing agency that regulated the provider. The bill would require that the agency, on determining the provider committed a violation, to issue a written warning to the provider for an initial violation and impose on the provider an administrative penalty in the amount of $1,000 for each subsequent violation.

The bill would take effect September 1, 2025.

SUBJECT: Amending LMHA governing body membership to include a veteran

COMMITTEE: Public Health — favorable, without amendment

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

0 nays

1 absent — Olcott

SENATE VOTE: On final passage (April 24) — 31 - 0

WITNESSES: For — (*Registered, but did not testify*: Martin Hubert, Endeavors; Mike Lee, Harris County Sheriff's Office; Lyssette Galvan, NAMI Texas; Steven Deline)

Against — None

On — Lee Johnson, Texas Council of Community Centers (*Registered, but did not testify*: Reilly Webb, Health and Human Services Commission (HHSC))

BACKGROUND: Concerns have been raised that the absence of veterans on the governing bodies of local mental health authorities (LMHA) may limit the ability of these authorities to address the specific mental health needs of those who have served in the military.

DIGEST: SB 1580 would require the composition of the governing body of a local mental health authority to include a veteran selected by a majority of the governing body members.

The bill would take effect September 1, 2025.

SUBJECT: Amending groundwater contamination notification procedures

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 9 ayes — Harris, Ashby, Barry, C. Bell, Buckley, Gámez, J. Garcia, M. González, Zwiener

0 nays

4 absent — Martinez, Fairly, Romero, Villalobos

SENATE VOTE: On final passage (April 16) — 30 - 1

WITNESSES: For — (*Registered, but did not testify*: Alexa Aragonez, City of Houston; Christine Yanas, Methodist Healthcare Ministries; Cyrus Reed, Sierra Club Lone Star Chapter; Jennifer Allmon, Texas Catholic Conference of Bishops; Susan Stewart)

Against — None

BACKGROUND: Water Code sec. 26.408 requires the Texas Commission on Environmental Quality (TCEQ), no more than 30 days after it receives notice of groundwater contamination from a state agency or obtains independent knowledge of groundwater contamination, to make every effort to give notice of the contamination by first-class mail to each owner of a private drinking water well that may be affected by the contamination and to each applicable groundwater conservation district.

Some have suggested that TCEQ also should have the authority to provide notice of contamination by more direct means and to notify residents who may be impacted by known groundwater contamination.

DIGEST: SB 1663 would add to the entities to whom the Texas Commission on Environmental Quality (TCEQ) was required to give notice of groundwater contamination under Water Code sec. 24.408, the residents of each residential address within one mile of the contamination site.

The bill also would specify that such notice would have to be given as soon as practicable and could be emailed, placed on the door of a residence, or provided through another effective delivery method.

The bill would take effect September 1, 2025.

SUBJECT: Amending school board meeting minutes, recording requirements

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Frank, Hinojosa, Hunter, Leach, Leo Wilson, Schoolcraft

0 nays

3 absent — Dutton, Kerwin, Talarico

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — (*Registered, but did not testify*: Shannon Ayres, Debbie Lindstrom, Tara Schulte, Citizens Defending Freedom; Paige Williams, Texas Classroom Teachers Association; Cindi Castilla, Texas Eagle Forum; Mike Hodges, Texas Press Association; Carrie Griffith, Texas State Teachers Association; Steven Deline)

Against — None

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

BACKGROUND: Concerns have been raised that constituents lack the ability to track the voting records of their school board members without a public information request. Some have suggested that requiring the vote of each member to be added to a school board's meeting minutes and establishing related posting requirements would increase school board transparency.

DIGEST: SB 413 would require the minutes of a regular or special meeting of the board of trustees of an independent school district to reflect each member's vote on any item that was voted on at the meeting. The board would be required to post the minutes on the school district's website within seven days after a meeting at which a quorum of the board was present and voting, and any resolution adopted by the board within seven

days after the resolution was adopted. The board would be required to make a recording of each regular or special meeting of the board.

The bill would require both, rather than either of, the minutes and recording to be accessible to the public.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing City of Mission to change its election date to November

COMMITTEE: Elections — favorable, without amendment

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

0 nays

2 absent — Morales Shaw, Plesa

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — Norie Garza, City of Mission (*Registered, but did not testify*: Edward Johnson, Harris County Ballot Security; Susana Carranza; Steven Deline; Kathy Haigler)

Against — None

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

BACKGROUND: The City of Mission has requested that the date of its general election be changed from the May uniform election date to the November uniform election date. Some have suggested that this change would provide increased opportunity for voters.

DIGEST: SB 447 would authorize a municipality on the Texas-Mexico border with a population of more than 85,000 that hosted the annual Texas Citrus Fiesta and held its general election date for officers on a date other than the November uniform election date to change its election date to the November uniform date.

The bill would take effect September 1, 2025.

SUBJECT: Establishing the Texas History Grant Program

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

VOTE: 9 ayes — Metcalf, Flores, Cole, DeAyala, Kerwin, Martinez Fischer, Orr, Vasut, Ward Johnson

0 nays

SENATE VOTE: On final passage (April 10) — 28 - 2

WITNESSES: For — J.P. Bryan, Texas State Historical Association; Brett Derbes, Texas State Historical Association (*Registered, but did not testify*: Charles Maley, South Texans' Property Rights Association; Denise Seibert)

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

BACKGROUND: Concerns have been raised that students' engagement with Texas history may be declining.

DIGEST: SB 519 would require the Texas Historical Commission to create and administer a grant program to promote educational engagement with the history of Texas. The grants would be awarded annually to nonprofit entities that host a statewide Texas history competition for school-aged students and that publish works on Texas history written by students or faculty members. The bill would require the commission to enter into a contract with a grant recipient that included performance requirements and to monitor and enforce the terms of the contract.

The bill would authorize the commission, in addition to funds appropriated by the Legislature, to solicit and accept gifts, grants, and donations from any public or private source to award grants under the bill.

The commission would have to establish procedures to administer the grant program by October 1, 2025.

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 an additional indeterminate cost related to the grant program authorized by the bill, which would be dependent on the number of grant applications and appropriations made for this purpose.

SUBJECT: Providing a property tax exemption for certain property destroyed by fire

COMMITTEE: Ways & Means — committee substitute recommended

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

0 nays

2 absent — Gervin-Hawkins, Vasut

SENATE VOTE: On final passage (April 29) — 31 - 0

WITNESSES: For — (*Registered, but did not testify*: Cheryl Johnson, GC Tax Office; Charles Maley, South Texans' Property Rights Association; Julia Parenteau, Texas Realtors)

Against — None

BACKGROUND: Concerns have been raised that a property owner who experiences a loss of a home or an improvement to a home through fire can still be taxed on the value of the property prior to the catastrophic loss.

DIGEST: CSSB 467 would entitle a person to a property tax exemption of the appraised value of an improvement to the person's residence homestead that was completely destroyed by a fire, was a habitable dwelling before the fire, and remained uninhabitable for at least 30 days after the fire. The exemption would only apply for the tax year in which the fire occurred.

