TEXAS LEGISLATIVE STUDY GROUP
An Official Caucus of the Texas House of Representatives

Representative **Desk:**

LSG Floor Report For POSTPONED BUSINESS Calendar – Monday, May 20, 2019

SB 8 By: Perry | Alvarado | Bettencourt | Birdwell | Buckingham | Campbell | Creighton | Fallon | Flores | Hall | Hancock | Hinojosa | Huffman | Hughes | Johnson | Kolkhorst | Lucio | Menéndez | Miles | Nelson | Nichols | Paxton | Powell | Rodríguez | Schwertner | Seliger | Taylor | Watson | West | Whitmire | Zaffirini **Sponsor:** Larson	Relating to state and regional flood planning.	Natural Resources Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	SB 8 would establish a watershed-based flood plan that brings all stakeholders together to plan for the future. This is incredibly important for the state of Texas given that the National Oceanic and Atmospheric Administration (NOAA) has cited over 1,100 flood events in the state since 2000, which have caused over $800 million in damages, not including hurricane-related damages or flash flood events, with larger rainfall to be expected in the future. By creating a network of regional planning groups, the state can collaboratively address flood control planning among watersheds. SB 8 would require the Texas Water Development Board (TWDB) to prepare and adopt a comprehensive state flood plan that incorporates the regional flood plans no later than September 1, 2024, and before the end of each successive five-year period after that date. The state plan must: provide for orderly preparation for and response to flood conditions to protect against the loss of life and property; be a guide to state and local flood control policy; and contribute to water development when possible. The plan must also include: an evaluation of the condition and adequacy of flood control infrastructure on a regional basis; a statewide ranked list of ongoing and proposed flood control and mitigation projects and strategies necessary to protect against the loss of life and property from flooding and a discussion of how those projects and strategies might further water development, where applicable; an analysis of completed, ongoing, and proposed flood control projects included in previous state flood plans, including which projects received funding; an analysis of development in the 100-year floodplain areas as defined by the Federal Emergency Management Agency (FEMA); and legislative recommendations the TWDB considers necessary to facilitate flood control planning and project construction. TWDB would need to coordinate with the Texas Commission on Environmental Quality (TCEQ), the General Land Office (GLO), the Parks and Wildlife Department (TPWD), the Department of Agriculture (TDA), the State Soil and Water Conservation Board, and the Texas Division of Emergency Management (TDEM) to adopt guidance principles for the state flood plan to the reflect the public interest of the state. These guiding principles would need to be reviewed every 5 years to coincide with the five-year cycle for the adoption of a new state plan, and delivered to the governor, lieutenant governor, speaker of the house of representatives, and appropriates legislative committees and legislative leadership. The board shall designate representatives from each flood planning region to serve as the initial flood planning group, who may then designate additional representatives to serve if necessary to ensure adequate representation from the interests in its region, including the public counties, municipalities, industries, agricultural interests, environmental interests, small businesses, electric generating utilities, river authorities, water districts, and water utilities. Additionally, the TWDB, TCEQ, the GLO, the TPWD, the TDA, the State Soil and Water Conservation Board, and TDEM shall each appoint a representative to serve as an ex officio member of each flood planning group.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org

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			The board would be required to provide technical and financial assistance to the flood planning groups. For the purpose of consideration when preparing a regional flood plan, each group shall hold public meetings with to gather from interested parties' suggestions and recommendations as to issues, provisions, projects, and strategies. The regional flood plan must only use information based on scientific data and updated mapping while including a general description of the condition and functionality of flood control infrastructure in the flood planning region; flood control projects under construction or in the planning stage; information on land use changes and population growth; identification of the areas in the flood planning region that are prone to flood and flood control solutions for those areas; and an indication of whether a particular flood control solution meets an emergency need, may use federal money as a funding component and if it may also serve as a water supply. After a flood planning group prepares a plan, the group shall hold at least one public meeting for the purpose of feedback. Specific provisions of how these meetings shall be conducted are laid out in SB 8's provisions. Post-meeting, the TWDB would need to decide whether the plan satisfies certain requirements. If it does not, the TWDB must coordinate with areas that would be negatively impacted and adjust the plan as necessary until it satisfies the requirements and would no longer negatively impact the area. SB 8 would create the State Flood Plan Implementation Advisory Committee, for the purpose of oversight, and provides for its six-member composition and operation. This committee would be required to review the overall operation, function, and structure of the state flood plan and rules adopted by the TWDB at least semiannually. The committee would be able to provide feedback to the TWDB on any matter and to make recommendations as to what information should be posted on the TWDB website. The provisions related to the committee expire on September 1, 2021, and the advisory committee dissolved. SB 8 would require the State Soil and Water Conservation Board to prepare and adopt a plan describing the repair and maintenance needs of earthen dams which have become high hazard dams and to prepare and adopt a new plan before the end of the 10th year following the adoption of a plan. The regional planning groups would incorporate these projects as critical flood control planning in the State Flood Plan as overseen by the TWDB. The Legislative Budget Board estimated that the five-year net impact on general revenue-related funds for SB 8 to have a negative impact of ($173,553,101) through the end of August 31, 2024.	
