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LSG Floor Report For MAJOR STATE SENATE BILLS Calendar – Thursday, April 25, 2019

<p>SB 606 By: Watson Birdwell Buckingham Nichols SP: Nevarez</p>	<p>Relating to the Lower Colorado River Authority, following recommendations of the Sunset Advisory Commission.</p>	<p>Natural Resources Vote: 11 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 606 is the Sunset review bill for the Lower Colorado River Authority (LCRA). The LCRA is responsible for the protection, conservation, and development of water and land in the lower Colorado River basin in addition to providing electricity to Central Texas. Their authority includes flood control, wastewater treatment, managing park land, water sales, monitoring water quality, etc. LCRA is subject to Sunset review every 12 years but is not subject to abolishment as other agencies. SB 606 defines in statute the next review of LCRA will be by September 1, 2031 and every 12 years following. While LCRA is the second largest electricity transmission provider in Texas, the electric portion of their functions is not reviewed by the Sunset Commission as decided by previous legislature. The LCRA is not appropriated money from the state. The Sunset Commission determined that the LCRA functions well and balances many competing interests. The Sunset Commission stated that the LCRA needs to improve public trust in order to function appropriately as a water provider in its region.</p> <p>SB 606 states that an individual, in order to participate as a board member in meetings, must undergo specific training which reviews LCRAs operations, programs, rules, ethics, and laws governing the LCRAs meetings/procedures. A training manual shall be created and distributed to each director for review. SB 606 clarifies that a board member may be reimbursed for travel expenses to attend these trainings.</p> <p>There has been significant controversy around some of LCRAs water projects and LCRA has been criticized for not allowing community input in regard to their development and conservation efforts. SB 606 requires public engagement in the LCRAs water supply projects. The LCRA will be directed to develop strategies to engage stakeholders through town hall meetings, community panels, etc. SB 606 implements policies for public participation and testimony in meetings; giving the opportunity for public testimony on each agenda item and reasonable notice for meetings.</p> <p>LCRA has regulatory programs which regulate water quality, flood control, and water supply in certain regions. Currently, the Sunset Commission determined that the complaints process was not clear to the public and wasn't tracked appropriately by LCRA to determine complaint patterns and address them effectively. SB 606 directs the LCRA to implement a process to receive, review, and act on complaints made to the authority. This process will be made public on the LCRAs website and include a standard form for this procedure as well as require the authority to follow up with complainants.</p> <p>SB 606 encourages alternative dispute resolutions for appropriate disputes by requiring LCRA to conform to guidelines under the Governmental Dispute Resolutions Act. LCRA will collect data to review the effectiveness of these procedures and provide training to implement recommended procedures for alternative dispute resolution.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
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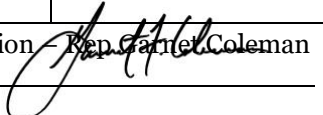
			SB 606 places best practices for the LCRA into statute to increase public trust, transparency, and effectiveness of LCRA's functions. It should be noted that LCRA adopted all additional Sunset recommendations without statute changes including recommendations such as increasing financial transparency, separation of the Colorado River Land Trust governance from the LCRA board, and addressed nepotism in the board hiring process to align with state law.	
<p>SB 607 By: Watson Birdwell Buckingham Nichols SP: Flynn</p>	<p>Relating to the operations and functions of the Veterans' Land Board and the sunset review date for and programs administered by the board.</p>	<p>Defense & Veterans' Affairs</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>SB 607 is a sunset bill for the Veterans Land Board (VLB). The VLB is responsible for providing land, home, and home improvement loans, long-term nursing care; and burial and internment services to veterans and their families. The bill would allow long-time state guardsman to be eligible for VLB benefits. Additionally, there is clarification of policy and separation of duties among positions within the VLB.</p> <p>The VLB currently oversees:</p> <ul style="list-style-type: none"> • Low-interest loans pertaining home purchase and improvement • Long-term nursing home care. • Burial and interment services • Benefit information and assistance services through Texas Veteran's Communications Call Service Center. <p>HB 607 adopts key recommendations by the Sunset Commission regarding efficiency and practices of the agency overall.</p> <p>1) Improving best practices</p> <ul style="list-style-type: none"> • VLB and General Land Office to work together to develop consistent training for contracting staff. • Clarification for contracting functions and compliance as well as reporting. <p>2) Currently not Reflective of Standard Elements of Sunset Review</p> <ul style="list-style-type: none"> • Apply and update standard across-the-board recommendations to the VLB. 	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 612 By: Hall Birdwell Buckingham Nichols Watson SP: Nevarez</p>	<p>Relating to the continuation and functions of the State Office of Risk Management.</p>	<p>Business & Industry</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The State Office of Risk Management (SORM) was created in 1997 to protect the state's employees, as well as its physical and financial assets by providing risk management and insurance services to 265 Texas state agencies. SORM additionally administers the workers' compensation program for injured state employees. SORM's risk management efforts include offering on-site consultations and evaluations of state health and safety programs to help reduce work injuries and worker's compensation claims. SORM also serves as a resource of risk management information to whom agencies may refer. In addition, all state entities are required to seek approval from SORM before purchasing property, casualty, or liability insurance. State agencies may seek continuity of operations planning assistance from SORM to plan for disruptions or emergencies.</p> <p>The Sunset Commission's 2019 report on the SORM found that SORM has generally done well in serving the 265 state entities but could benefit from certain changes to maximize its limited resources for the purpose of better serving Texans and reducing costs. SORM is administratively attached to the Office of the Administrative General. The Sunset Commission suggests that SORM could better maximize their resources by using the OAG's contracting process. The Commission also found that cost containment efforts, including addressing the redundancies, could help increase savings in the workers' compensation program, which accounts for 80% of SORM expenditures.</p> <p>SB 612, the SORM sunset bill, makes the following changes to the agency:</p> <ul style="list-style-type: none"> • requires SORM to review guidelines for the comprehensive risk management program at least every two years • requires SORM to update their comprehensive risk management guidelines at least every five years to ensure 	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			<p>consistency with the latest industry practices and current law</p> <ul style="list-style-type: none"> • requires SORM to take into account solicited feedback from state entities concerning ways to improve the guidelines as well as ways to make them more user friendly • requires that the training manual is distributed to each member of the board and that each member signs an acknowledgement that they have received and reviewed the manual • amends the training requirements for members of the board • any board member who completed training before the effective date must only complete additional training on the additional subjects, however, after a grace period of three months, they will be prohibited from voting, deliberating, or being counted in attendance prior to the completion of the supplemental training • extends the date by which state agencies must provide reports to SORM by 120 days, changing the deadline from the 60th day before the end of the fiscal year to the 60th day after the end of the fiscal year • reauthorizes SORM for another 12 years. 	
<p>SB 614 By: Nichols Birdwell Buckingham Hall SP: Lambert</p>	<p>Relating to the continuation and functions of the Finance Commission of Texas, the Texas Department of Banking, and the Department of Savings and Mortgage Lending, to the training requirements applicable to the agencies overseen by the Finance Commission of Texas, and to the regulation of certain financial institutions and businesses.</p>	<p>Pensions, Investments & Financial Services Vote: 7 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>SB 614 is a sunset review for the Finance Commission of Texas (FCT), the Texas Department of Banking (TDB), and the Department of Savings and Mortgage Lending (DSML). Language would now be included to update the complaint process of the SML and FCT. Additionally, HB 614 updates member training for the FCT and the complaint process for the TDB, DSML, and FCT. SB 614 also established that the Finance Agencies will have the ability to establish advisory committees and authorize biennial renewals for agencies.</p> <p>However, there were some recommendations from the Sunset Commission that were not included in the bill.</p> <ul style="list-style-type: none"> • Combining the DSML with the TDB • Reduction of inefficiencies with resource sharing between agencies overseen by the FCT. • All administrative penalties going to the GR Fund (+ \$1,232,969) • The deregulation of private child support collection agencies, cemetery brokers, and pawnshop employees. • Establishing licenses for death care services. • Updating appeals with the Administrative Procedure Act • Opening investigations with suspicions of license violations • Removing overly restrictive burden of proof. • Establishing a penalty matrix for violations to be applied uniformly. 	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>SB 625 By: Birdwell Buckingham Hall Nichols Watson SP: Thompson, Senfronia</p>	<p>Relating to the Nueces River Authority, following recommendations of the Sunset Advisory Commission.</p>	<p>Natural Resources Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The Nueces River Authority was created in 1935. Texas river authorities have intergovernmental relationships with agencies and organizations to determine the usage, management, and development of Texas water resources. Essentially, river authorities' function as multi-county water districts. The Nueces River Authority itself covers 22 counties in southwest Texas. The entity governed by a 21-member governor appointed board whose members serve six-year staggered terms and meets quarterly. Funding for the Authority comes from grant and contract revenue but does not include any state appropriations. The Nueces River Authority is on the brink of change as it considers the possibility of contracting to other communities and expanding to municipal solid waste services. In addition, by January 2020, the organization is poised to have four staff members, nearly half of its staff, eligible for retirement. Even so, it has yet to fully document staff functions and knowledge.</p> <p>In light of these potentially impending changes, the 2018 Sunset Commission report stated that the Nueces River Authority could benefit from preparation for future workplace changes such as requirements, as well as additional management tools such as a formal five-year strategic plan. Currently, the River Authority has no such plans in place. In addition, the Commission recommended that the Nueces River Authority update their governing laws, review professional service contracts, audit vendor lists, and include public testimony as an agenda item at all regular board</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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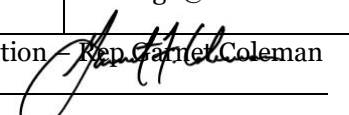
			<p>meetings.</p> <p>Changes in SB 625, the Nueces River Authority sunset bill include:</p> <ul style="list-style-type: none"> • Granting authority to the governor to designate the president of the board rather than having the board elect the president. • Other officers, such as vice-presidents, secretary, and treasurer, may still be elected by the board • Amending the training requirements for all members of the board of directors • Board members will be prohibited from voting, deliberating, or being counted in attendance prior to the completion of the supplemental training • Requiring that a training manual is created and distributed by the executive director to each member of the board and that each member signs an acknowledgement that they have received and reviewed the manual • Requiring that the board develop and implement policies that separate the board's policymaking and management responsibilities of certain individuals within the board • Requiring that the board develop a policy in accordance with existing law to encourage the use of alternative dispute resolution procedures for internal and external disputes • Requiring the Authority to maintain a system to appropriately and effectively address complaints and issue appropriate notices • Requiring the creation of a five-year strategic plan that must be updated regularly and uploaded to the Authority's website • 12-year reauthorization • General clean-up language to ensure consistency in the Code. 	
<p>SB 626 By: Birdwell Buckingham Hall Nichols Watson SP: Flynn</p>	<p>Relating to the Guadalupe-Blanco River Authority; following the recommendations of the Sunset Advisory Commission.</p>	<p>Natural Resources</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The Guadalupe- Blanco River Authority (GBRA) was created in 1933 to develop, conserve, and protect the water of the Guadalupe and Blanco Rivers. GBRA, like other river authorities, is authorized to conduct a broad range of activities, including building and operating reservoirs, engaging in flood control, selling raw and treated water, conducting wastewater treatment, acquiring property by eminent domain, building and managing park land, and generating electricity. This authority does not receive appropriations and operates mostly on money from water and wastewater sales to wholesale and retail customers.</p> <p>SB 626 allows for the GBRA to continue for another 12 years with a number of changes to the authority. The following changes are sunset recommendations aimed to increase transparency and to repair strained relationships with customers and other partners:</p> <ul style="list-style-type: none"> • Develop a comprehensive asset management plan to maintain infrastructure for water systems, waste water services, pipelines, etc. • Ensure the asset management process is linked to the authority's public messaging and communications • Take additional steps to centralize its approach to procurement and contracting functions. • Ensure key procurement and contract management staff receive formal training. • Improve certain contracting activities to ensure consistency and enhance monitoring. • Consolidate funds it provides to the Guadalupe – Blanco River Trust and San Antonio Bay Foundation to one organization and clearly define expectations tied to this funding. • Create clear boundaries and reporting structures between its staff and associated nonprofits. • Evaluate whether the Gorge Preservation Society's narrow mission justifies GBRA support or whether its activities could be performed internally. 	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<ul style="list-style-type: none"> Evaluate the continuing need for relationships with any nonprofits every five years to ensure the nonprofits are achieving shared goals. <p>Other changes in SB 626 include:</p> <ul style="list-style-type: none"> Updating language to reflect current agency names Increasing the amount of a contract that requires authorization or ratification by the affirmative vote of at least five directors to \$100,000 per request. 	
<p>SB 627 By: Birdwell Buckingham Hall Nichols Watson SP: Nevarez</p>	<p>Relating to the Red River Authority, following recommendations of the Sunset Advisory Commission.</p>	<p>Natural Resources</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>SB 627 is the Sunset bill for The Red River Authority of Texas (RRA). This river authority conserves, develops, and controls pollutions of the Red River. The RRA is authorized to oversee building and operating reservoirs, engaging in flood control, managing parkland, generating electricity, selling raw and treated water, conducting wastewater treatment, providing water and wastewater services for communities within its jurisdiction, monitor water quality, and comply with TCEQs administrative policies. As being one of the most rural river authorities the RRA has struggles facing rural utility services, however the Sunset Commission still requires them to comply with the safety and transparency standards.</p> <p>SB 627 extends operations of the authority for 12 years and adopts all the recommendations provided by the Sunset Commission which included the following requirements to be placed in statute:</p> <ul style="list-style-type: none"> Development of a comprehensive asset management plan for maintaining infrastructure on water systems, wastewater services, pipelines, etc. Board to adopts a policy to ensure meaningful public input on significant rate changes Inform customers of their right to appeal rate changes Create opportunities for public testimony at board meetings and direct river authorities to implement additional best practices to improve openness and transparency Direct river authorities to develop a policy to ensure all contracts are periodically reviewed Apply good government standards to river authorities' governing laws to promote accountability, transparency, and best practices 	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