The amount of the exemption would be calculated by multiplying the appraised value of the improvement by a fraction with a denominator of 365 and a numerator that was the number of days remaining in the tax year.

A property owner would have to submit an application for the exemption to the chief appraiser by the 180th day after the date the fire occurred. The chief appraiser would be required to determine whether the improvement

qualified for the exemption and could rely on information provided by any other appropriate source to make the determination.

If a person became entitled to the exemption after taxes had been calculated and the exemption would reduce the person's tax due, the assessor for the taxing unit would have to recalculate the tax due on the property, correct the tax roll, and mail a corrected tax bill to the person if necessary. If the tax had been paid, the tax collector would have to provide a refund of the overpayment to the person.

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

NOTES:

CSSB 467 is the enabling legislation for SJR 84, which is set for second reading consideration on the Constitutional Amendments Calendar today.

According to the Legislative Budget Board (LBB), taxable property values could be reduced as a result of the temporary tax exemption under the bill, and the related costs to the Foundation School Program could be increased through the operation of the school finance formulas. However, the frequency, timing, and severity of future damages, and the number of taxing units that would be impacted cannot be predicted, and LBB cannot estimate the cost of the bill.

SUBJECT: Establishing a process for identifying and selling abandoned urban parcels

COMMITTEE: Intergovernmental Affairs — favorable, without amendment

VOTE: 7 ayes — C. Bell, Zwiener, Cole, Cortez, Garcia Hernandez, Cassandra, Rosenthal, Tepper

3 nays — Lowe, Luther, Spiller

1 present not voting — Leo Wilson

SENATE VOTE: On final passage (April 24) — 29 - 2

WITNESSES: None (*Considered in a formal meeting May 16*)

BACKGROUND: Some have suggested that establishing a process to efficiently identify and repurpose abandoned parcels of land could advance the development of new roads and other infrastructure improvements in certain municipalities.

DIGEST: SB 1579 would authorize the governing body of a municipality located in a county that contained a municipality with a population of more than 500,000 and was adjacent to an international border to implement an expedited process to administratively determine that an undeveloped parcel of land within the municipal boundaries was abandoned and unoccupied if the parcel met the following:

- had never been platted or surveyed or had remained undeveloped for 25 years or more after the land was platted or surveyed;
- if located in a subdivision, was part of a subdivision in which 50 percent or more of the parcels were undeveloped or unoccupied and 10 acres or less in size;
- had an assessed value of less than $1,000, as indicated on the most recent appraisal roll for the appraisal district in which the parcel was located; and
- was not valued for property taxation as land for agricultural use under state law.

The bill would specify that a municipality would not have an ownership interest in any undeveloped parcel of land that was administratively determined to be abandoned, unoccupied, or placed in receivership under the bill, except for any existing or future legal interest established by other law.

Public hearing. SB 1579 would require the municipality to hold a public hearing on the matter and make reasonable efforts to notify each owner and lienholder of the parcel of land of the time and place of the hearing as provided by the bill. The bill would authorize the hearing to be held by the municipality's governing body or an appropriate municipal commission or board appointed by the governing body.

An owner or lienholder could testify and present evidence at the hearing to refute any of the applicable factors for a municipality's administrative determination and establish that it was an affirmative defense to such a determination that the property taxes imposed on a parcel of land had been paid in full for each year that the taxing authority issued a tax invoice. The Texas Rules of Evidence would not apply to a hearing under the bill.

The municipality would be authorized to conduct a single hearing for multiple parcels of land and decide that multiple parcels were abandoned and unoccupied based on the same evidence. The bill would require the municipality, if an undeveloped parcel of land were determined to be abandoned and unoccupied, to issue a resolution of its determination within 14 days after the hearing.

Notice. SB 1579 would require the municipality, within 14 days after the resolution, to post notice of the resolution at the city hall and publish in a newspaper of general circulation in the municipality in which the parcel of land was located a notice of the determination containing relevant information. Alternatively, the municipality would be authorized to post the required information on its website and publish a notice in a newspaper of general circulation in the municipality in which the parcel of land was located, stating the resolution information.

Hearing notice. Prior to the public hearing, the municipality would have to:

- provide notice of the hearing to each record owner and lienholder by personal delivery, certified mail with return receipt, or USPS signature confirmation;
- publish notice of the hearing in a newspaper of general circulation in the municipality and on the municipality's website on or before the 10th day before the hearing; and
- file notice of the hearing in the applicable county property records, including appropriate information about the landowner and a description of the administrative determination proceeding.

Notice would have to be provided to each owner and lienholder for whom an address could be reasonably ascertained from the deed of trust or other applicable instrument on file in the office of the county clerk for the county in which the parcel of land was located or in the records of the office of the central appraisal district for the county in which the parcel of land was located.

Filing of the notice would be binding on subsequent grantees, lienholders, or other transferees of an interest in the parcel of land who acquired that interest after the filing of the notice and constituted notice of the proceeding on any subsequent recipient of any interest in the parcel of land who acquired that interest after the filing of the notice.

If the municipality complied with these provisions, regardless of whether the municipality received a response from the person, an owner or lienholder would be presumed to have received actual and constructive notice of the hearing.

Judicial review. SB 1579 would authorize any owner or lienholder of record of a parcel of land aggrieved by a resolution to file in a district court in the applicable county a verified petition alleging that the decision was illegal, wholly or partly, and stating with specificity the grounds of the alleged illegality. The petition would have to be filed within 60 calendar days of the resolution. Otherwise, the resolution would become final.

The bill would authorize a court to issue a writ of certiorari directed to the municipality to review the resolution of the municipality and prescribe the procedures and standards for the judicial review.

Civil action. SB 1579 would require the municipality, after a final determination that an undeveloped parcel of land was abandoned and unoccupied, to bring a civil action to have the parcel placed in receivership.

The court could appoint, as a receiver, any person with a demonstrated record of knowledge of the problems created by undeveloped parcels of land and consider whether the person owned property in the affected area. The court could not appoint the municipality, an official or employee of the municipality, or a relative of such an official or employee within the third degree of consanguinity or affinity as a receiver.

Upon final determination, an owner's or lienholder's rights and legal interests would be extinguished, subject to provisions regarding any net proceeds resulting from the property's disposition, and transferred to the receiver. The only allegations required to be pleaded in such an action for receivership would be:

- the identification of the applicable parcel of land;
- the relationship of the defendant to the real property;
- the notice of the administrative hearing given to the owner; and
- The administrative determination was that the parcel of land was abandoned and unoccupied.

The record owners and any lienholders of record of the land subject to a civil action under the bill would have to be served with personal notice of the proceedings. Service on the record owners or lienholders would constitute notice to all unrecorded owners or lienholders.