SB 449 By: Creighton **Sponsor:** Wray	Relating to testimony by an appraisal district employee as to the value of real property in certain ad valorem tax appeals.	Ways & Means Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	SB 449 addresses a judicial preference for testimony by appraisal district employees (including licensed, certified, temporary out-of-state, or supervised trainee) in regard to the value of real property for excessive or unequal appraisal appeals. This provision was enacted by the 84th session and is set to go into effect in 2020. SB 449 would repeal this section of the Tax Code regarding judicial preference that places the taxpayers at a disadvantage and thus would increase objectivity and credibility in the property value appeals process.	**<u>Favorable</u>** Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
LSG Floor Report For MAJOR STATE Calendar – Monday, May 20, 2019				
SB 1978 By: Hughes **Sponsor:** Krause |	Relating to the protection of membership in, affiliation with, and support provided to religious organizations.	State Affairs Vote: 7 Ayes 4 Nays	SB 1978 would prohibit a governmental entity from taking any adverse action (which has a very broad definition including denying any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status, denying or altering any benefit, altering tax treatment, or disallowing a tax deduction, withholding access to property, education, speech forum, or charitable fund-raising campaign) against any person based wholly or partly on the person's membership in, affiliation with, or	**<u>Unfavorable</u>** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org

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Sanford | Phelan | Oliverson		1 PNV 1 Absent	contribution, donation, or other support provided to a religious organization. SB 1978 would allow a person to assert an actual, or threatened, violation as a claim or defense in a judicial or administrative proceeding against the government and obtain injunctive relief, declaratory relief, and court costs and reasonable attorney's fees. The attorney general may also bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance. To the extent of protecting religious freedoms, which is already guaranteed under both the United States and Texas Constitutions, SB 1978 implies that the first amendment is under attack, which pushes the narrative and sets the foundation for more extreme legislation later. SB 1978 differs from its companion, HB 3172, in that it includes the definition of a religious organization, as defined under the Civil Practice and Remedies Code; and voids the applicability of its provisions from statutes that prohibit the investment of public monies in companies that boycott Israel.	
SB 29 By: Hall **Sponsor:** Middleton | Longoria | Metcalf | Phelan | Burrows	Relating to the use by a political subdivision of public money for lobbying and certain other activities.	State Affairs Vote: 9 Ayes 3 Nays 0 PNV 1 Absent	Under SB 29, if a political subdivision engages in prohibited lobbying activities a resident or taxpayer would be able to bring about an injunctive relief against them in order to prevent an association or organization or any further payment of fees or dues from continuing. A taxpayer or resident who prevails would be entitled to recover their reasonable attorney's fees and costs incurred in bringing the action. SB 29 would also require the disclosure of amounts spent on lobbying activities to influence or attempt to influence the outcome of pending legislation on any comprehensive annual financial report required to be prepared by a political subdivision or authority. The prohibition on schools, cities, counties, and certain transportation authorities would remove their ability to support or oppose proposed legislation and prevents them from fully engaging and advocating on issues that are important to the people they serve. This would cut out a critical voice and valuable knowledge from the Legislature's deliberations. Local officials must often spend their time in the community, serving their constituents and working on local policy issues, thereby limiting their capacity to engage in the legislative process. As an extension of staff, schools and cities have historically hired representatives, through an open, transparent and competitive process, to effectively support and advance community priorities in a fiscally responsible manner. SB 29 imposes unnecessary restrictions on cities and transportation authorities' ability to support or oppose proposed legislation related to taxation (including