LSG Floor Report For POSTPONED BUSINESS Calendar – Thursday, April 25, 2019

<p>HJR 96 By: Tinderholt Smithee Geren Israel Nevarez</p>	<p>Proposing a constitutional amendment to allow the transfer of a law enforcement animal to a qualified caretaker in certain circumstances.</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Currently, law enforcement animals go on sale after they fulfill their duties and are retired from their service since they are considered property and the government cannot make a transfer of property without authorizing a fee. These animals, while working as law enforcement, are usually handled by one person and get used to their commands. By putting them up for sale, it separates the animal from the handler who established a relationship with.</p> <p>HJR 96 aims to change the sale of these animals by proposing a constitutional amendment to allow these animals to be gifted to their handlers once the animal retires from service free from any fees. The amendment includes all animals that are considered law enforcement animals. The goal of the amendment is to allow the animals to stay with their handlers and avoid them from going to an unknown owner.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 3063 By: Smithee Tinderholt Geren</p>	<p>Relating to the transfer of a retired law enforcement animal.</p>	<p>Homeland Security & Public Safety</p> <p>Vote:</p>	<p>Currently, law enforcement animals go on sale after they fulfill their duties and are retired from their service since they are considered property and the government cannot make a transfer of property without authorizing a fee. These animals, while working as law enforcement, are usually handled by one person and get used to their commands. By putting them up for sale, it separates the animal from the handler who established a relationship with.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>

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		<p>9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>HB 3063 amends a section of the government code that prohibits the gifting of animals, since they are considered property. The bill allows local and state governments to gift the law enforcement animals to their handlers free of charge. The goal of the bill is to allow the animals to stay with their handlers and avoid them from going to an unknown owner.</p>	
<p>HB 686 By: Clardy White Ashby Lambert</p>	<p>Relating to making permanent the former temporary increases in records archive fees and records management and preservation fees charged by district and county clerks.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>When filling a court document with the county district clerks, a fee of 10 dollars is charged to the person who filed the documents. The \$10 fee is used to preserve and maintain the court documents that can be decades old. In past sessions, the fee was increased from 5 dollars to 10 on a temporary basis to cover the costs of preserving the documents.</p> <p>House bill 686 aims to preserve the filling fee at 10 dollars permanently and not reduce it back to 5. This would allow the district clerks to maintain and preserve the court documents appropriately. The bill does not increase the fee, it just removes the temporary provision and keeps the fee at the current rate.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 2298 By: Parker Button Shaheen Leach Meyer</p>	<p>Relating to designating January 28 as Sexual Assault Survivors Day.</p>	<p>Culture, Recreation & Tourism</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>In efforts to promote awareness of sexual assault prevention as well as recognize the courage of survivors, HB 2298 would designate January 28th as Sexual Assault Survivors Day.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>HB 885 By: Raney Stucky Anchia Harless Lambert</p>	<p>Relating to wage requirements for community rehabilitation programs participating in the purchasing from people with disabilities program.</p>	<p>International Relations & Economic Development</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>The Texas Purchasing from People with Disabilities program, run through the Texas Workforce Commission, provides employment opportunities to individuals with a disability to be employed within Community Rehabilitation Programs. Community Rehabilitation Programs are government entities which provide services and products to local communities such as medical test kits, landscaping, office supplies, etc. Currently, individuals with disabilities, which may prevent them from performing work tasks at equal rate to another employee, are not required to be paid federal minimum wage in these Community Rehabilitation Programs. Many of these programs are already providing minimum wage to its employees with disabilities but there are currently 222 employees being paid less than the federal minimum wage through these programs. HB885 aims to require <i>all</i> programs to pay at least the federal minimum wage. HB885 would not impact other private entities.</p> <p>The TWC will provide assistance for these Community Rehabilitation Programs to develop a strategic plan to reach minimum wage payment for its workers with disabilities by September of 2022. The TWC will also provide information regarding how increase in wage could impact their federal or state benefits in addition to providing referrals to a benefits counselor upon request. Community Rehabilitation Programs may request to extend their deadline by up to 12 months if:</p> <ul style="list-style-type: none"> • they have been in collaboration with the TWC to implement their transition to a federal minimum wage and have made progress towards that end goal • displayed their intent to be in the best interest of their workers with disabilities • provided a new transition plan including how the extension will help the program accomplish minimum wage for its employees 	<p>Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org</p>

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			<ul style="list-style-type: none"> request the extension before March of 2022 <p>HB885 requires that the Community Rehabilitation Programs retain all workers with disabilities to the best of their ability after wages are increased. If the program is unable to retain all of their initial workers, the TWC and any pertinent government entity, will work with the former workers to gain access to alternative employment or job training to find a job which provides minimum wage. Through HB885 the TWC will also be required, upon request, to assist any worker with disabilities to secure a job which pays minimum wage regardless of their participation in a Community Rehabilitation Program. If the Community Rehabilitation Program, along with the TWC, determines that an employee's circumstances might lead to their departure from the program and their inability to access employment elsewhere, this particular instance will be exempt from paying the federal minimum wage. Any future participants in the program must pay their employees with disabilities at least the federal minimum wage in order to participate.</p> <p>HB885 ensures the dignity and worth of work from an individual with disabilities is upheld through these Community Rehabilitation Programs.</p>	
<p>HB 1842 By: Thompson, Senfronia Coleman Allen Johnson, Jarvis Morales</p>	<p>Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.</p>	<p>Ways & Means</p> <p>Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>HB 1842 revises the definition of "disaster recovery program" used in relation to the limitation on appraised value on property after rendered uninhabitable or unusable due to wind or water damage. HB 1842 would amend the Tax Code to include any disaster recovery program funded with community development block grant disaster recovery money as authorized by federal law. The committee substitute removed the requirement that the recovery program be administered by the GLO.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>HB 925 By: Springer Frank</p>	<p>Relating to the composition of the board of directors of the Gateway Groundwater Conservation District.</p>	<p>Natural Resources</p> <p>Vote: 6 Ayes, 0 Nays, 0 PNV, 5 Absent</p>	<p>The Gateway Groundwater Conversation District was created by Hardeman and Foard counties through election in 2001. The counties of Childress, Cottle, and Motley later joined in subsequent years. King County was recently annexed in 2018 yet does not have representation on the District's board due to current language in the Special District Local Laws Code.</p> <p>HB 925 would rectify this by requiring equal representation from all counties. HB 925 achieves this by changing the language from "not fewer than 5 and not more than 11 directors" to "not more than two directors for each county in the district." HB 925 would also authorize the board to change the total number of directors if the district were to annex territory in the future.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 1378 By: Frullo</p>	<p>Relating to the authority of the Lubbock County Hospital District of Lubbock County, Texas, to employ and commission peace officers.</p>	<p>County Affairs</p> <p>Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Currently, under Texas law, the <i>Special District Local Laws Code</i> regarding Health and Hospital Districts within Chapter 1053 does not relinquish power solely to the Lubbock County Hospital District to employ any officer whose duties are centered around or correlate to public safety. HB 1378 amends the <i>Code of Criminal Procedure</i> as follows:</p> <ul style="list-style-type: none"> It will add an additional section under <i>Subchapter C of Chapter 1053</i> by granting the board the authority to employ peace officers; Define the jurisdiction of peace officer which includes anything owned or controlled by the district Grants peace officer's the same Authority under Chapter 14 of the <i>Code of Criminal Procedure</i> Expand <i>Code of Criminal Procedure, Art. 2.12 (18)</i> by including Lubbock as a county authorize to commission peace Officers. <p>Presently, the county's method of hiring armed security officers is done by third party with the oversight of the Texas</p>	<p>Favorable Evaluated by: Brandi Granderson (202)808-6140 Brandi.Granderson_HC@house.texas.gov</p>