Receiver powers and duties. SB 1579 would establish that the rules of equity governed all matters relating to the appointment, powers, duties, and liabilities of a receiver and the powers of a court regarding a receiver, unless inconsistent with state law relating to municipal regulation of

subdivisions and property development or other law. A receiver appointed by the court could:

- take control of the parcel of land;
- make or have made any repairs or improvements to the parcel of land to make it developable;
- make provisions for the parcel of land to be subject to street, road, drainage, utility, and other infrastructure requirements;
- aggregate the parcel of land with other parcels that have been similarly determined to be abandoned and unoccupied;
- plat or replat the parcel of land;
- accept the grant or donation of any parcel of land within the affected area to carry out the purpose of the bill; and
- exercise all other authority that an owner of the parcel of land could have exercised, including the authority to sell the parcel.

Before assuming the duties of a receiver, a person would have to be sworn to perform the duties of a receiver faithfully. The bill would establish that the appointed receiver was an officer of the court and would require the court, if a receiver died, resigned, or became incapacitated, to appoint a receiver to succeed the former receiver.

If a donation of a parcel of land to the receiver was not challenged before the first anniversary of the donation date, the donation would be final and not revocable under any other legal proceeding.

All funds that came into the hands of the receiver would have to be deposited in a place in the state directed by the court. The bill would require the receiver's use of the funds in connection with their duties or authority to be subject to the approval of the court and would require all net proceeds from the disposition of a parcel of land by the receiver to be placed in trust and remain in trust for at least three years unless claimed before the expiration of the trust period.

The court would have to order additional notices to an owner or lienholder about the net proceeds practicable during the trust period, and upon expiration of the trust period, any money remaining in the receivership

would be escheated to the state. The bill would subject such escheated funds to disposition or recovery under applicable Property Code provisions.

After the receiver had improved the parcel of land to the degree that the parcel was developable and met all applicable standards, or before petitioning the court for termination of the receivership, the receiver would have to file with the court:

- a summary and accounting of all costs and expenses incurred, which could include a receivership fee;
- a statement describing the disposition of each parcel of land;
- a statement of all revenues collected by the receiver in connection with the use or disposition of the parcels of land; and
- a description of any undivided interest of an owner or lienholder, whether identified or not, in the net proceeds from the disposition of the property.

The court would have to approve any property sale by the receiver. The bill would require the receiver to have a lien on the property under receivership for all the receiver's unreimbursed costs and expenses and any receivership fee as detailed in the summary and accounting under these provisions.

Sale of property. SB 1579 would require a sale under the bill to be made by public auction, sealed bid, or sealed proposal. Before a sale could take place, the receiver would have to publish notice of the proposed sale before the 60th day before the sale was to be held and again before the 30th day before the sale was to be held. The notice would have to be published in English and Spanish in a newspaper of general circulation in the municipality in which the real property was located, and to:

- clearly identify the property to be sold;
- specify the procedures and date for the public auction, sealed bid, or sealed proposal method of sale;
- state the minimum bid for the property, if any;

- state any specific financial terms of sale imposed by the receiver; and
- describe the restrictions, conditions, and limitations on using the property the receiver had determined was appropriate.

The receiver would be required, in addition to that notice and to maximize the number of bidders and the price at which the property was sold, to exercise best efforts to provide notice of the proposed sale to those persons who could have the business expertise, financial capability, and interest in developing the property, including local, state, and national trade associations whose members were development, real estate, or financial professionals. On the closing of a property sale, the bill would require a fee simple title to be vested in the purchaser.

The receiver would be authorized to reject any offers. If the receiver rejected all offers, the receiver could subsequently reoffer the same property for sale, reorganize the property, and offer the property for sale, or combine all or part of the property with other property and offer the combined property for sale. If these procedures were followed and a sale occurred, the sale price obtained for the property was conclusive as to the property's fair market value at the time of the sale.

The bill would take effect September 1, 2025.

SUBJECT: Requiring standardized methods for computing high school GPA

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Buckley, Bernal, Allen, Ashby, Bryant, Cunningham, Frank, Hinojosa, Hunter, Leach, Leo Wilson, Schoolcraft

0 nays

3 absent — Dutton, Kerwin, Talarico

SENATE VOTE: On final passage (April 16) — 31 - 0

WITNESSES: For — David Albert, ACC/AFT; Mison Zuniga (*Registered, but did not testify*: Priscilla Camacho, Alamo Colleges District; Kelle Kieschnick, Texas Business Leadership Council; Jennifer Easley, Texas PTA; and 6 individuals)

Against — (*Registered, but did not testify*: Carrie Griffith, Texas State Teachers Association; Savvy Cornett)

On — (*Registered, but did not testify*: Monica Martinez, Texas Education Agency)

BACKGROUND: Concerns have been raised that inconsistencies in the calculation of high school grade point averages (GPA), particularly in weighted courses, could disadvantage students who choose certain academic pathways by impacting class rankings, college admissions, and scholarship eligibility.

DIGEST: SB 1191 would require, rather than allow, the education commissioner to develop a standard method of computing a student's high school grade point average that provided for additional weight to be given to each honors course, advanced placement course, international baccalaureate, or dual credit course completed by a student. The bill also would require the commissioner to provide for additional weight to be given to each OnRamps dual enrollment course. The method would have to provide for an equal amount of additional weight to be given to an advanced

placement course, an international baccalaureate course, an OnRamps dual enrollment course, and a dual credit course.

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: Limiting community supervision for stalking offenses

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Harless, V. Jones, Allen, Harrison, Lowe, Meza, Schatzline, Wharton

0 nays

1 absent — Lozano

SENATE VOTE: On final passage (April 1) — 30 - 1

WITNESSES: For — Rachel Burris, Dallas Criminal District Attorney John Creuzot (*Registered, but did not testify*: Eric Carcerano, Chambers County District Attorney's Office; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Kershaw, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; John Wilkerson, Texas Municipal Police Association; Steven Deline)

Against — (*Registered, but did not testify*: Kirsten Budwine, Texas Civil Rights Project)

On — (*Registered, but did not testify*: Carey Green, Texas Dept of Criminal Justice-Community Justice Assistance Division; Jack Choate, The Special Prosecution Unit; Thomas Parkinson)

BACKGROUND: Under Penal Code sec. 38.111, it is an offense for a person confined in a correctional facility after being charged with or convicted of certain offenses, including those requiring sex offender registration, to contact a victim or a member of the victim's family without proper consent.

Some have suggested that making defendants adjudged guilty of stalking ineligible for judge-ordered community supervision is needed to prioritize victim safety, as stalking can escalate into more violent behavior and have lasting psychological effects on victims.

DIGEST:

SB 1021 would make a defendant adjudged guilty of stalking ineligible for judge-ordered community supervision.

The bill also would amend Penal Code sec. 38.111 to expand the offense of improper contact with a victim to include a person confined after being charged with or convicted of stalking.

SB 1021 would take effect September 1, 2025.