the implementation, rates, and administration of taxes), bond elections, tax-supported debt, ethics, and transparency. SB 29 would only allow those who are an (elected) officer or employee of a political subdivision to act on behalf of their local government and for all local officials. Without clear intent, the provisions of SB 29 can be incredibly problematic for special districts such as school, hospital, agricultural, water, wastewater and environmental districts that have the ability to impose taxes to fund core services that they provide. Many of these special districts pay fees or dues to an association or organization to represent their districts' needs (e.g. Texas Hospital Association, Texas Association of School Boards, Texas Association of Rural Schools, Texas Association of Counties, and the Texas Municipal League among others).	**<u>Unfavorable</u>** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 24 By: Lucio **Sponsor:** Paddie	Relating to the provision of informational materials and certain other information to a pregnant woman before an abortion.	Public Health Vote: 8 Ayes 0 Nays 3 PNV 0 Absent	Legislation passed in 2003 required DSHS to develop informational and resource material to be compiled in a booklet called "A Women's Right to Know." As a result of this legislation, it is required that any woman who goes to certain abortion providers should be given this booklet which includes information on various agencies that offer services to assist a woman with pregnancy, childbirth, and adoption. The agencies on this list of services are not allowed to be affiliated with any organization that provides abortions or any abortion-related services. Additionally, the booklet also includes color pictures representing the child at various stages of development. The materials are currently created, printed, and distributed by DSHS. Recently, there have been concerns by pro-life entities that the materials are not being distributed in compliance	**<u>Unfavorable</u>** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			with state statute. Through a Public Information Act request, it was discovered that, though around 55,000 abortions were performed in 2016, only 6,000 sets of informational materials were sent out by DSHS. In response to this discovery and the corresponding concern, SB 24 seeks to tighten requirements for abortion providers to counsel and offer state-printed informational materials to pregnant women. SB 24 requires a physician who is to perform an abortion to hand the booklet in person to the pregnant woman seeking the abortion. The physician may also designate another person for this task. The required booklet must be provided during the time of consultation if the pregnant women lives less than 100 miles from the nearest licensed abortion provider. But if the woman lives over 100 miles away from the nearest licensed abortion provider, the booklet can be provided on the day of the abortion, at least two hours before the procedure and before any sedative or anesthesia is administered to the pregnant women. SB 24 also clarifies that any required information that is given to the pregnant woman over the phone must be given on a private call. The booklet cited in SB 24, "A Women's Right to Know," has often been denounced by medical experts due to ideologically driven and scientifically unfounded information such as claims of connections between abortions and the likelihood of breast cancer and infertility as well as claims that a fetus can feel pain at 20 weeks. Though DSHS claims that the information in the booklet was a result of consultation with expert groups such as the American College of Obstetricians and Gynecologists (ACOG), ACOG themselves stated that the state did not incorporate any of their suggestions. ACOG also stated that the organization has significant concerns with the material and its presentation. Additionally, researchers suggest that over 30 percent off the information regarding fetal development that is included in "A Women's Right to Know" is inaccurate. In many ways, the inaccuracy of the information provided in this booklet can disturb the doctor-patient relationship and sever the trust in the relationship. In turn, this can result in negative health outcomes. In light of the medical and scientific concerns regarding the inaccuracies of the mandated booklet for pregnant women seeking abortions, the more stringent requirements of SB 24 for the distribution of "A Woman's Right to Know" would only result in a greater number of women receiving inaccurate and confusing information.	