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			<p>Department of Public Safety. If this law becomes passed legislation, it will allow the county to have more control over the selection process of the armed officers.</p> <p>Proponents of HB 1378, which include top decision makers of the UMC Health system, appear to believe that it gives the Hospital District a range options to tailor their security needs more specifically to address existing safety risks and future increased safety risk.</p> <p>HB 1378 will allow the Lubbock Hospital District to follow suit with other Hospital Districts that reside in Texas such as Dallas County, Tarrant County, Bexar County, and El Paso County.</p>	
<p>HB 629 By: Landgraf</p>	<p>Relating to establishing a protective order registry and the duties of court personnel and other persons and entities in regard to the registry.</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>There is not an official way for anyone to know who has a protective order issued against them. This raises concerns due to past cases in which victims are injured by their aggressor who had a protective order issued against them. It has been brought up that if there was a registry for protective orders, victims would have the choice to know if their significant other has one issued against them.</p> <p>HB 629, known as Monica’s Law, aims to address this issue by creating an online registry that shows who has had a protective order issues against them after the due process of the law has been followed. Monica was a victim of domestic violence who was murdered by her aggressor who had a protective order issued against him by someone else. The concept of this registry is to let people know who their partner could potentially be and allow them to be safe. The registry would only register an offender after the protective order is issued, if the protective order is revoked or dissolved, the name of the offender would be taken off the registry. The victims also have the option to have their name in the registry.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 1209 By: Rodriguez Morrison Moody Minjarez</p>	<p>Relating to the right to vacate and avoid residential lease liability following the occurrence of family violence.</p>	<p>Business & Industry</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>HB 1209 amends the Property Code to add documentation that can be provided to a landlord or a representative of a landlord by a tenant to allow a victim of domestic violence to break their lease without penalty and leave a potentially dangerous situation. Originally, only a temporary injunction, temporary ex parte order (court order that is issued when one party is not present at the hearing), or a protective order were accepted for this purpose. This bill adds to this list an order for emergency protection or a copy of documentation of family violence from:</p> <ul style="list-style-type: none"> • a licensed health care services provider who examined the victim • a licensed mental health services provider who examined or evaluated the victim • an individual who provided family violence services to the victim through an authorized family violence center <p>Implementing the provisions of this bill is not expected to have a significant fiscal impact on either state or local governments.</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>
<p>HJR 145 By: Davis, Sarah</p>	<p>Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide financial assistance to political subdivisions located in areas of the state affected by a disaster.</p>	<p>Appropriations</p> <p>Vote: 24 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>This resolution looks to amend the constitution in order to authorize the disaster reinvestment and infrastructure planning board to issue general obligation bonds of no more than \$500 million for the disaster reinvestment and infrastructure revolving fund. This HJR serves as enabling legislation for HB 274.</p>	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>

<p>HB 2748 By: Perez</p>	<p>Relating to regulation of the retail sale of fireworks.</p>	<p>County Affairs</p> <p>Vote: 7 Ayes 2 Nays 0 PNV 0 Absent</p>	<p>Currently, under Texas Law, there are restrictions on time frames when fireworks can be sold. HB 2748 seeks to address this issue by providing for the year-round sale of fireworks through a licensed jobber.</p> <p>HB 2748 authorizes a jobber to sell fireworks year-round who has a retail location and possess a licensed permit through the state fire marshal's office.</p> <p>HB 2748 removes previous specifications that a jobber only purchases fireworks for resale to retailers and specifications that require you to become a licensed jobber due to the possession, storage, and/or selling of particular fireworks.</p> <p>HB 2748 eradicates deadlines and controls over time periods in which the commissioner's court may restrict or prohibit the sale or use of fireworks.</p> <p>However, there are public safety and environmental concerns. More children will be at risk because of the increased availability of fireworks. In addition, dryer weather climates, in combination with the availability of fireworks year-round, is a breeding ground for massive wild fires. These decisions should be left for local jurisdictions to decide.</p>	<p>Unfavorable Evaluated by: Brandi Granderson (202)808-6140 Brandi.Granderson_HC@house.texas.gov</p>
<p>HB 2496 By: Cyrier Cole Gervin-Hawkins Johnson, Jarvis</p>	<p>Relating to the designation of a property as a historic landmark by a municipality.</p>	<p>Culture, Recreation & Tourism</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>To address concerns around the lack of clarity in historic landmark designation requirements, HB 2496 prohibits a municipality from designating a property a local historic landmark unless the owner consents to the designation, or upon the approval of three-fourths vote of the municipality's governing body and any municipal zoning, planning or historical commissions as outlined in the committee substitute. The bill further stipulates that the owner may withdraw consent at any time during the designation process.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>

LSG Floor Report For MAJOR STATE HOUSE BILLS Calendar – Thursday, April 25, 2019

<p>HB 1545 By: Paddie</p>	<p>Relating to the continuation and functions of the Texas Alcoholic Beverage Commission, including the consolidation, repeal, and creation of certain licenses and permits; changing fees.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p><u>THE LSG RECOMMENDS HB 1545 AS FAVORABLE. HOWEVER, IN ORDER TO IMPROVE THE BILL FURTHER, WE ARE RECOMMENDING THAT AMENDMENTS BY REP. GEREN (#860931) AND REP. TRACY KING (#860952) BE FAVORABLY ADOPTED ON TO HB 1545. THEY ARE BOTH FAVORABLE TO THE AUTHOR.</u></p> <p>The Texas Alcoholic Beverage Commission (TABC) is the agency that is responsible for regulating the three-tier system regulates the manufacturing, distribution and sale of alcoholic beverages. The commission ensures the safety of the consumer through their regulations and allows for the lawful consumption of alcohol. The Sunset Commission focuses on streamlining the proficiency of an agency; however, the sunset commission also recommended the legislature update the alcohol code within the next 4 years.</p> <p>The TABC has not been reviewed in 12 years and the sunset commission has found that the TABC is in serious need of improvement. The sunset commission did not evaluate the efficiency of the three tier system, but instead the proficiency of the TABC. The sunset commission made the following recommendations outlined below:</p> <ul style="list-style-type: none"> Continue the TABC board for 12 years- this will allow for the continuing oversight and regulation of alcohol in 	<p>Favorable Evaluated by: Santiago Cernigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
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Texas.

- Expand the TABC board to 5 members- currently, there are only 3 members that serve on the board for the commission. Increasing the number will allow for the decrease in backlog of licensing
- Modernize the TABC conflict-of-interest to mean 1% or more in alcoholic beverage business- this would prohibit a TABC employee or commission member from being employed by an alcoholic beverage business or having a financial interest in one of these businesses. The employee or member cannot own more than 1% of the corporation. This would prevent the commission from being influenced by special interests.
- Authorize the TABC to establish advisory committees- this would engage the commission and enforce more oversight to fulfill its responsibility for establishing agency policies.

- Direct the TABC to update its rule describing the separation of duties between the commission and Executive Director- this would ensure that the commissions roles are separated, and the commission can focus on its oversight role rather than administrative duties since the commission was not enforcing its oversight duties.
- Streamline the states alcoholic beverage license system by reducing the number of license and permits- this is to reduce the number of licenses and avoid duplicate licenses of alcohol, currently the state oversees 75 types of alcoholic beverage licenses and 60,000 business and individuals. HB 1545 reduces the 75 types of alcoholic beverages to 36. HB 1545 also combines repetitive licenses into similar categories to streamline the TABC’s licensing system. The combination of the different licenses will occur in 2 different stages within the biennium in order to give the board enough time to updates its rules, procedures, and application process.
- Modernize Texas regulation of malt beverages by eliminating distinctions between beer and ale- This recommendation will eliminate the legal distinction between the 2 beverages and apply the same licensing requirements to both. This will not significantly disrupt business since so many malt beverage businesses already sell beer. The lower sale tax applied to beer would also be applied to all malt beverages. The storage, transportation, hours of distribution and sale, and marketing regulations that apply to beer would also apply to all malt beverages.
- Remove fees from statute to allow TABC to review and adjust license and permit fees on an ongoing basis- this will require TABC to adopt a single licensing fee for all licenses and permits as well as periodically review the and update the fees to ensure the regulatory costs are allocated for. This will allow for the TABC to decide on its fees and not have to follow the statue when regulatory costs are not accounted for.
- Streamline the TABC’s process for approving alcoholic beverages for sale in Texas- this will create a single consistent process for all product regulation and label approval to avoid redundancies within licensing. Currently, wine and spirits receive the Certificate Of Label Approval (COLA) from the federal government and then the TABC rubber stamp’s it. The recommendation will allow anyone eligible to get a COLA to get one and have the TABC approve it without an additional process like the beer industry has to do now.
- Make cash payments optional by applying the existing credit law restrictions to beer transactions (not adopted)- currently for beer, a retailer has to collect the payment or cash equivalent upon delivery. For everything else, such as wine and spirits, you have 2 weeks of credit to pay. The Sunset Commission’s decision was to move all alcoholic beverages to the credit terms, but HB 1545 maintains the wine and spirits on the credit pay but adds ales to the beer recovery payment of cash upon delivery.
- Eliminate overly restrictive outdoor advertising requirements- This removes statutory restrictions on content, appearance and display of outdoor advertising for alcohol. This recommendation requires TABC to adopt rules similar to mixed beverage permits for outdoor advertising which signs include different words such as “Texas” “cold” but cannot outline their price. Currently, beer and wine signs can only have the words beer and

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wine. This will allow beer and wine outdoor signs have the same restrictions as mixed beverages.