NOTES:

According to the Legislative Budget Board, the bill would have a positive impact of $135,428 to general revenue related funds through the biennium.

SUBJECT: Amending attorney ad litem appointment and fee procedures

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Leach, Flores, J. González, LaHood, Landgraf, Moody, Schofield

0 nays

4 absent — Johnson, Dutton, Dyson, Hayes

SENATE VOTE: On final passage (April 16) — 31 - 0

WITNESSES: None

BACKGROUND: In a child protection suit filed by a governmental entity in which termination of the parent-child relationship or the appointment of a conservator for a child is sought, Family Code sec. 107.013(a) requires the court to appoint an attorney ad litem to represent the interests of certain parents or alleged fathers. Concerns have been raised about inconsistencies in the application of current law governing fee schedules for these court-appointed attorneys.

DIGEST: **Attorney ad litem appointments.** CSSB 1838 would revise the type of suit requiring a court to appoint an attorney ad litem for certain parents or alleged fathers under Family Code sec. 107.013(a). Instead of applying only to child protection suits filed by a governmental entity seeking termination of parental rights or conservatorship, the bill would expand the requirement to apply to any suit affecting the parent-child relationship filed by a governmental entity in which such actions were requested.

The bill would establish that an attorney appointed in a child protection suit to serve as an attorney ad litem for a child, an attorney in the dual role, or an attorney ad litem for a parent, was entitled to reasonable fees and expenses in the amount set by the court to be paid by the parents of the child unless the parents were indigent. If the parents were found to be indigent, payment would have to come from the county's general funds,

provided that the attorney was not employed by an office of child or parent representation or any other entity that used public funds to provide legal representation in such cases.

The bill also would replace the current applicable fee schedule, based on rates for attorneys appointed under the Juvenile Justice Code, with a fee schedule adopted under the bill.

CSSB 1838 would authorize a court to remove a person from the list maintained by the court of persons qualified for appointment as an attorney or guardian ad litem in a suit affecting the parent-child relationship if, after notice and a hearing, the court determined the person submitted a voucher or claim for payment for services the person did not perform.

The bill would authorize a person whose voucher or claim for payment was denied or modified by the court or had not been approved by the court within 60 days to file a petition to compel payment or to appeal the denial or modification of the payment.

Fee schedule requirements. CSSB 1838 would require each court in a county hearing suits affecting the parent-child relationship filed by a governmental entity to jointly develop, adopt, and submit to the commissioners court of the county a fee schedule for the compensation of an applicable attorney ad litem appointed to represent a child or parent in such a suit where the indigency of the parents was shown. The fee schedule would have to meet certain requirements provided by the bill.

Compensation would include payment for time spent in and out of court on the case, including on appeals, and reimbursement for reasonable and necessary expenses.

The fee schedule provisions would apply only to an attorney ad litem appointed on or after January 1, 2026.

Courts in each county hearing suits affecting the parent-child relationship filed by a governmental entity in which appointment of an attorney ad

litem was required would have to adopt the required fee schedule by January 1, 2026.

CSSB 1838 would take effect September 1, 2025.

SUBJECT: Relating to employment classifications of certain motor carrier contractors

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

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

5 nays — Johnson, Dutton, Flores, J. González, Moody

SENATE VOTE: On final passage (April 30) — 30 - 1

WITNESSES: For — Prasad Sharma, Scopelitis; Lee Parsley, Texans for Lawsuit Reform; John Esparza, Texas Trucking Association (*Registered, but did not testify*: Scot Kibbe, American Property Casualty Insurance Association)

Against — None

BACKGROUND: Concerns have been raised that motor carriers using safety technology measures with independent contractors risk being misclassified as employers, which could lead to legal complications and require them to choose between enhancing safety and avoiding the risk of worker misclassification.

DIGEST: SB 2807 would prohibit the deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or a related entity, including through contract, from being considered when determining whether the operator of a motor vehicle was an employee or joint employee of the motor carrier or an independent contractor for purposes of state law.

The bill would take effect September 1, 2025.

SUBJECT: Allowing municipalities to approve single-stairway apartment buildings

COMMITTEE: Land & Resource Management — favorable, without amendment

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

0 nays

3 absent — Lalani, Hinojosa, Hunter

SENATE VOTE: On final passage (May 9) — 29 - 2

WITNESSES: None (*Considered in a formal meeting May 15*)

BACKGROUND: Concerns have been raised that the widespread use of the International Building Code in the United States has restricted the use of single-stairway apartments that can fit on lots that cannot accommodate large multifamily complexes, have efficient floor plans, and may fit more cohesively with existing neighborhoods. Some have suggested that allowing cities to authorize single-stairway apartments could help the housing market better respond to the varied needs of Texas families.

DIGEST: SB 2835 would allow a municipality, regardless of whether it had adopted local amendments to the International Building Code (IBC), to authorize an apartment building to have a single stairway only if:

- the building did not have more than six stories above grade plane;
- was not a high-rise as defined by the IBC;
- did not have more than four dwellings on any floor; and
- met certain other specified requirements for automatic sprinkler placement, placement and fire resistance rating of exit stairways and routes, emergency escape and rescue openings, and smoke and fire detection system installation.

The bill would take effect September 1, 2025.

SUBJECT: Amending seat belt requirements for school buses

COMMITTEE: Transportation — favorable, without amendment

VOTE: 13 ayes — Craddick, M. Perez, Canales, Curry, Gámez, Harris Davila, Hefner, LaHood, Little, C. Morales, E. Morales, Patterson, Paul

0 nays

SENATE VOTE: On final passage (April 22) — 23 - 8

WITNESSES: For — (*Registered, but did not testify*: James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers' Union; John Hubbard and Ian Randolph, National Association of Bus Crash Families; Brian Hawthorne, Sheriffs' Association of Texas; John Wilkerson, Texas Municipal Police Association; Becca Harkleroad, Texas School Nurses Organization; Patty Quinzi, TX-AFT)

Against — None

BACKGROUND: Current law requires school districts to equip school buses with seat belts only if they are model year 2018 or later and provides an exception if a school district budget cannot afford a bus with seat belts. Some have suggested amending the law to encourage more districts to equip buses that transport students with seat belts.

DIGEST: SB 546 would revise exceptions to the requirement that a school bus, school activity bus, multifunction school activity bus, or school-chartered bus operated by or contracted for use by a public school district for the transportation of schoolchildren be equipped with a three-point seat belt for each passenger, including the operator.

The bill would eliminate the exception for buses purchased by a district that were model year 2017 or earlier and add an exception applicable to buses for which the warranties would be voided if equipped to comply with the three-point seat belt requirement.

The bill also would replace the exception allowing a district's board of trustees to determine that the budget did not allow purchase of a bus of a model year 2018 or later equipped with the required seat belts. Instead, the bill would establish an exception to the seat belt requirement for any bus operated by or contracted for use by a school district if the board of trustees determined that the district's budget did not allow for the purchase. A district would not have to comply with these provisions before September 1, 2029.