SB 69 By: Nelson **Sponsor:** Capriglione	Relating to the allocations of money for transfer to the state highway fund and the economic stabilization fund and the investment of money in the economic stabilization fund.	Appropriations Vote: 22 Ayes 0 Nays 0 PNV 5 Absent	SB 69 changes the way the sufficient balance of the Economic Stabilization Fund (ESF) is determined. Currently, the ESF sufficient balance is determined by a joint legislative ESF committee. This committee established a $7.5 billion sufficient balance for the 2020-2021 biennium. SB 69 changes the sufficient balance of the ESF to 7% of general revenue-related appropriations for the biennium and eliminates the sufficient balance committee. Additionally, SB 69 changes the way funds in the ESF may be invested. Currently, the Comptroller is only able to invest the portion of ESF that is above the sufficient balance into the treasury pool, which yields less than the rate of inflation. SB 69 mandates that ¼ of the ESF balance must be invested in a way to ensure liquidity. The remaining ¾ can be invested by the Comptroller under the prudent investor standard. The Comptroller must adjust these amounts as needed to ensure liquidity and to meet cash flow requirements. SB 69 also requires the Comptroller to establish a threshold balance of the ESF for the 2022-2023 biennium. To continue investing ESF funds at such a low rate is fiscally irresponsible and does not reflect the future needs of Texas. SB 69 would create a positive fiscal impact by allowing for a larger return on ESF investments while ensuring sufficient funding to the State Highway Fund.	**Favorable** Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org

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SB 1264 By: Hancock **Sponsor:** Oliverson | Martinez Fischer | Bonnen, Greg | Zerwas | Lucio III	Relating to consumer protections against certain medical and health care billing by certain out-of-network providers.	Insurance Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	SB 1264 aims to provide consumer relief from surprise billing also referred to as balance billing. Provisions included would require preferred provider organizations (PPO), exclusive provider organizations (EPO), and health maintenance organizations (HMO) to pay the agreed-upon rates with providers who administer services based on what treatment the enrollee receives. An arbitrator would mediate and use data to determine the appropriate compensation for treatment and amounts to be paid by the healthcare plan provider. Included is the prohibition of non-network emergency, imaging, and labs from surprise billing consumers while maintaining that consumers pay co-pays. Additionally, language gives the attorney general and agencies that regulate arbitration enforcement authority for intentional statue violations. Texas Department of Insurance (TDI) would provide quarterly data to study the effectiveness of this policy. SB 1264 provides improved consumer protections as well as helps alleviate financial strain in an emergency when there is no choice for the enrollee who depends on this immediate medical care.	**Favorable** Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org

LSG Floor Report For GENERAL STATE Calendar – Monday, May 20, 2019

SB 212 By: Huffman **Sponsor:** Morrison	Relating to a reporting requirement for certain incidents of sexual harassment, sexual assault, dating violence, or stalking at certain public and private institutions of higher education; creating a criminal offense; authorizing administrative penalties.	Higher Education Vote: 6 Ayes 2 Nays 0 PNV 3 Absent	There have been efforts to provide a reliable reporting structure at institutions of higher education for victims and witnesses of sexual harassment, sexual assault, dating violence, and stalking. SB 212 establishes reporting requirements for public, private and independent institutions of higher education through the institutions Title IX coordinator. SB 212 creates a Class B misdemeanor offense for failure to make a required report. SB 212 provides for an administrative penalty for a noncompliant institution and establishes certain confidentiality standards when reporting. SB 212 would require the Title IX coordinator to create and submit a written report on the reports received to the institution's chief executive officer no less than once every three months. SB 212 prohibits a person, who acted in good faith who reports or assists in the investigation of a report of an applicable incident or who testifies or otherwise participates in a disciplinary process, from being subjected to any disciplinary action by the institution at which the person is enrolled or employed for any violation by the person of the institution's code of conduct reasonably related to the incident for which suspension or expulsion from the institution is not a possible punishment. SB 212 would exclude grant of immunity for a person who perpetrates or assists in the perpetration of the reported incident.	**Favorable** Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org
SB 437 By: Nelson **Sponsor:** Price | Sheffield | Minjarez | Rose | VanDeaver	Relating to prohibited practices by a life insurance company relating to an individual's prescription for or obtainment of an opioid antagonist.	Insurance Vote: 6 Ayes 0 Nays 0 PNV 3 Absent	SB 437 amends Insurance Code to prohibit life insurance providers from denying coverage, limiting coverage amount/extent, or charging a different rate to an individual who has been prescribed an opioid through a physician. SB 437 provides improved consumer protections for those who may have been prescribed opioids and are not aware of life policy rate increases or changes as a result.	**Favorable** Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org
SB 289 By: Lucio **Sponsor:** Morrison	Relating to disaster housing recovery.	County Affairs Vote: 7 Ayes 1 Nays 0 PNV 1 Absent	SB 289 would to amend the Government Code to require the General Land Office (GLO) to administer, receive, and appropriate federal and state funds recovery efforts that are deemed long term. SB 289 mandates the GLO to: • Work in partnership with the Texas Division of Emergency Management and FEMA local housing recovery plans; • Sustain adequate staffing and other administrative support to review local housing recovery plans; and	**Favorable** Evaluated by: Brandi Granderson (202) 808-6140 Brandi.Granderson_HC @house.texas.gov

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			• Pursue approval from FEMA and the U.S. Department of Housing and Urban Development for the enactment of local housing recovery plans approved by GLO; SB 289 allows the governor to elect a state government agency to have authority over long-term disaster recovery. SB 289 also authorizes a county, municipality, or council of government to create and adopt a housing recovery plan in order to provide rapid and efficient replacement housing following a disaster. Additionally, local government must seek input from stakeholders in the community and format criteria for certifying a plan. • Plans accepted by the GLO are valid for four years and allows implementation during the designated timespan without further approval. SB 289 requires maintenance of mapping data that would assist in identifying areas that are vulnerable to disasters.	