- Restructure TABC’s protest process to align with best practices- This will allow for the TABC’s protest process to be in line with standard practices for state agencies.
- Require TABC to establish a two-pronged approach for inspections of alcoholic beverages business- this would require the TABC to regulate each location within a certain amount of time, whether through a virtual inspection or a physical inspection.
- Require TABC to physically inspect every regulated location in the state within a reasonable period of time- This will require the TABC to work with the Legislative Study Board to find a feasible way to reduce its 80% inspection rate per year and prioritize which locations create the greatest public health concern and inspect those first.
- Remove the requirement that TABC offer licensee a choice between a fine or a suspension- This gives the commission more authority and creates a structure to discourage repeat license violations.
- Authorize TABC to consider profits earned from violating the law when setting a disciplinary penalty- This allows the TABC to effectively penalize a licensee holder for illegal actions and implement appropriate fines to that licensee.
- Authorize TABC to temporarily suspend licenses and permits if it finds a threat to public welfare-This includes actions related to human trafficking and organized crime. The TABC has taken a stance to make sex trafficking a priority of the commission.
- Make noncompliance with a commission order a statutory violation and authorize TABC to take disciplinary action or deny license- This creates in incentive for licensee applicants and holders to comply with deadlines.
- Remove the nonstandard requirement allowing the public to testify at TABC disciplinary hearings- This provision is unusual for a state agency to have. The public can still submit complaints and provide comments but will not be able to insert themselves into formal hearings.
- Require the commission to take final enforcement and disciplinary action on all contested cases that meet a threshold established by rule- This requires the commission to have the final say in disciplinary actions set out by the TABC staff. This provides sufficient oversight from the commission over the staff.
- Direct TABC to issue a report to the legislature with recommendations to make the Ports of Entry Program cost-neutral.- The original recommendation was to abolish importation of the port of entry program, however, the sunset staff recommended the report in order to provide information and recommendations and allow the legislature to make the decision on Ports of Entry Programs.
- Update the standard requirement related to commission member training and require each board member to attest to receiving and reviewing the training- This allows for across the board training for the board members and allows for transparency and clarity for policy.
- Discontinue the requirement for TABC to prepare a limited report on after-hours violations- TABC is still required to track statistics and trends regarding enforcement activities for prohibited-hour violations of sales and make the report available to the public. However, the TABC would not have to report it to the legislature since it is a limited report and the report addresses a very narrow piece of enforcement.
- Update the agency’s statute to reflect the requirements of the person-first respectful language initiative- This requires the TABC statute to conform to the person-first language which reflects societies attitudes towards persons with disabilities.

The adoption of the recommendations for the TABC from the sunset commission will have a \$440,000 negative impact to the state. The recommendations, however, will result in an increased efficiency for the commission as well

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			<p>as increased efficiency of the regulation alcohol in the state of Texas.</p> <p>HB 1545 addresses most sunset recommendations by taking into account the sunset report and makes the respective changes to the alcohol code. HB 1545 deviates from the Sunset Commission report by not adopting the recommendation to making the cash payments optional upon delivery and by not abolishing the Ports of Entry Programs.</p> <p>Through these changes, the Texas Alcohol Beverage Commission will remain as the primary board and also be able to add responsibility and guidelines for the board to follow. The provisions to the bill will also benefit the public by protecting the consumers of alcoholic beverages.</p>	
<p>HB 274 By: Davis, Sarah Howard Wu</p>	<p>Relating to the establishment of the disaster reinvestment and infrastructure planning board and the creation of the disaster reinvestment and infrastructure planning revolving fund; making an appropriation.</p>	<p>Appropriations</p> <p>Vote: 24 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>HB 274 creates the Disaster Reinvestment and Infrastructure Planning (DRIP) revolving fund to provide expedited financial assistance for disaster recovery and mitigation infrastructure projects. This fund is modeled after the Clean Water Revolving Fund, Drinking Water Revolving Fund, and State Water Implementation Fund for Texas (SWIFT). HB 274 creates a long- standing fund with a one-time appropriation of \$1 billion from the ESF to provide DRIP with sufficient mechanisms to remain solvent and continue to fund disaster recovery and mitigation infrastructure projects. Located outside of the treasury, this ensures that the fund will not be used to certify the budget and sets Texas up to receive federal money if Congress were to pass pending legislation regarding a state flood mitigation revolving fund.</p> <p>Additionally, HB 274 creates the DRIP board, composed of 13 members. This board will be administratively attached to the Texas Water Development Board, with an addition of 27 FTE’s needed to develop and administer the fund. The DRIP board will determine a minimum sufficient balance for the fund and may not award grants or loan forgiveness while the balance is below the minimum sufficient balance. The board will not be able to award grants to areas that are repeatedly damaged by disasters but can continue administering loans to these areas. The board must also develop a point- based system to prioritize projects for funding. Factors affecting the point- based system include the amount of local and federal contributions, financial repayment probability, the ability to timely leverage DRIP funds with federal and local dollars, whether an emergency need, or imminent health threat exists, and the status of the projects development at the time of the application.</p> <p>Money in the DRIP fund will be used as follows; 50% of DRIP funds will be used to provide loans to political subdivisions eligible for FEMA funds. The remaining 50% of funds will be used to provide loans, grants, or loan forgiveness (capped at 25% of available funds), instead of grants, to political subdivisions ineligible for FEMA funds. DRIP funds may also be used to back general obligation bonds and revenue bonds, limited to no more than \$500 million in HJR 145. A portion of DRIP funds can be invested to maintain purchasing power and to increase the amount of money in the fund. Loans are available for a term of up to 20 years, and repayment must begin no earlier than 18 months after the loan is awarded. Money received from the repayment of these loans will go back to the DRIP fund.</p> <p>Political subdivision eligibility requirements:</p> <ul style="list-style-type: none"> • Must be located wholly or partially in an area declared a disaster by the Governor. • Must provide a description of the infrastructure project. • Must provide estimated projected costs, federal funding and local money available for the project. • Must demonstrate that they have the staff, policies, and procedures to manage the funds. • Must be during the period for which the disaster declaration is in effect. 	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>

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- Certain hospitals located in a disaster zone are eligible for loans, grants, and loan forgiveness if the hospital insurance is not enough to rebuild and the hospital closure would cause an imminent public health threat.

Texas leads the country in frequency and different types of natural disasters, with at least one major natural disaster declared every year. Studies indicate that these disasters will only increase in severity, frequency, and cost. Although the federal government provides funding for disaster mitigation and recovery, the amount and timeline can be unpredictable. For example, Congress appropriated a total of \$48 billion in February 2018 for Hurricane Harvey that has yet to be disbursed. This bill will provide political subdivisions with expedited loans and grants to help Texas recover from and prevent damage from future disasters, while ensuring continued eligibility for additional federal dollars. HB 274 serves as enabling legislation for HJR 145.

LSG Floor Report For GENERAL STATE HOUSE BILLS Calendar – Tuesday, April 23, 2019

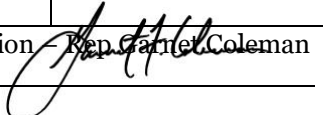
<p>HB 2387 By: Bonnen, Greg</p>	<p>Relating to the regulation of utilization review, independent review, and peer review for health benefit plan and workers' compensation coverage.</p>	<p>Insurance Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>HB 2387 would amend the Insurance Code regarding review of services denied by coverage of insurance companies. Agents reviewing denials would now be supervised by licensed medical doctors to review the medical utilization plan. Before the denial of a request, there would have to be a letter of medical determination obtained by the party denying the service. HB 2387 would provide more consumer protection while obtaining coverage of services that require a review. Having a licensed medical professional as a point of oversight would allow for a wider range of knowledge to allow for more informed decision-making when accepting or denying services.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>HB 70 By: González, Mary Zwiener Fierro</p>	<p>Relating to a strategic plan goal by the Department of Agriculture to prevent crop diseases and plant pests in this state.</p>	<p>Agriculture & Livestock Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Crops across Texas are vulnerable to many infections and diseases which can negatively impact the yield of the product and cause economic harm to the state. One of the most destructive Southwest fungal plant diseases is the Cotton Root Rot, or <i>Phymatotrichum omnivorum</i>, which attacks more than 2,000 species of plants. Texas leads the nation in cotton production and the Texas Department of Agriculture (TDA) has not adopted a goal to address this problem. HB 70 instructs the TDA to add a goal to the strategic plan to improve the department's practices, performance, and evaluation procedures relating to crop disease prevention.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org</p>
<p>HB 2899 By: Leach Cyrier Gervin-Hawkins</p>	<p>Relating to civil liability and responsibility for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements.</p>	<p>Judiciary & Civil Jurisprudence Vote: 6 Ayes 1 Nays 1 PNV 1 Absent</p>	<p>When a contractor is hired for a project under contract, they are presented with a design plan from a third party (such as an engineer or architect) to follow for the construction, repair, or improvement of a road or highway. The contractors and subcontractors have to follow those plans, or they can be held liable for any defect within the road or highway or be sued for breach of contract. However, there are concerns that contractors and subcontractors are being held liable and sued for defects caused by the design plans in the roads or highways. There are additional concerns that contractors entered into these contracts with design flaws voluntarily and should be held liable for being under contract, however, there are times where contractors do not know the exact provisions of said contracts. HB 2899 amends the Transportation code to address these concerns. HB 2899 establishes that a contractor or subcontractor cannot be sued for any defect within a road or highway if the defects were caused by the plans from the third party. HB 2899 outlines that even under contract, the contractors and subcontractor cannot be sued since there are concerns that the contractors and subcontractors sometimes do not even know what the contract entails. HB 2899 outlines that a promise or a covenant within a contract can be void and unenforceable if it conflicts with the bill's provisions which apply to any government entity authorized by law to enter a contract with any contractor.</p>	<p>Will of the House Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>