By the end of the 2025-2026 school year, a school district that determined the district's budget did not permit purchasing a bus equipped with the required three-point seat belts would have to submit to the Texas Education Agency (TEA) and present in a public meeting of the board a report that included:

- the number of buses operated by or contracted for use by the district that were not equipped with seat belts, that were equipped with two-point seat belts, and that were equipped with three-point seat belts; and
- the estimated cost to the district to equip each bus with three-point seat belts as required.

By January 1, 2027, the bill would require TEA to calculate the total amount of financial assistance needed for all districts to come into full compliance with the three-point seat belt requirement, and to summarize and make available to the governor and each member of the Legislature the information regarding the reports and the total amount of necessary financial assistance.

The bill's reporting requirements would expire January 1, 2028.

Additionally, the bill would authorize a school district to accept gifts, grants, and donations from any public or private source to implement the three-point seat belt requirement.

The bill would take effect September 1, 2025.

SUBJECT: Amending the regulatory definition of data broker

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

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

0 nays

2 absent — Bhojani, Longoria

SENATE VOTE: On final passage (April 24) — 31 – 0

WITNESSES: For — (*Registered, but did not testify*: Briana Gordley, Texas Appleseed; David Dunmoyer, Texas Public Policy Foundation; Steven Deline; Susan Stewart)

Against — None

BACKGROUND: Concerns have been raised that a discrepancy between the definition of "data broker" and the related applicability data broker provisions in Chapter 509 of the Business & Commerce Code has led to confusion about whether data brokers are exempt from certain regulations, undermining consumer protections and transparency.

DIGEST: CSSB 2121 would amend the definition of a "data broker" for the purpose of Business & Commerce Code ch. 509 to mean a business entity that collected, processed, or transferred, rather than whose principal source of revenue was derived from the collecting, processing, or transferring of, personal data that it did not collect directly from the individual linked or linkable to the data.

The bill also would amend certain provisions relating to the applicability of ch. 509 to provide that the chapter would apply only to a data broker that, in a 12-month period, derived:

- more than 50 percent of its revenue directly from processing or transferring personal data not collected by the data broker, rather than that the data broker did not collect, directly from the individuals to whom the data pertained; or
- revenue directly from processing or transferring the personal data of more than 50,000 individuals not collected by the data broker, rather than that the data broker did not collect, directly from the individuals to whom the data pertained.

The bill would establish that it was the intent of the Legislature that the amendments made by the bill be harmonized with another act of the 89th Legislature relating to nonsubstantive additions to and corrections in enacted codes.

The bill would take effect September 1, 2025.

SUBJECT: Authorizing TDLR to pause massage therapy licensing applications

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

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

0 nays

1 absent — Gerdes

SENATE VOTE: On final passage (April 24) — 31 – 0

WITNESSES: For – (*Registered, but did not testify*: Joshua Sanders, City of Houston)

Against – None

On – (*Registered, but did not testify*: John Medlock, Texas Department of Licensing and Regulation)

BACKGROUND: Concerns have been raised that massage licensees have been able to apply to license additional locations after having an establishment shut down due to human trafficking concerns. Some have suggested that TDLR should be authorized to pause the license application of individuals suspected of human trafficking to address these concerns.

DIGEST: SB 2167 would authorize the Texas Commission of Licensing and Regulation (TCLR) or the executive director of the Texas Department of Licensing and Regulation (TDLR) to delay the approval or refusal of the issuance of a massage establishment or massage school license for the period during which the emergency order was in effect if the applicant was subject to an emergency order halting operations for grounds relating to the investigation of human trafficking. If the applicant was an entity, the applicant would be considered to be subject to the emergency order if any owner or operator of the entity was subject to the emergency order.

TCLR or the executive director of TDLR also could delay license issuance for a massage establishment or school for a period of up to 90 days after the date on which the application was submitted if these entities had reasonable cause to believe a human trafficking offense:

- was or was likely to be committed at the location for which the license was sought; or
- was committed at a massage establishment or school owned or operated by the applicant or, if the applicant was an entity, operated by any owner or operator of the applicant.

The bill would amend related licensing regulations to specify that a massage school could not change locations without obtaining a new license.

TCLR would be required to adopt rules necessary to implement the bill.

The bill would take effect September 1, 2025.

SUBJECT: Prohibiting political committees from accepting foreign contributions

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 8 ayes — King, Darby, Geren, Hull, McQueeney, Metcalf, Phelan, Raymond

4 nays — Hernandez, Y. Davis, Thompson, Turner

2 absent — Guillen, Smithee

1 present not voting — Anchía

SENATE VOTE: On final passage (May 6) — 27 - 4

WITNESSES: None *(Considered in a formal meeting May 15)*

BACKGROUND: Concerns have been raised over the role of foreign influence in U.S. political processes, particularly through indirect channels such as contributions to ballot measure campaigns, and that Texas election law lacks clear prohibitions addressing foreign involvement in local and state ballot initiatives.

DIGEST: SB 2035 would prohibit a political committee that supported or opposed a ballot measure from accepting contributions by foreign nationals, establish certain offenses for doing so, require political committees to affirm their compliance with the bill, and prohibit the disclosure of certain donors in compliance with the bill.

Definitions. "Foreign national" would be defined under the bill as:

- an individual who was not a United States citizen or national;
- a government of a foreign country or of a political subdivision of a foreign country;
- a foreign political party;
- a person that was organized under the law of or had the person's principal place of business in a foreign country; and

- a person organized under the laws of the United States, including the laws of each state of the United States, that was wholly or mostly owned by a person described above.

Prohibited contributions from foreign nationals. SB 2035 would prohibit a political committee that supported or opposed a ballot measure from knowingly and directly or indirectly:

- soliciting or accepting a contribution from a foreign national;
- soliciting or accepting a contribution from a person that in the four years preceding the date on which the contribution was made knowingly accepted money, directly or indirectly and other than revenue, from one or more foreign nationals that in the aggregate exceeded $100,000; or
- soliciting a foreign national to make an expenditure on the committee's behalf.

A prohibition under the bill related to contributions from and expenditures by a foreign national would not apply if the contribution or expenditure was derived entirely from money generated by the person's operations in the United States and all decisions related to the contribution or expenditure were made by individuals who were United States citizens or nationals, except for decisions on setting overall budget amounts.

Upon a political committee's receipt of a contribution, the committee would be required to obtain from the person making the contribution a written affirmation that the person was not a foreign national and had not in the four years preceding the date on which the contribution was made knowingly accepted money other than revenue from one or more foreign nationals that in the aggregate exceeded $100,000.

For purposes of the bill, a political committee that solicited or accepted a contribution from a foreign national and had accepted contributions from one or more foreign nationals that in the aggregate exceeded $100,000 during the preceding four-year period would be presumed to have knowingly solicited or accepted the contribution.