SB 1214 By: Schwertner | Seliger **Sponsor:** Wilson	Relating to the sales and use tax exemption for certain aircraft.	Ways & Means Vote: 11 Ayes 0 Nays 0 PNV 0 Absent	Given the importance of agriculture to the economy and the size of the state, sales and use tax exemptions are available on aircraft dedicated for agricultural use. The current statue restricts the distance traveled to the location (for which to perform qualified agriculture service) to 30 miles or fewer, precluding some Texans from eligibility. SB 1214 would remove the distance traveled restriction to qualify for the sales and use exemption. Qualified agricultural services include predator control; wildlife or livestock capture, surveys and census counts; animal or plant health inspection services; and crop dusting, pollination, and seeding. No significant fiscal implications are anticipated.	**Favorable** Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
SB 563 By: Perry **Sponsor:** Metcalf	Relating to the reporting of information about the use of federal money for flood research, planning, and mitigation projects.	Natural Resources Vote: 6 Ayes 0 Nays 0 PNV 5 Absent	SB 563 creates a flood research, planning, and mitigation reporting that would require a state agency that uses or disburses federal money for flood research, planning, or mitigation projects to submit a report on a quarterly basis to the Texas Water Development Board (TWDB). The report would need to include the original total of federal money received, the amount spent or disbursed to date, and the eligibility requirements for receiving the federal money. TWDB would also be required to maintain and make available on their website a publicly accessible version of the report to serve as a centralized location for stakeholders and local entities.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 530 By: Birdwell **Sponsor:** Wray	Relating to civil and administrative penalties assessed or imposed for violations of laws protecting drinking water, public water supplies, and bodies of water.	Environmental Regulation Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	The Texas Commission on Environmental Quality (TCEQ) can implement and enforce federal sanitary laws for drinking water, but some water suppliers pay their penalties without resolving the issue regarding the sanitary standards that led to the penalties in the first place. SB 530 adds flexibility to the penalty amounts that TCEQ can enforce by raising the maximum administrative and civil penalty from $1,000 to $5,000 to persons that cause, suffer, allow, or permit a violation related to the sanitary standards of drinking water. This would assist in encourage persons to keep drinking water up to standard.	**Favorable** Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org
SB 748 By: Kolkhorst **Sponsor:** Davis, Sarah | Thompson, Senfronia	Relating to newborn screening and the newborn screening preservation account.	Public Health Vote: 7 Ayes 0 Nays 0 PNV 4 Absent	SB 748 requires the HHSC commissioner to establish the monetary amounts for newborn screening fees to ensure that the costs of performing the screening is covered. These fees would be placed into a new account, provisions for which are offered within the bill, for the newborn screening program. In addition, any remaining money from Medicaid reimbursements for newborn screenings as well as gifts, grants, donations, legislative appropriations, and accumulated interest would be placed into this account. Usually, such accounts have any accumulated interest skimmed off and placed into the state's general fund. This account would not be subject to that statute. After the any costs of operating the newborn screening program, any leftover funds may be used to pay for any	**Favorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			renovations, improvements, equipment, trainings, staff, supplies, or assets necessary for the maintenance of and expansion of the program. However, the funds may not be used for other HHSC functions. Should the agency want to include additional screening tests to the newborn screening panel, it is required to fund it through the monies in the dedicated account. Additionally, 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 would be submitted to the Governor, the Lt. Governor, the Speaker, and each legislative committee with jurisdiction over the agency. While this language may be stripped from the bill, the amendment added to SB 748 authorizes the district to impose sales and use taxes in increments of an eighth of a percent with a minimum of one-eighth of a percent and a maximum of two percent. Any election to adopt, change, or abolish the rate of the district's sales and use tax must be called by an order adopted by the district's board of directors. The amendment also authorizes the Midland Hospital District to adopt, change, or abolish a sales and use tax through an election. The district would be allowed to use the revenue from any such taxes for any need of the district, within the boundaries of statute. However, an imposition or increase of a sales and use tax rate is prohibited if it would cause all the sales and use taxes imposed by the various taxing authorities overlapping the district to total over two percent. Should the hospital district wish to increase their taxes in an action that would put the total sales and tax use of the area above two percent, any election to do so would have no effect unless one or more of the other taxing authorities hold elections to reduce their tax rate to accommodate the hospital district's desired rate increase.	