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			Construction Manager at Risk contracts are riskier contracts that contractors can bid for large projects such as large bridges. There are concerns with HB 2899 that it would repeal the section of the government code that allows local governments that enter into Construction Manager at Risk contracts for large projects. By entering into these contracts, contractors assume the risks of the projects. When a contractor bids for these larger, riskier projects, they know what is included within the contracts. HB 1899 repeals these provisions and states that a local government cannot sue the contractors included in these contracts although they know what is outlined before they bid for the project.	
HB 823 By: Davis, Yvonne Clardy	Relating to an expedited on-site health inspection process for assisted living facility license applicants.	Human Services Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	Assisted living facilities must have inspections in order to be licensed or get their license renewed through the state. Facilities schedule their life safety code inspection and facilities inspection and once they pass those inspections, they can request for their on-site health inspection. Health inspections are done unannounced once there are 1-3 residents in the facility. Currently, assisted living facilities have experienced delays in their inspections due to understaffing of surveyors through the Health and Human Services Commission (HHSC) and increased number of new assisted living facilities in certain regions. Statute allows for a facility to request an expedited life safety code inspection and facilities inspection within 15 days for a fee but there is currently no process for an expedited health inspection. HB 823 adds into statute that assisted living facilities may request an expedited health inspection be done within 21 days of request with a fee payment; decreasing wait times for licensure. The expedited health inspection will still be unannounced.	Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org
HB 3224 By: Lozano	Relating to the creation of a defense under the Solid Waste Disposal Act for persons engaged in certain recycling transactions.	Environmental Regulation Vote: 5 Ayes, 0 Nays, 0 PNV, 3 Absent	<p>Metal recycling entities (MREs) purchase recyclables from private businesses, law enforcement, and the public and arrange for the recycling and disposal of those materials. On occasion, MREs contract with facilities that arrange recyclable materials. When these facilities go out of business after being found to have polluted the environment with recyclable material, sometimes the MRE is held liable for this pollution even though they only contracted for the arrangement of recyclable material.</p> <p>HB 3224 aims to align state law with federal law, however federal and state Superfund law are fundamentally different since state law provides liability for solid waste and hazardous substances while federal law provides liability for only hazardous substances. Furthermore, the committee substitute removes scrap metal from the definition of 'recyclable material' which provides a different standard for scrap metal within the recycling realm. HB 3224 allows persons who arrange/contract with a transporter to process, store, dispose of, or transport recyclables a defense to prosecution of pollution if the company they contracted with violates the Solid Waste Disposal Act and subsequently goes out of business due to pollution violations—however, parties who recycle scrap metal will be held to current exemption found in the Solid Waste Disposal Act's definition of solid waste. HB 3224 exempts MREs from liability if they can prove that they arranged the disposal contract appropriately or arranged to transport the disposal properly. HB 3224 would relieve the MRE of undue prosecution for violations committed by another company.</p> <p>However, the TCEQ recovers cleanup costs incurred when remediating Superfund sites that have been contaminated, and HB 3224 would provide a defense to liability for entities that TCEQ labels as responsible parties, these entities would be exempt from being required to conduct or fund these cleanup activities. TCEQ estimates that current cleanup activities at a former battery recycling site would be impacted by the bill. TCEQ has indicated that the cost of cleaning up the recycling site could range from \$2,200,000 to \$2,900,000 and take 5 years to complete. This is one specific site that will be exempt from the rest of the owed money, there is no way to predict future costs because there could be Superfund sites abandoned in the future that could impose financial impacts.</p>	Will of the House Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org

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<p>HB 1542 By: Martinez</p>	<p>Relating to changes made by certain design-build contractors to the design-build team for transportation projects.</p>	<p>Transportation Vote: 9 Ayes 0 Nays 0 PNV 4 Absent</p>	<p>There are concerns regarding the transportation project process where design-build contractors select companies to fill project roles for projects but end up negotiating with another company for a lower cost. The contractors will drop the original contractor and enjoy the savings.</p> <p>HB 1542 prohibits design-build contractors working on highway projects or projects under the Regional Mobility Act from changing companies/entities already selected for the design-build team after requesting for proposals. HB 1542 allows exceptions to this rule. If the original company in the deal goes out of business or cannot complete the terms of the agreement, backs out voluntarily, does not provide an appropriate staff during the proposal stage, or does not comply with the timeline proposal. If the contractor violates HB 1542 outside of the exceptions listed above, the contractor must forfeit the cost savings to the Texas Department of Transportation or the Regional Mobility Authority.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 2439 By: Phelan Rodriguez Collier Schaefer</p>	<p>Relating to certain regulations adopted by governmental entities for the building products, materials, or methods used in the construction or renovation of residential or commercial buildings.</p>	<p>State Affairs Vote: 10 Ayes 2 Nays 0 PNV 1 Absent</p>	<p>As proposed, HB 2439 would prevent local governments from prohibiting the use of a building product, materials, or method in the construction, renovation, maintenance, or other alteration of a residential or commercial structure. The justification for this is to increase consumer and builder choice in construction as current ordinances, codes, guidelines, and standards create monopolies.</p> <p>Local governments would no longer be able to require that property owners repair or replace historic materials in kind, and local governments would no longer prohibit incompatible building materials on new buildings or additions in historic districts.</p> <p>Cities regulate building materials in a variety of different ways because their citizens demand that they do so. Some of those regulations are for safety, such as prohibiting certain types of fuel gas piping. Some are for protection of property values, such as requiring certain exterior building materials.</p> <p>Stakeholders have agreed to the adoption of the various statewide building codes over the years because the bills that did so allow local amendments to the codes. Texas is a vast state with diverse geography, weather patterns, and community values. House Bill 2439 fails to recognize that fact, and it would make structures in Texas cities less safe and sustainable.</p> <p>HB 2439 does make exceptions for the following:</p> <ul style="list-style-type: none"> • a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirement of a state or federal funding source or housing program; • a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under the Texas Windstorm Insurance Association Act; • a building located in a place or area designated for its historical, cultural, or architectural importance and significance the construction, reconstruction, alteration, or razing of which a municipality may regulate under specified statutory provisions, if the municipality: <ul style="list-style-type: none"> ○ is a certified local government under the federal National Historic Preservation Act; or ○ has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission; • a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019; • a building located in an area designated as a historic district on the National Register of Historic Places; • a building designated as a Recorded Texas Historic Landmark; • a building designated as a State Archeological Landmark or State Antiquities Landmark; 	<p>Favorable, with Concerns Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<ul style="list-style-type: none"> • a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity; • a building located in a World Heritage Buffer Zone; and • a building located in an area designated for development, restoration, or preservation in a main street city under the main street program administered by the Texas Historical Commission <p>HB 2439 does not take into consideration how the provisions could negatively affect the safety of building by preventing local regulation from keeping pace with the most up-to-date model code cycles as it allows builders to use any building materials that were listed within the last three code cycles. Not keeping up with the most current code cycles, as well as knowing that municipalities will no longer be able to create codes or ordinances from the potential likelihood of losses from natural hazards, insurers that rely on a rating system known as the Building Code Effectiveness Grading Schedule (BCEGS) could have their rates for their property increase.</p>	
HB 808 By: Dutton	Relating to the consideration of certain student differentials based on sex under the public school accountability system.	Public Education Vote: 11 Ayes 1 Nays 0 PNV 1 Absent	<p>The rate of graduation for black male students is at a 59% completion rate compared to white male students at 80%. Under current law, the public education accountability system has a 3rd domain called “Closing the Gap” that measures categories for African American and Hispanic students.</p> <p>HB 808 addresses this gap in graduation rates for minority students, especially black male students, by requiring reporting to be done in the first two years of school and allows the Texas’ public school accountability system to base performance for school district evaluation on black male students only. HB 808 specifies, by gender, the application of the 3rd domain for both African American and Hispanic students for accountability rating.</p>	Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org
HB 3106 By: Goldman Krause Tinderholt	Relating to a requirement that law enforcement agencies enter into the Texas Data Exchange information related to investigations of sexual assault or other sex offenses.	Homeland Security & Public Safety Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	<p>There have been reported cases of sexual assault and rape where the offender was never caught and assaulted other victims. There are concerns that law enforcement agencies do not have the proper tools to prevent certain predators from becoming serial offenders.</p> <p>HB 3106 provides additional tools to law enforcement in order to help them catch predators and assist with apprehending serial sexual offenders. HB 3106 requires law enforcement to enter offenders’ information into the Texas Data Exchange (TDEX) when a sexual assault crime is committed. The information entered into TDEX includes the suspects name, date of birth, the offenses being investigated, and which law enforcement agency is handling the case. HB 3106 establishes a centralized data system that will assist different counties and law enforcement agencies to catch serial sexual assault offenders faster and prevent them from assaulting other victims.</p>	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org
HB 1307 By: Hinojosa Huberty Deshotel Phelan	Relating to the creation of a disaster case management system by the Texas Division of Emergency Management.	Homeland Security & Public Safety Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	<p>There were concerns during Hurricane Harvey relief that certain victims of this disaster were not aware of the relief services that were available to be used. This caused more lives to be lost and the recovery process to take longer than it should have. There were also concerns that there was not one centralized data system that specified what state agencies were doing; how many evacuees there were; or outlined communication systems to connect the different state agencies providing services.</p> <p>HB 1307 addresses these concerns by requiring the Texas Department of Emergency Management(TDEM) to create a Statewide Disaster Case Management System to collect all the possible resources that are available. The system will be created as a public website that will allow residents to log in and enter data based on their losses. The state agencies offering relief, certain non-profits such as Red Cross, and impacted city and county officials will also have access to the website on the back end in order to provide support for residents. Through this website, the residents will have the ability to see which assistance they qualify for. The residents’ information would be kept confidential and entering any information to the website will remain optional.</p>	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org
HB 3006	Relating to the	Ways & Means	Per the Comptroller’s legislative proposals, HB 3006 addresses and more closely aligns reporting and payment	Favorable