A foreign national could not direct, dictate, control, or participate in a person's decision-making process with regard to influencing a ballot measure, including the person's decision to make a contribution or expenditure to influence a ballot measure. A foreign national could not

solicit the making by a person of a donation, contribution, or expenditure to influence a ballot measure.

Certification and affirmation. On the filing of a political report by a political committee or by a person that had made a direct campaign expenditure to support or oppose a ballot measure, the committee or the person would be required to certify to the Texas Ethics Commission that the committee or person had not in the four years preceding the date on which the expenditure was made knowingly accepted and would not for the remainder of the year knowingly accept money other than revenue from one or more foreign nationals that in the aggregate exceeded $100,000. A person who violated this provision would commit a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) and would be liable for a civil penalty in an amount not to exceed twice the amount of the contribution or expenditure for which the person failed to make a required certification.

If a political committee that was determined to have accepted a contribution in violation of the bill was financially unable to return all or part of the contribution or pay an imposed civil penalty, the committee's directors, officers, and executive members would be jointly and severally liable for returning the remaining part of the contribution or paying the civil penalty.

The bill would require a campaign treasurer appointment by a political committee that supported or opposed a ballot measure to include an affidavit certifying that the committee, acting alone or jointly with, through, or on behalf of another person, did not receive funding from a foreign national for a preliminary activity in connection with the ballot measure. A preliminary activity would include:

- conducting a poll or focus group on the ballot measure;
- drafting sample ballot measure language;
- making telephone calls in relation to the ballot measure; or
- incurring travel expenses in relation to the ballot measure.

The bill would require such a campaign treasurer to affirm that:

- the committee did not knowingly solicit or accept a contribution from a foreign national or solicit a foreign national to make an expenditure on the committee's behalf; and

- no contribution included in the political report was made by a foreign national or a person that in the four years preceding the date on which the contribution was made knowingly accepted money other than revenue from one or more foreign nationals that in the aggregate exceeded $100,000.

Enforcement. The attorney general could bring a civil action to enforce the bill. In an action brought under the bill, the burden of proof would be on the state.

Before discovery in such an action, the court would be required to hold a hearing to determine whether there was probable cause to believe that a person had violated the bill. If the court determined that:

- probable cause did not exist to believe that a violation occurred, the court would be required to dismiss the action with prejudice; or
- probable cause existed to believe that a violation occurred, the court would be required to enter an order stating the court's findings, resume the action, and cause the action to be expedited.

After an affirmative finding, a defendant could, at a pre-determined time prior to the scheduling of a trial date, present evidence sufficient to rebut the probable cause finding by making an ex parte presentation of records to the court for in camera review. A person could appeal from an interlocutory order of a court that made a determination of probable cause under the bill.

If the court determined that a political committee had accepted a contribution in violation of the bill, the committee would be required to, within 30 days after the court's determination, return the contribution accepted in violation of the bill to the person who made the contribution. If either party appealed the court's determination, the court would be required to order the contribution at issue to be placed in escrow pending the outcome of the appeal. A person who violated these provisions would be liable for the same civil penalty as described above.

In addition to the civil penalty, the court would be required to issue injunctive relief to prevent a person that violated the bill from committing further violations or from aiding and abetting a violation. The attorney general could bring an action to enjoin a person who violated the bill from engaging in activities that would require registration as a lobbyist for a

period determined by the court according to certain considerations specified by the bill.

Prohibited disclosure of certain donors. An investigation of an alleged violation of the bill would have to be conducted in a manner to ensure that the identity of a person who made a lawful donation to a nonprofit organization was kept confidential. The attorney general or a court could not compel the disclosure, and a public servant could not disclose the identity of a person who made a lawful donation to a nonprofit organization unless the disclosure was directly related to an alleged violation of the bill.

A public servant would commit a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000) if they violated this provision.

Effective date. The bill would take effect September 1, 2025.

SUBJECT: Expanding prohibitions on marketing and sales of e-cigarette products

COMMITTEE: Public Health — favorable, without amendment

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

0 nays

1 absent — Olcott

SENATE VOTE: On final passage (April 24) — 30 - 1

WITNESSES: For — Charlie Gagen, American Lung Association; Iishaan Inabathini, Elizabeth Jones, Andres Valle, Texans for Safe and Drug-Free Youth; Valerie Smith, Texas Pediatric Society, Texas Medical Association, Texas Public Health Coalition; Christine Scruggs (*Registered, but did not testify*: Mike Lee, Harris County Sheriff's Office; Christine Yanas, Methodist Healthcare Ministries; Shelton Green and Nicole Holt, Texans for Safe and Drug-Free Youth; Daniel Gonzalez, Texas Academy of Family Physicians; David Reynolds, Texas Chapter American College of Physicians; Jennifer Easley, Texas PTA; Becca Harkleroad, Texas School Nurses Organization)

Against — Charlotte Owen, American Vapor Manufacturers Association

BACKGROUND: Health and Safety Code sec. 161.0876 makes it a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) offense to market, advertise, sell, or cause to be sold an e-cigarette product whose container:

- depicts, imitates, or mimics cartoon-like characters, trademarks, symbols, or other images aimed at marketing to minors;
- includes an image of a celebrity; or
- includes an image that resembles a food product, including candy or juice.

Concerns have been raised that, despite existing age restrictions and prohibitions on the sale of e-cigarette products, vape pen companies have

continued to target minors by disguising vape pens as everyday items, such as school supplies and office supplies, making it easier for youth to conceal their use and evade detection.

DIGEST:

SB 2024 would expand the list of prohibited e-cigarette products in Health and Safety Code sec. 161.0876 to include a product that:

- was in a container that included the name of a celebrity;
- was manufactured in China; or
- contained or was mixed with any cannabinoids, alcohol, kratom, kava, mushrooms, or a derivative of any of those items.

The bill also would add to the list e-cigarette products in a shape or design disguised to appear as an alternative product, including a product in the shape or design of:

- a school or office supply, such as a highlighter, marker, ink pen, or pencil;
- a smartphone, smart watch, smartphone case, or smart watch case;
- headphones, including earbuds;
- clothing;
- a backpack;
- a cosmetic, including lipstick; or
- a toy.

SB 2024 would amend the definitions of "e-cigarette" and "e-cigarette products" to apply to any substance, liquid, or material intended to be used in an electronic cigarette, regardless of whether it had nicotine.

The bill would take effect September 1, 2025.

SUBJECT: Allowing certain institutions of higher education to apply for GURI grants

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 9 ayes — Wilson, Howard, A. Davis, Lambert, V. Perez, Shaheen, Shofner, VanDeaver, Ward Johnson

1 nay — Tinderholt

1 absent — Lalani

SENATE VOTE: On final passage (May 6) — 31 - 0

WITNESSES: None (*Considered in a formal meeting May 19*)

BACKGROUND: Some have suggested that the scope of the Governor's University Research Initiative (GURI) should be broadened to include private research institutions as grant recipients under the program.