SB 749 By: Kolkhorst **Sponsor:** Allison	Relating to level of care designations for hospitals that provide neonatal and maternal care.	Public Health Vote: 7 Ayes 0 Nays 0 PNV 4 Absent	As a result of 2013 legislation, Texas hospitals can be designated with level of Maternal Care Designation from I-IV. A level IV maternal designated facility would have the ability to provide comprehensive care for pregnant and postpartum patients with complex conditions, access to a comprehensive range of specialties and sub-specialties, the capability for major surgery on-site, and have physicians with critical care training available at all time. SB 749 requires the Executive Commissioner of HHSC in consultation with DSHS to establish a process by which a hospital might appeal their assigned designated level of maternal care. The Executive Commissioner must also permit allowances for a hospital to satisfy the requirements for an obstetrics or gynecological physician for a level I or level I designation by granting maternal care privileges to a family physician with obstetrics training or experience. To fulfill these requirements, the hospital can also develop and implement a response plan for obstetrical emergencies that are outside the scope of the hospital's providers. SB 749 clarifies that a health care provider at a hospital may provide all the services for which the provider is authorized by the state and the hospital, regardless of the hospital's level of care designation. Additionally, the bill requires DSHS to provide each level of care designated hospital with a notice explaining the basis of the designation and the reasons which kept the hospital from receiving a higher designation. SB 749 also requires that the above rules adopted by HHSC must allow for the use of telemedicine services to satisfy the requirements for the level of care designations I-III. To ensure the equivalency of the telemedicine service, the Executive Commissioner of HHSC must consult with DSHS and other stakeholders to determine that the use of telemedicine would meet the appropriate standards of care.	**<u>Favorable</u>** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			SB 749 creates an appeals process that allows a hospital to appeal their level of care designation to a three person panel of an HHSC representative, a DSHS representative, and an independent party who has expertise in the specialty and has no conflict of interest with neither the hospital, DSHS, or HHSC. The independent party on the panel is required to rotate after each appeal between a list of five to seven similarly qualified individuals. DSHS would also be required to develop and implement a waiver process for the receiving or maintaining of a level of care designation if a hospital does not meet all the required criteria. To receive such a waiver, the bill offers the following options. The hospital and DSHS create a joint plan that satisfies all the requirements for the level of care designation within a specified time period. The waiver may not be in effect for over one year but may be renewed as needed. As a second option, the hospital and DSHS may agree on the waiver of one specific requirement for a level of care designation only if DSHS determines that the waiver is justified by the anticipated impacts on patient safety and quality of care as well as the impact on the accessibility of care in the area served by the hospital if the waiver is not granted. Additionally, DSHS should also take into account whether health care services can be provided through telemedicine services. DSHS must keep on their website an updated list of the hospitals that have been allowed waivers and a list of the requirements met or waived in such agreements. A hospital that has received such a waiver should also post on their own website the terms of the agreement. SB 749 also strikes the provision that abolishes the Perinatal Advisory Council and subjects it to a sunset review at the same time as DSHS. DSHS should consult with the Advisory Council to conduct a strategic review of the practical implementation of rules that identifies: • barriers to a hospital obtaining its requested level of care designation • whether such barriers are appropriate to ensure and improve neonatal and maternal care • requirements for a level of care designation related to gestational age • whether either DSHS or the Advisory Council should consider in determining the level of care designation the geographic area of the hospital and the hospital's capabilities to providing care to patients of a particular age or gestational age As a result of this review, DSHS and the Advisory Council must recommend any modifications to the rules regarding the level of care designation. They must also prepare and submit to the Legislature a progress report of DSHS' review of neonatal care and actions taken based on that review. A final report that summarizes DSHS review of maternal care and the actions taken on that review must also be submitted to the Legislature. The maternal level of care designation for each hospital must be completed by the Executive Commissioner of HHSC by August 21, 2021.	