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By: Burrows	administration of the mixed beverage sales tax.	Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	requirements for the mixed beverage gross receipts and mixed beverage sales tax. The bill establishes that the due date for the permittee to report and make payment to the comptroller is the 20th day of each month for mixed beverage sales tax. The bill requires permittee to report total sales, total taxable sales and any other information required by the comptroller.	Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
HB 914 By: Thompson, Senfronia	Relating to the regulation of bingo games.	Licensing & Administrative Procedures Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	<p>In current bingo games, the state and local governments receive money from the players since the governments impose a prize fee. There are concerns that the charities that receive funds from these bingo games could use more funding and that should come from the prize fee. However, some of these funds are not available since they go to the state and local governments.</p> <p>HB 914 amends the occupations code to set out that half of the proceeds from the charitable bingo games go to the Texas Lottery Commission and the other half goes to the county or local municipality. However, the bill also sets out that the charities that receive some of these provisions can go to the local or state government and request some of the proceeds. The governing body must then vote on whether they would like to keep using the provisions or if they can give them back to the charity. By November 1st, the governing body must vote to keep the provisions or give it back to the charities.</p> <p>HB 914 also targets illegal gambling within counties throughout the state. HB 914 requires that an organization submit a copy of their appropriate license to hold legal gambling within their premises immediately after receiving that license and give written notice to the local authorities of the issuance of the license. HB 914 also extends the 14-day deadline to notify the Texas Lottery Commission of background checks for a licensed bingo worker who is not on the approved bingo worker registry to 30 days. This allows more time for the background checks to reach the commission and the bingo games to not be punished for not meeting that deadline. HB 914 allows for the Texas Lottery Commission to state whether there is illegal gambling within a municipality and if a conclusion by the commission is reached that local law enforcement is not enforcing the illegal gambling, then the prize fee will cease to stop going to the local government. This adds pressure to local entities to punish illegal gambling centers and allow for legal bingo to flourish.</p>	Favorable Evaluated by: Santiago Cernigliaro (713) 435-9049 Santiago@TexasLSG.org
HB 4009 By: Toth	Relating to the establishment, operation, and funding of victim-offender mediation programs; authorizing fees.	Corrections Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	<p>Research shows that victim-offender mediation programs are cost-effective, reduce recidivism, and can be helpful for victims and offenders regarding recovery and rehabilitation. Victim-offender mediation allows the victim and the offender to work through the offenses and related issues together with the victim's permission.</p> <p>HB 4009 allows use of pretrial victim-offender mediation programs by the county commissioner's court or governing body of a municipality for non-violent offenses if there is consent from the victim and the prosecuting attorney. This legislation protects victims by allowing them to withdraw at any time from the mediation agreement. The program might additionally require testing, substance abuse treatment, counseling, or mental health resources specific to defendants. These programs are meant for first time offenders and misdemeanor crimes. Completion of the program allows a chance for case dismissal. The program is self-sustaining since it is maintained by the victim-offender mediation fund which receives funding from participation fees and court fees upon completion.</p> <p>HB 4009 allows counties and municipalities to adopt the program if they would like to participate and allows flexibility regarding requirements and rules. HB 4009 also extends to juveniles by directing the Texas Juvenile Justice Board to implement a victim-offender mediation program and establish their own guidelines.</p>	Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org

<p>HB 1806 By: King, Tracy O.</p>	<p>Relating to the use of water withdrawn from the Edwards Aquifer by certain entities.</p>	<p>Natural Resources</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Currently, due to a provision within the Edwards Aquifer Authority (EAA) Act, there is a requirement to keep any water withdrawn from the Edwards Aquifer within the boundaries of the EAA, which include all or part of the following eight counties: Uvalde, Medina, Atascosa, Bexar, Comal, Guadalupe, Hays and Caldwell. In order to meet the needs of growing population and expanding utility service and infrastructure that now crosses county lines outside of the boundaries of the EAA, there have been calls to provide some flexibility in the interpretation of said provision.</p> <p>HB 1806 will allow a retail public utility that is an original permit holder and the service area of which is contained wholly or partly inside the boundaries of the Edwards Aquifer Authority (EAA) to use water withdrawn from the aquifer to provide retail water service in a county adjacent to the boundaries of the EAA. HB 1806 also clarifies that a municipally owned utility owned by the City of San Antonio may sell no more than 6,000 acre feet of water that has been withdrawn from the aquifer per year at wholesale to a retail public utility or river authority for use in any county adjacent to Bexar County.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 1619 By: Leach</p>	<p>Relating to court reporters and shorthand reporting firms; imposing a fee; creating a criminal offense.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Currently, the state is suffering from a shortage of court reporters within the courts. With a shortage of court reporters, there are concerns that the integrity of the court could be at stake if proper records are not maintained. Court reporters are a crucial component to the judicial system.</p> <p>HB 1619 addresses the concerns by providing court reporter apprenticeships and provisional certifications. The apprenticeship program will allow for court reporters that are going through the licensing program to get experience transcribing within the courts with oversight from a licensed court reporter. The provisional court reporters' certifications would allow court reporters who move to Texas from another state to be able to serve as court reporters on a temporary license while they work to get their court reporter license in Texas. HB 1619 addresses the shortage of court reporters in the state and allows for more reporters within the courts. The oversight for these apprenticeships and provisional certifications will have complete oversight by the Judicial Branch Certification Commission (JBCC) which is in charge of court reporters.</p> <p>HB 1619 also amends the government code to require a notice of appeals to the court reporters by the attorneys. This will aid the court reporters to have prior knowledge of an appeal rather than waiting until the notice is served by mail. HB 1619 also provides consumer protections for courts who hire court reporters by providing a notification of certificate with an exact amount as to how much a court reporters service is, however, the certificate does not outline what the breakdown of the services are.</p> <p>HB 1619 requires the JBCC to define the conditions for which a court reporting firm's behaviors or reporter's behaviors are deemed unacceptable and the bill creates a misdemeanor offense for firms who violate registration requirements. This will hold firms and reporters accountable for providing the best services available.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 2169 By: Allen Rosenthal Wu</p>	<p>Relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners.</p>	<p>County Affairs</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>HB 2169 amends the Government Code of Texas law by adopting established rules and procedures that would serve as a minimum standard for the quantity and quality of feminine products provided to female prisoners. Currently, Texas law does not provide a benchmark standard for providing female inmates certain hygiene items. HB 2169 also positions the county jails to assist in the decision making process of the hygiene needs of the female prisoners.</p> <p>HB 2169 will order a category for female prisoners to be appended to a county's monthly jail population report.</p> <p>If HB 2169 is passed, it will help preventable health care risks caused by feminine hygiene products that do not meet the bill's threshold of quality.</p>	<p>Favorable Evaluated by: Brandi Granderson (202)808-6140 Brandi.Granderson_HC @house.texas.gov</p>

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<p>HB 2100 By: Cain Oliverson Goldman Phelan</p>	<p>Relating to the protection of expressive activities at public institutions of higher education.</p>	<p>State Affairs Vote: 9 Ayes 2 Nays 0 PNV 2 Absent</p>	<p>HB 2100's prevents restrictions on speech by public colleges and universities as it is seen as a form of censorship. HB 2100 does not protect behavior that crosses the line into targeted harassment and threats or that creates a continued hostile environment that materially and substantially disrupts the functioning of the institution.</p> <p>HB 2100 will require that each institution of higher education adopt a policy detailing students' and employees' rights and responsibilities regarding expressive activities at the institution. Within this policy, it must also establish disciplinary sanctions for those who unduly interfere with such expressive activities of others on campus. A point of concern within HB 2100 is its requirement for an institution to maintain an official position of neutrality on "matters of public concern," when approving an invited person to speak on campus, which is defined as matters related to health and safety; environmental, economic or community well-being; a local, state, or federal government; a public official or figure; a good or service; or a public policy or controversy. An institution of higher education should be allowed to take a stance on public policy issues, which can be on a number of topics, as a way to create an environment that fosters tolerance and safety on campus. For an institution to do so does not take away its capabilities of protecting expressive activities of their employees or students, and it should not be mandated that colleges and universities take up a neutral stance on all matters of public concern.</p> <p>If an institution of higher education violates provisions laid out in HB 2100, the attorney general or the person whose expressive rights have been violated may bring an action of injunctive relief to compel the institution to comply or to recover compensatory damages, or \$1,000 (whichever is greater), as well as pay the court costs and attorney's fees. Each day that the higher institution is to be found in violation of a rule or policy set out by HB 2100's provisions will constitute as a separate charge. As a temporary provision, prior to December 1, 2020, each institution of higher education shall prepare, post on their website, and submit to the governor and the members of the legislature a report regarding the institution's implementation of HB 2100's requirements.</p>	<p>Unfavorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 63 By: Moody Collier White Dutton Phelan</p>	<p>Relating to the civil and criminal penalties for possession of certain small amounts of marijuana and an exception to prosecution for possession of associated drug paraphernalia; creating a criminal offense.</p>	<p>Criminal Jurisprudence Vote: 5 Ayes 2 Nays 0 PNV 2 Absent</p>	<p>There are over 75,000 arrests per year for marijuana possession in Texas, which is more than any other state, and 97% of those arrests are for small amounts. That cost of such arrests and prosecutions is \$734 million every year.</p> <p>HB 63 decriminalizes the possession of less than one ounce of marijuana and replaces it with a civil penalty not to exceed \$250. A person only commits a criminal offense, Class C misdemeanor, if they have been ticketed with a civil penalty two times before.</p> <p>HB 63 does not allow for a peace officer to make an arrest solely because of a violation regardless if the person has made multiple violations, and they may only issue a citation to make an appearance in court. If a person is not able to afford the civil penalty a judge may require the defendant to complete maximum 10 hours of community service. Provisions within HB 63 do not impact a peace officer's authority to conduct a search or seize of marijuana or other property as contraband under any law.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 1543 By: Springer Flynn Schaefer</p>	<p>Relating to methods to enhance the enforcement of the collection of the use tax due on certain off-highway vehicles purchased outside this state; providing a civil penalty.</p>	<p>Ways & Means Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Texas retailers have expressed concerns over off-highway vehicle sales lost to out-of-state retailers, who maximize and advertise the lack of tax enforcement to attract business from Texas. This is detrimental to the state's retailers and results in lost tax revenue for the government.</p> <p>HB 1543 introduces an enforcement mechanism, requiring manufacturers of off-highway vehicles to submit an annual report to the comptroller, listing each warranty sold to a Texas resident by a retailer located outside Texas. The bill would mandate that the comptroller use the report to monitor manufacturers for compliance, impose a civil penalty for violation, as well as investigate and collect taxes as soon as practicable. HB 1543 also prohibits county assessor-collector or Department of Motor Vehicle (DMV) from issuing certificate of title or title receipt for off-</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>