DIGEST: SB 1032 would expand the definition of an "eligible institution" for the Governor's University Research Initiative under the Excellence in Higher Education Act to include a private or independent institution of higher education in addition to a general academic teaching institution and a medical and dental unit.

The bill also would repeal the prohibition against an eligible institution using matching grants to recruit distinguished researchers from a private or independent institution of higher education and make conforming changes.

The bill would apply beginning with grants awarded for the 2025-2026 academic 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.

NOTES: According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to the unknown number of grant

applications that newly eligible institutions could submit and the appropriations that could be made for this purpose.

SUBJECT: Requiring schools to excuse students to attend released time courses

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Buckley, Bernal, Allen, Ashby, Cunningham, Frank, G. Hinojosa, Hunter, Leach, Leo Wilson, Schoolcraft

1 nay — Bryant

3 absent — Dutton, Kerwin, Talarico

SENATE VOTE: On final passage (April 30) — 30 - 1

WITNESSES: For — Lathan Watts, ADF; Aaron Braswell, LifeWise Academy (*Registered, but did not testify*: Joel Penton, LifeWise Academy)

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

On — Jessica Snyder, Texas Education Agency (TEA) (*Registered, but did not testify*: Monica Martinez, Texas Education Agency (TEA))

BACKGROUND: Concerns have been raised that some public school districts and open-enrollment charter schools prohibit the release of students to attend off-campus private religious courses despite a 1952 Supreme Court ruling allowing schools to release students for such a purpose.

DIGEST: SB 1049 would require a school district or open-enrollment charter school, on the request of a parent or legal guardian of a student enrolled at the district or school and subject to the adopted attendance policy, to excuse that student from attending school to attend a released time course for at least one but not more than five hours a week.

The bill would require a school district to excuse a student from attending school for attending a "released time course," defined as a course in religious instruction offered by a private entity. Each school district and open-enrollment charter school would be required to adopt a policy for

excusing an enrolled student from attending school to attend a released time course by January 1, 2026. The policy would have to require:

- written consent from the student's parent or legal guardian for the student to attend the released time course;
- the private entity offering the course to maintain and make attendance records available to the district or school at which the student was enrolled;
- the private entity, parent or legal guardian, or student to assume responsibility for transportation for a student with a disability, to and from any location at which the released time course was offered;
- the private entity to make provisions for and assume liability for the student enrolled in the course while the student was under the private entity's care; and
- the student to assume responsibility for any schoolwork issued during the student's absence.

The bill would require the policy to prohibit:

- districts and schools from using district or school funds, excluding minor costs, to facilitate the provision of a released time course;
- the private entity from offering the course on district or school property, unless permitted under a neutral policy of equal access that allowed community organizations use of the property; and
- interference with the ability of the student's parent or legal guardian to request or access a released time course for students.

The bill would take effect September 1, 2025.

SUBJECT: Amending Medicaid provider enrollment and credentialing processes

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Hull, Manuel, Dorazio, C. Morales, Noble, Richardson, Slawson

0 nays

4 absent — A. Davis, Rose, Schatzline, Swanson

SENATE VOTE: On final passage (May 5) — 31 - 0

WITNESSES: For — (*Registered, but did not testify*: Andrea Earl, AARP Texas; Stacy Wilson, Children's Hospital Association of Texas; Jeri Brooks, Legacy Community Health; Christine Busse, NAMI Texas; Nzingha Williams-Eugene, Teaching Hospitals of Texas; Mckenzie Martin, Texas Association of Community Health Centers; David White, Texas Hospital Association; Stefanie Page, Texas Pediatric Society; Desiree Ingram, Texas Women's Healthcare Coalition; Rebecca Ramirez, The National Association of Social Workers - Texas Chapter)

Against — None

On — (*Registered, but did not testify*: Jordan Nichols, Health and Human Services Commission (HHSC))

BACKGROUND: Health and Safety Code sec. 532.0151 provides for the establishment of a centralized online portal through which providers may enroll in Medicaid and authorizes the Health and Human Services Commission to use the portal to create a single, consolidated Medicaid provider enrollment and credentialing process.

Concerns have been raised that delays and administrative burdens in Medicaid provider enrollment and credentialing processes have resulted in higher costs for providers and delayed care.

DIGEST:

SB 1266 would require the Health and Human Services Commission (HHSC) to ensure that providers had access to a support team for the centralized Internet portal that assisted current and prospective Medicaid providers in completing those processes and reduced associated administrative burdens. The bill would require HHSC to:

- annually evaluate the performance of the support team, including the timeliness of the assistance the support team provided; and
- post on the HHSC website a report summarizing the results of the evaluation no later than September 1 of each year.

The bill would require HHSC to conduct the initial evaluation and post the summarized report by September 1, 2026.

The bill would require HHSC, for purposes of improving its Medicaid provider enrollment and credentialing processes, to develop a procedure by which a provider could electronically submit complaints and feedback about those processes and support provided by the support team. The bill would require information about the procedure to:

- be prominently posted on HHSC's or a designee's website in the same location that the instructions and resources for using the Internet portal were posted; and
- allow a provider to submit a complaint or provide feedback through an electronic form from that location.

Before HHSC could disenroll a Medicaid provider for failing to complete the enrollment revalidation process, the bill would require HHSC to:

- give the provider a written notice of HHSC's disenrollment determination electronically and by mail within 30 days before the date of disenrollment; and
- allow the provider to address any deficiencies in the provider's application for revalidation of enrollment before the date the provider would be disenrolled.

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

The bill would take effect September 1, 2025.

SUBJECT: Requiring THECB study on outcomes for certain transfer students

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 8 ayes — Wilson, Howard, A. Davis, Lambert, V. Perez, Shaheen, VanDeaver, Ward Johnson

2 nays — Shofner, Tinderholt

1 absent — Lalani

SENATE VOTE: On final passage (May 12) — 29 - 1

WITNESSES: None (*Considered in a formal meeting on May 19*)

BACKGROUND: Concerns have been raised that a Texas Higher Education Coordinating Board rule requiring a student to be enrolled at a general academic institution for the first time in the fiscal year for which a public junior college is eligible for a performance tier allocation in order for that student to count towards the junior college's transfer outcome has created uncertainty regarding when a student is eligible to be counted as a transfer.

DIGEST: SB 1400 would require the Texas Higher Education Coordinating Board (THECB), in consultation with the standing advisory committee on public junior college funding, to conduct a study to assess the feasibility and the fiscal and policy implications of revising the requirements for subsequent transfer to a general academic teaching institution, for purposes of performance tier funding related to the number of students who earned at least 15 credit hours at a junior college district and subsequently transferred to a general academic teaching institution, to include students who were previously enrolled at a general academic teaching institution.

In conducting the study, THECB would have to assess:

- the types of postsecondary educational experience and attainment that students had before enrolling in a public junior college;

- the fiscal impact of revising the requirements for subsequent transfer to a general academic teaching institution for purposes of relevant performance tier funding to include students who were previously enrolled at a general academic teaching institution; and
- any other factors or issues THECB or the standing advisory committee determined relevant.