SB 750 By: Kolkhorst **Sponsor:** Button	Relating to maternal and newborn health care and the quality of services provided to women in this state under certain health care programs.	Public Health Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	The National Institute on Drug Abuse stated that in 2017, Texas had 1,458 deaths due to opioid overdoses. 1 in 9 Texans suffer from Substance Abuse Disorder, and in 2014 alone, the state spent over $2 billion in opioid-related health care costs. Between 1999 and 2014, the country saw the rate of opioid abuse among women delivering babies quadrupled. One of the recommended treatments for opioid abuse disorder is medication-assisted treatment (MAT) which combines behavioral therapy and pharmaceutical therapy. Neonatal Abstinence Syndrome (NAS) occurs when a baby suffers from opioid withdrawal as a result of being born to an opioid-using pregnant woman. Opioid, including heroin and misused prescription drugs, can cross the placenta and affect the fetus. Consequently, when the baby is born, because it has been removed from the opioid-saturated environment of the mother's body, 60-94% of the time, the baby will begin to experience withdrawal	**<u>Favorable</u>** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			symptoms, or NAS. Symptoms of NAS include sweating, irritability, feeding problems, and seizures. Infants who are born with NAS require prolonged hospitalization and treatment with medication. NAS can be emotionally and financially taxing on families and communities with the average hospital stay lasting 20 days and costing over $30,000. For reference, a typical birth is about $9000. Within the past five years, Texas has seen a 60% increase in newborns suffering from NAS. With the increase in rates of prescription drug abuse, related deaths, and Neonatal Abstinence Syndrome, it is imperative that Texas laws be amended to address the issue. Through improved health care that is optimized for mothers and babies affected by opioid use disorder and that offers effective treatments such as MAT alongside provider support, Texas can reduce the number of women and children that see negative health and live outcomes as a result of opioid use disorder. SB 750 requires HHSC to apply to the US Centers for Medicare and Medicaid Services (CMS) for federal money to improve the quality and accessibility of care for pregnant women with opioid use disorder enrolled in Medicaid. This care would extend throughout the perinatal periods and to the children after birth. SB 750 requires the Executive Commissioner of HHSC to ensure that women enrolled in Healthy Texas Women (HTW)are referred to the primary health services program. HHSC must also collaborate with Medicaid managed care organizations (MCOs) to improve prenatal services for high-risk pregnant women enrolled in Medicaid. HHSC must also evaluate the postpartum care services that are provided to women enrolled in HTW after the first 60 days of the postpartum period and for up to 12 months after their enrollment in HTW. HHSC should assess the feasibility and cost-effectiveness of contracting with Medicaid MCOs to provide HTW services if the HTW 1115 waiver is federally approved. HHSC should also develop and implement strategies for the care of women who transition into HTW. HHSC may collaborate with any HTW providers and MCOs to assist with this transition. HHSC should also collaborate with these entities to develop and implement a postpartum depression treatment network for women enrolled in either the HTW or medical assistance programs. SB 750 also requires HHSC to develop and enhance statewide initiatives to improve the quality of maternal health services and specify initiatives to be incorporated in every MCO's managed care plan. These may include prenatal and postpartum care rates, social determinants of health, or any other priorities specified by HHSC. An MCO may choose to adopt any other additional initiatives that align with these goals. SB 750 also renames the Texas Maternal Mortality and Morbidity Task Force to the Texas Maternal Mortality and Morbidity Review Committee. It also clarifies that any confidential information acquired by DSHS through the Review Committee may be securely disclosed to an appropriate federal agency only for the purpose of compliance with the Federal Preventing Maternal Deaths Act of 2018. The Review Committee shall be under sunset review during the same period as DSHS and is extended until 2027. While this language may be stripped from the bill, the amendment added to SB 750 authorizes the district to impose sales and use taxes in increments of an eighth of a percent with a minimum of one-eighth of a percent and a	

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			maximum of two percent. Any election to adopt, change, or abolish the rate of the district's sales and use tax must be called by an order adopted by the district's board of directors. The amendment also authorizes the Midland Hospital District to adopt, change, or abolish a sales and use tax through an election. The district would be allowed to use the revenue from any such taxes for any need of the district, within the boundaries of statute. However, an imposition or increase of a sales and use tax rate is prohibited if it would cause all the sales and use taxes imposed by the various taxing authorities overlapping the district to total over two percent. Should the hospital district wish to increase their taxes in an action that would put the total sales and tax use of the area above two percent, any election to do so would have no effect unless one or more of the other taxing authorities hold elections to reduce their tax rate to accommodate the hospital district's desired rate increase.	