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			highway vehicles purchased out-of-state unless applicant delivers evidence of paid sales tax.	
HB 2668 By: Turner, Chris	Relating to the dissolution of a direct-support organization established by the Prepaid Higher Education Tuition Board and the transfer of funds related to prepaid higher education tuition scholarships to the Texas Match the Promise Foundation or a successor entity.	Higher Education Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	Currently, there is money awarded to the Texas Prepaid Tuition Scholarship Foundation (TPTSF) about 15 years ago in the amount of \$2,741. This amount of money is statutorily set to be terminated along with a few other accounts that hold unused money. HB 2668 allows the comptroller to dissolve the accounts with the terminated funds and transfer them to the Texas Match the Promise Foundation to help students receive scholarships for an estimated total transfer of \$15,600. HB 2668 transfers unobligated funds that were formerly under the TPTSF to be added to the Texas Match the Promise Foundation and fund student scholarships through the Texas Save and Match program.	Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org
HB 2188 By: Frullo Larson	Relating to the operation of electric and nonelectric bicycles.	Transportation Vote: 10 Ayes 0 Nays 0 PNV 3 Absent	Electric bicycles are becoming more popular in Texas. Regarding manufacturers, retailers, and consumers, it is important to have consistent and predictable regulations for the up and coming industry. HB 2188 establishes the regulations for E-bikes by defining electric bicycles in statute as a bicycle equipped with fully operable pedals and an electric motor fewer than 750 watts, and a maximum speed of 28 miles per hours. HB 2188 also defines classes of E-bikes into three categories based on speed and motors (or lack thereof) and requires labels of these classifications on the bikes themselves, sets an age limit to Class 3 e-Bikes at 15 years old, and allows local authorities and municipalities to set their own restrictions including speed limits and restricted use in certain areas/on certain terrain.	Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org
HB 1865 By: Landgraf Thompson, Senfronia Meyer Ortega Harless	Relating to the licensing and regulation of massage therapy; requiring a student permit; authorizing fees.	Licensing & Administrative Procedures Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	There have been concerns that massage parlors remain as a significant problem regarding labor and sex trafficking. During the interim period before the 86th legislative session, the Texas Human Trafficking Taskforce recommended statutory changes to the massage therapy code. HB 1865 amends the occupations code to authorize the Texas Department of Licensing and Regulation (TDLR) to conduct criminal background checks on massage therapy license applicants as well as making a person who has been convicted of sex trafficking or related sexual offenses until after 5 years of this conviction. HB 1865 requires TDLR to require applicants to submit to a finger print background check to obtain an applicant's criminal history. HB 1865 requires TDLR to require a student who is enrolled in a massage therapy school to hold a permit with their name and the name of their school and requires the permit to be displayed in the school. HB 1865 also requires the massage schools to maintain monthly progress reports that certifies attendance for all of the students. The schools are required to notify the TDLR that the students has successfully completed all of the required courses. The current code exempts students who provide massage therapy as part of an internship program from licensing. HB 1865 repeals this current provision and requires all students to become licensed massage therapists.	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org

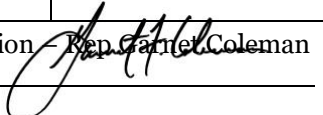
<p>HB 2845 By: Canales Darby Clardy Phelan Burrows</p>	<p>Relating to the removal of wind power facilities.</p>	<p>State Affairs</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>As wind power production becomes more widespread and more prevalent, HB2845 will require that decommissioned wind farm facilities, including wind turbines, be cleared, cleaned, and removed by wind farm operators. Any agreement that waives the right or exempts a grantee, a person who leases property from a landowner and operates a wind power facility on the property, from liability or duty of clearing, cleaning, and removing is made void by HB 2845. Only at the request of a landowner will a grantee need to clear, clean and remove each road constructed on the property and, if reasonable, returning the property to a tillable state, removing rocks of a certain size, and ensuring that that each hole or cavity created in the ground through the removal is filled with topsoil of the same type or a similar type of topsoil found on the property. A landowner may make these requests up to one year after the date on which the wind power facility is no longer capable of generating electricity in commercial quantities.</p> <p>HB 2845 will require that a wind power facility agreement to include that the grantee shall obtain and deliver to a landowner a bond or other form of financial assurance to secure the performance of the grantee's obligations to remove their wind power facilities located on the landowner's property in an amount that is at least equal to the estimated cost of removing the wind power facilities and restoration of landowner's property. The estimated salvage value of the wind power facilities must be determined by an independent third-party professional engineer licensed in this state. It is also the responsibility of the grantee to deliver an updated said estimate every five years and ensuring that the amount of the bond or other financial assurance remains sufficient.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 2623 By: White</p>	<p>Relating to the requirements for a change of name for a person with a final felony conviction or a person required to register as a sex offender.</p>	<p>Corrections</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>In rare cases, an individual may use a name besides their birth name that has been used for legal documentation and used in the person's criminal history record information. Concerns involve people being penalized for trying to change their names from one that has been used for most of their entire lives.</p> <p>HB 2623 allows for a court to permit a name change for an individual with a felony conviction or a registered sex offender if the name is being changed to the primary name used in criminal history record information. As a stipulation, HB 2623 allows this change if the individual provides the court with proof that the person has notified the appropriate local law enforcement authority of the proposed name change.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 3842 By: King, Tracy O.</p>	<p>Relating to the requirement that a motor vehicle dealer obtain a general distinguishing number for a consignment location.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Currently, motor vehicle dealers are only allowed to sell vehicles from their licensed premise. However, sections of the law state that if that dealer sells more than 5 cars from another location, that location must also be a licensed dealer location. This creates confusion within the industry as to where it is allowed to sell a vehicle or not.</p> <p>HB 3842 amends the transportation code to protect the consumers from dealers who poses as a private seller to sell a car from a location other than where they are licensed to sell from. The bill also protects consumers from certain dealers sending their vehicles to another dealer and having them sell that vehicle hiding who is actually selling or who the owner of the vehicle is from the consumer. The bill protects the consumers and allows them to buy vehicles.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 985 By: Parker</p>	<p>Relating to the effect of certain agreements with a collective bargaining organization on certain state-funded public work contracts.</p>	<p>State Affairs</p> <p>Vote: 8 Ayes 3 Nays 0 PNV 2 Absent</p>	<p>HB 985 would prohibit governmental entities from prohibiting, requiring, discouraging, or encouraging a bidder on state-funded public works contract from entering into or adhering to a Project Labor Agreement (PLA), a collective bargaining agreement that is put in place prior to the hiring of any contractors or workers, even though Texas has never entered into such an agreement before on a taxpayer-funded project.</p> <p>The author of HB 985 claims that states where PLAs are common also have higher unemployment rates, but these claims are not supported by the facts. Correlation does not equal causation. In fact, according to federal data, Texas construction employment has reached a record high growing 6.4% in 2018. The worry for Texas employers right now is in the inability to find workers they need to grow. In an industry that is known for its dangerous working conditions, ensuring the safety and security of workers through collective bargaining agreements could be seen as a</p>	<p>Unfavorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<p>benefit rather than a hinderance to the growth of our state.</p> <p>There have also been arguments that PLAs drive the cost of projects up but there is no evidence to back that up. If PLAs did drive up the cost of construction, then the question that must be asked is why do so many cost-conscious and profit-orientated corporations use them repeatedly?</p> <p>Any qualified contractor can bid to work under a PLA on a public contract. Many agreements in the public sector contain special accommodations to make it easier for contracts that do not ordinarily work under collective bargaining agreements to participate on the project (e.g. some agreements will permit contracts to bring a certain number of their existing employees onto the worksite without requiring them to go through the union's hiring halls).</p>	
<p>HB 1139 By: Thompson, Senfronia Leach Moody White Walle</p>	<p>Relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 6 Ayes 1 Nays 0 PNV 2 Absent</p>	<p>In 2002, the United States Supreme Court ruled that executing people with intellectual disabilities is a cruel and unusual punishment and would leave it up to the states to come up with their own method of defining the condition. However, this process which has not yet been legislated in Texas has left the courts across the state to decide what that method looks like with zero uniformity. In 2017 and again in 2019 the U.S Supreme Court ruled that the Texas Court of Criminal Appeals' test for intellectual disability is unconstitutional. HB 1139 will provide guidance to determine whether a criminal defendant is intellectually disabled by requiring courts to use the most up-to-date medical standards of intellectual and developmental disability, and by providing a process for judges to determine whether the defendant is intellectually disabled. HB 1139 will prohibit a defendant who has an intellectual disability from being sentenced to death.</p> <p>HB 1139 authorizes an attorney for a defendant to request that the judge hearing the case hold a hearing to determine whether the defendant is a person with an intellectual disability. The request must be accompanied by evidence from a credible source indicating that the defendant is a person with an intellectual disability. On the request of either party or on the judge's own motion, the judge shall appoint a disinterested expert experienced and qualified in the field of diagnosing intellectual disabilities to examine the defendant and make a diagnosis.</p> <p>HB 1139 places burden of proof on defendant to prove at such a hearing by a preponderance of the evidence that the defendant is a person with an intellectual disability and authorizes the state to offer evidence to challenge evidence offered by the defendant. Evidence offered by either party must be consistent with prevailing medical standards for the diagnosis of intellectual disabilities.</p> <p>The judge is then required to make a determination, no later than the 30th day after the conclusion of the hearing, whether the defendant is a person with an intellectual disability and to issue an appropriate order that must contain findings of fact explaining the judge's reasoning for the determination and citing evidence in the record. If the judge determines that a defendant is not a person with an intellectual disability, then the trial moves forward as usual. HB 1139 will prohibit the jury at the trial from being informed of the fact that the judge held a hearing but does authorize the defendant to present evidence of intellectual disability as otherwise permitted by law. HB 1139 entitles the state to appeal an order of a court in a criminal case that determines that that a defendant is a person with an intellectual disability.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 3143 By: Murphy Button Sanford Noble </p>	<p>Relating to the Property Redevelopment and Tax Abatement Act.</p>	<p>Ways & Means</p> <p>Vote: 10 Ayes 0 Nays</p>	<p>HB 3143 as originally introduced aimed to extend the Property Redevelopment and Tax Abatement Act another ten years through 2029, however this extension provision is not included in the committee substitute and the program is currently set to expire September 1, 2019. The Property Redevelopment and Tax Abatement Act provides for Chapter 312 tax abatement agreements designed to incentivize economic development through property tax exemptions.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>