By December 1, 2026, THECB, in consultation with the standing advisory committee, would be required to submit to the Legislature a report on the results of the study and any recommendations for legislative or other action.

The bill's provisions 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: Amending eligibility to use a general permit to discharge waste

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 9 ayes — Harris, Ashby, Barry, C. Bell, Buckley, Gámez, J. Garcia, M. González, Zwiener

0 nays

4 absent — Martinez, Fairly, Romero, Villalobos

SENATE VOTE: On final passage (April 10) — 30 - 0

WITNESSES: For — Paul Sarahan, Cook's Branch Management; Sarah Mitchell, Mitchell Family (*Registered, but did not testify*: Cyrus Reed, Sierra Club Lone Star Chapter; Jennifer Allmon, Texas Catholic Conference of Bishops)

Against — None

On — (*Registered, but did not testify*: Robert Sadlier, TCEQ)

BACKGROUND: Concerns have been raised that the Texas Commission on Environmental Quality's permitting system has allowed waste dischargers to reapply for and secure a permit under the general permitting process even after having been denied for engaging in actions causing environmental harm.

DIGEST: SB 1302 would prohibit a waste discharger, after the Texas Commission on Environmental Quality (TCEQ) denied or suspended its authority to discharge under a general permit due to an unsatisfactory compliance history, from discharging under a general permit until the TCEQ executive director actively authorized the discharger to use the permit. The executive director could not use an automatic process to authorize the use of a permit under the bill.

The bill would take effect September 1, 2025.

SUBJECT: Revising authorization for non-enrolled students to participate in UIL

COMMITTEE: Public Education — favorable, without amendment

VOTE: 11 ayes — Buckley, Allen, Ashby, Bryant, Cunningham, Dutton, Frank, Kerwin, Leach, Leo Wilson, Schoolcraft

1 nay — Hinojosa

3 absent — Bernal, Hunter, Talarico

SENATE VOTE: On final passage (April 28) — 23 - 8

WITNESSES: None

BACKGROUND: Concerns have been raised that many public schools have not yet considered whether to allow non-enrolled students to participate in UIL activities, and that because non-enrolled students can only participate in such activities for the school district in which they live, opportunities for home-schooled students to participate in UIL activities may be limited. Some have suggested that non-enrolled students should be able to participate in UIL activities for another school if their school district does not grant them this opportunity.

DIGEST: SB 401 would require, rather than allow, a public school to provide an otherwise eligible, non-enrolled student the opportunity to participate in University Interscholastic League (UIL) activity on behalf of the school, unless the applicable school district board or the governing body of a charter school adopted a policy declining to grant the opportunity to participate.

If the school that a non-enrolled student would be eligible to attend based on the student's home address was subject to such a policy, the student could participate in a league activity for the closest school to the student's home address that was not subject to such a policy.

SB 6 would apply beginning with the 2025-2026 school year and would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2025.

SUBJECT: Removing short-barrel firearms from the list of prohibited weapons

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

VOTE: 8 ayes — Hefner, Dorazio, Hickland, Holt, Isaac, Louderback, McLaughlin, Pierson

2 nays — R. Lopez, Canales

1 absent — Cortez

SENATE VOTE: On final passage (April 16) — 21 - 10

WITNESSES: None

BACKGROUND: Concerns have been raised that a 2023 federal rule from the Bureau of Alcohol, Tobacco, Firearms and Explosives that reclassified short-barrel firearms with attached "stabilizing braces" has made previously legal weapons illegal under state law if they are not properly registered. Some have suggested clarifying the legality of short-barrel firearms.

DIGEST: SB 1596 would remove a short-barrel firearm from the list of prohibited weapons in the Penal Code for which it is an offense to intentionally or knowingly possess, manufacture, transport, repair, or sale, and would make conforming changes to reflect this revision.

SB 1596 would take effect September 1, 2025.

SUBJECT: Expanding mail theft laws to address check fraud and arrow key crimes

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

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

4 nays — Wu, J. Jones, Little, Rodríguez Ramos

SENATE VOTE: On final passage (March 19) — 29 - 2

WITNESSES: For — None

Against — None

BACKGROUND: Business & Commerce Code sec. 3.104 defines "negotiable instrument" as an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order:

- is payable to the bearer or to order at the time it is issued or first comes into possession of a holder;
- is payable on demand or at a definite time; and
- does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money.

Concerns have been raised that current mail theft laws in Texas do not adequately address the rising incidents of check fraud through stolen mail and the theft of master mailbox keys, or "arrow keys." Some have suggested that expanding the offense of mail theft could give law enforcement more effective tools to combat high-volume mail crimes.

DIGEST: CSSB 1281 would expand the definition of "mail" under Penal Code provisions on mail theft to include a letter, postal card, package, bag, or other sealed article that was in transit or had been delivered but not yet received by the addressee.

CSSB 1281 would establish an offense for the appropriation of mail without the effective consent of the addressee and with the intention to steal a negotiable instrument, as defined under Business & Commerce

Code sec. 3.104. The bill would remove the requirement that the mail be appropriated from another person's mailbox or premises.

If an actor possessed mail from five or more addressees, there would be a rebuttable presumption that the actor appropriated the mail without effective consent and with the intent to deprive the addressee of the mail. If the mail contained a combined total of five or more negotiable instruments, there would be a rebuttable presumption that the actor appropriated the mail without effective consent and with the intent to steal the negotiable instruments and facilitate fraud.

If it was shown on the trial of the offense that the appropriated mail contained a negotiable instrument and the actor committed the offense with the intent to facilitate fraud, the offense would be:

- a state-jail felony (180 days to two years in a state jail and an optional fine of up to $10,000), if five or fewer negotiable instruments were appropriated;
- a third-degree felony (two to 10 years in prison and an optional fine of up to $10,000), if more than 5 but fewer than 10 were appropriated;
- a second-degree felony (two to 20 years in prison and an optional fine of up to $10,000), if at least 10 but fewer than 50 were appropriated; or
- a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to $10,000), if 50 or more were appropriated.

An offense would be increased to the next higher category of offense if it was shown on trial that the actor knew or had reason to believe that an addressee of an appropriated negotiable instrument was disabled or elderly.

CCSB 1281 also would establish that a person committed the offense of unlawful conduct involving mail receptacle keys or locks if the person obtained, possessed, duplicated, transferred, or used a key or lock adopted by a postal service for any box or authorized receptacle for mail deposit or delivery, with the intent to harm or defraud another or deprive another person of the person's own property. This offense would be a third-degree felony offense except if it was shown on trial that the actor had been previously convicted of such an offense, in which case the offense would be a second-degree felony.

The bill also would establish that, for the purpose of this offense, “postal service” would be defined as the United States Postal Service (USPS), a USPS contractor, or any commercial courier that delivered mail.

The bill takes effect September 1, 2025.