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Shaheen		0 PNV 1 Absent	<p>HB 3143 provides several transparency measures and clarification requirements regarding eligibility including:</p> <ul style="list-style-type: none"> • The taxing unit must hold a public hearing before adopting, amending, repealing or reauthorizing guidelines; • The taxing unit must maintain and post current guidelines on a website; • Public notice for meetings considering approval of a tax abatement agreement with a property owner, must be posted at least 30 days prior and be in accordance with the open meetings law; and • The chief appraiser must deliver a report to the comptroller on property appraisals that have expired under chapter 312, for each of the first three years after expiration. <p>Additionally, if the agreement provides for 25 or more new jobs within a municipality or relates to property subject to a voluntary cleanup agreement, a fiscal impact statement detailing the potential local costs and benefits of the agreement is required.</p>	
HB 2611 By: Morrison	Relating to the treatment of certain limited liability companies as passive entities for purposes of the franchise tax.	Ways & Means Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	<p>Passive entities are defined as having income derived from or is related to financial assets and investments. Passive income includes, for example, dividends, royalties, interest, foreign currency, rental income or property gains.</p> <p>Currently statute restricts the definition of a “passive entity” to limited liability partnerships (LLPs) and trusts, HB 2611 expands the definition to include limited liability companies (LLC) for franchise tax exemption purposes.</p> <p>While an LLC provides an easier, more accessible route to exemption eligibility, HB 2611 would have an estimated \$35 million negative impact to the Property Tax Relief Fund that would have be made up from General Revenue and place additional strain on the Foundation School Program Fund.</p>	Will of the House Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
HB 4429 By: Blanco	Relating to the inclusion of mental health first aid training in the mental health program for veterans.	Public Health Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	<p>Veterans suffer from mental health conditions and suicide at rates far higher than the general population. The population accounts for 14% of the nation's suicides. Yet only half of veterans who need mental health services receive it.</p> <p>Current Texas law offers a mental health intervention program for veterans through DSHS known as the Texas Veterans' Mental Health Program. This program is a face-to-face training program that helps individuals recognize and respond to signs of mental health issues.</p> <p>HB 4429 adds to this law a requirement for the program to contract with local mental health authorities to provide Mental Health First Aid for Veterans training for both veterans and their immediate family members. Data about the new training requirement will be required to be reported through DSHS under the existing annual report for the mental health training intervention program for veterans.</p>	Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org
HB 1111 By: Davis, Sarah Springer	Relating to maternal and newborn health care.	Public Health Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	<p>Over the last few years, Texas has taken actions to address its high rates of maternal mortality and morbidity. Yet, the numbers still show that 80% of maternal deaths were potentially preventable. Increasing access to services for pregnant and new mothers can help decrease the rates of negative health outcomes for mothers in Texas. Complementing such efforts with a strategy to maintain and improve the newborn screening plan can also result in positive health outcomes for Texan children as well.</p> <p>To address these concerns, HB 1111 seeks to create a study, three pilot programs, and other provisions to help increase rates of positive outcomes for Texan mothers and children.</p> <p>Study: Telehealth/Telemedicine Maternal Care Through Medicaid HB 1111 requires HHSC to study whether there are benefits and cost savings for providing Medicaid reimbursement for prenatal and postpartum care delivered through telemedicine and telehealth services.</p> <p>Pilot Program: Pregnancy Medical Home HB 1111 creates a pilot program to establish pregnancy medical homes for the purpose of serving pregnant women</p>	Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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who are on the Medicaid program. The pilot program should be implemented in:

- At least two counties with populations of over two million
- At least one county with a population between 100,001 and 500,000
- At least one rural county with high rates of maternal mortality and morbidity, as determined through consultation with the Maternal Mortality and Morbidity Task Force

HB 1111 says that each of these pregnancy homes will be:

- required to have a maternity management team composed of specific healthcare providers who all offer services at one unified location
- required to conduct a risk assessment to determine the pregnancy risk classification for each participant upon entry to the pilot program
- required to an individual pregnancy care plan based on the results of the pregnancy risk assessment and follow each participant through the pregnancy to help reduce poor birth outcomes
- authorized to offer financial incentives for providers who participate in the program

The commission may waive certain requirements from this section for pregnancy medical homes in a rural area.

HB 1111 allows the HHSC to:

- offer home telemonitoring services and any necessary medical equipment to program participants contingent on the opinion of the physician and the commission that such provisions will help reduce the risk of hospitalization or emergency medical care
- reimburse providers under Medicaid for telemonitoring and medical equipment

By the first day of 2021, the commission must submit a report to the legislature on the pilot program which must include the evaluation of reduction in poor birth outcomes and a recommendation as to the fate of the pilot program.

Pilot Program: Telehealth/Telemedicine Prenatal and Postpartum Care – Low Risk

HB 1111 requires HHSC to create a pilot program to offer prenatal and postpartum care via telehealth/telemedicine to women with low risk of pregnancy-related complications in certain areas.

The pilot program should be implemented in:

- At least two counties with populations of over two million
- At least one county with a population between 100,001 and 500,000
- At least one rural county with high rates of maternal mortality and morbidity, as determined through consultation with the Maternal Mortality and Morbidity Task Force

Participants of the program shall be identified through the Medicaid telehealth/telemedicine maternal care services study created in this bill. HHSC shall use the results of the study to create criteria for the selection process of this pilot program.

HB 1111 allows the HHSC to:

- offer home telemonitoring services and any necessary medical equipment to program participants contingent on the opinion of the physician and the commission that such provisions will help reduce the risk of hospitalization or emergency medical care
- reimburse providers under Medicaid for telemonitoring and medical equipment

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By the first day of 2021, the commission must submit a report to the legislature on the pilot program which must include the evaluation of the program’s success in delivering prenatal and postpartum care through telehealth/telemedicine services.

Pilot Program: Coordination of Maternal Care – High-Risk

HB 1111 seeks to provide care coordination services for high-risk pregnancies. To do so, HHSC is required to:

- provide support, resources, technical assistance, training, and guidance required for this program
- screen all or a sample of women with a pregnancy risk assessment
- provide community health worker services for women with high risk pregnancies to provide patient education, offer resource linkage assistance, and work to reduce barriers to health care access.
- develop training courses to prepare community health workers and promotoras (in current statute, a promotora is a person who acts as a liaison between the healthcare provider and the patient.
- create and submit an evaluation and recommendation on the future of the program to the executive commissioner and the chairs of the appropriate committees of the Senate and House

Creation of Newborn Screening Program Dedicated Account

HB 1111 requires the creation of a dedicated account to ensure that the costs of performing the screening is covered. These fees will be placed into a new account, provisions for which are offered within the bill, for the newborn screening program. Any additional screenings that DSHS chooses to add to the newborn screening panel will need to be funded from this dedicated account.

After the any costs of operating the newborn screening program, any leftover funds may be used to pay for any repairs, upgrades, or expanded screening conducted for the lab. These dedicated funds may not be used for other HHSC functions.

Should DSHS require additional screening tests, the department must prepare a report following the addition of the test that speaks to actions taken by the department to fund and implement the test. This report will be submitted to the Governor, the Lt. Governor, the Speaker, and each legislative committee with jurisdiction over the agency.


Report on Maternal Mortality Rates

The provisions of HB 1111 require HHSC to create a report regarding actions taken by all relevant programs to address Texas maternal morbidity and maternal mortality rates. This should be reported to the Governor, the Lt. Governor, the Speaker, the Legislative Budget Board, and the appropriate committees of the legislature. Reported information would include that from Medicaid, the Children's Health Insurance Program (CHIP), CHIP-Perinatal, Healthy Texas Women, Family Planning Program, programs under the federal Maternal and Child Health Services Block Grant Act, the Perinatal Advisory Council, state health plans, and the Healthy Texas Babies program.

Evaluation of Programs

Additionally, HB 1111 requires HHSC to engage in collaboration with the Maternal Mortality and Morbidity Task Force and other stakeholders to evaluate existing programs and potential solutions. To do so, the commission must:

- explore options for expanding the pilot program for pregnancy medical homes
- explore methods for increasing benefits and services provided under Medicaid for women at a greater risk of a high-risk pregnancy or premature delivery, even after the end of their Medicaid eligibility period
- study whether supplemental payments to obstetrics providers for pregnancy risk assessments might increase

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			<p>access to maternal health services</p> <ul style="list-style-type: none"> • evaluate the average time required for a pregnant woman to enroll in Medicaid • evaluate and recommend future actions on programs funded through the federal Teen Pregnancy Prevention Program grant • evaluate the use of telemedicine medical services for women through pregnancy as well as the postpartum period <p>Data on Maternity Care and Postpartum Depression HB 1111 also requires the Maternal Mortality and Morbidity Task Force to annually collect a number of statistics on maternity care and postpartum depression in Texas. There is some concern that the Task Force may not have the resources and staff required to complete this task.</p> <p>Grant Applications HB 1111 requires HHSC to apply to the US Department of Health and Human Services for grants under the federal Preventing Maternal Deaths Act of 2018.</p>	
HB 2282 By: Parker	Relating to the applicability of certain limitations on the capture and use of biometric identifiers to financial institutions.	Pensions, Investments & Financial Services Vote: 11 Ayes 0 Nays 0 PNV 0 Absent	<p>HB 2282 would allow financial institutions to use biometric data of consumers without notification as to enable security features to be up to date without a lag in service. Current statute only includes voiceprint data and HB 2282 would amend current law to encompass all biometric data utilized for security measures taken by financial institutions on behalf of consumer access to financial information.</p> <p>HB 2282 would allow for more consumer protection and less interruption of security with the notification system of biometric.</p>	Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org

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