SB 40 By: Zaffirini **Sponsor:** Leach | Murr	Relating to locations, terms, sessions, and procedures for conducting court proceedings.	Judiciary & Civil Jurisprudence Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	During Hurricane Harvey, courthouses were damaged from the wind and water and for months after some courtrooms were unable to be used due to the damage caused by the storm. Due to this damage, court proceedings were disrupted, and some cases were delayed. SB 40 addresses these issues by amending the Government Code to increase the maximum length of time an order to modify court procedures from 30 to 90 days after the date the Supreme Court signs the order to modify. This allows for a court to hold proceedings in another location other than the courtroom and prevents the courts from being delayed during times of disaster. SB 40 allows judges to decide if the court cannot be used and where the court proceedings would be heard until the 90 days are over. SB 40 allows for court proceeding to continue to occur during times of disaster when a courtroom is not accessible.	**Favorable** Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org
SB 139 By: Rodriguez **Sponsor:** Moody	Relating to a notice of educational rights for certain student evaluations.	Public Education Vote: 12 Ayes 0 Nays 0 PNV 1 Absent	The Performance-Based Monitoring Analysis System (PBMAS) through the TEA is an automated data system that reports annually on the performance of school districts and charter schools in selected program areas including special education. There was a cap removed by TEA that imposed on enrollment in special education programs through the PBMAS and a reduction in funding to special education programs. The cap of 8.5% enrollment, the lowest enrollment rate in the country, and reduction in funding caused educational opportunities to be denied to certain students and there have been concerns regarding extra steps that should be taken to remediate the loss of opportunities for those students and their families. SB 139 would provide parents with a notice, available in English and Spanish, of their parental rights and their child's rights, under both federal and state law, regarding a request for an assessment to qualify for special education services.	**Favorable** Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org
SB 346 By: Zaffirini **Sponsor:** Leach	Relating to the consolidation, allocation, classification, and repeal of certain criminal court costs and other court-related costs, fines, and fees; imposing certain court costs and fees and increasing and decreasing the amounts of certain other court costs and fees.	Judiciary & Civil Jurisprudence Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	Under current practice, collecting court costs requires significant state resources. Furthermore, revenue generated by court costs cannot be used to fund counseling programs for abused children or to assist people who suffer from traumatic brain injuries or spinal cord injuries. In a 2017 court case, the Texas Court of Criminal Appeals ruled that court costs used as a means to collect taxes for the executive branch rather than funding a legitimate criminal justice purpose are unconstitutional. These court costs that are collected by the state must also be administered by the district and county clerks and audited by the state. There are concerns that certain court costs are extremely difficult to comply with state law since the law is so complex. SB 346 amends the local government code in order to consolidate court costs in order to comply with the state law and make it easier for the state to audit. SB 346 repeals court costs that include but are not limited to: • Jury fees • Fees for jury reimbursement to counties • Fees for services of a prosecutor for misdemeanor or gambling case	**Favorable** Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org

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			• Certain class B misdemeanors relating to intoxication or drug offenses • Technology fees • Child support SB 346 amends the Local Government Code in order to consolidate court costs and increase those costs that include but are not limited to: • Conviction of a felony from $133 to $185 • Conviction of a Class A or class B misdemeanor from $83 to $147 • Conviction of a non-jailable offense from $40 to $62 SB 346 also establishes provisions for the Comptroller of public accounts to allocate these funds and the percentages as to how they should be allocated. SB 346 consolidates court costs payable to a local government in criminal matters for deposit in a county treasury. SB 346 sets out provisions to set out court costs for a felony, class A and B misdemeanors and non-jail able misdemeanor offenses. The bill sets out provisions as to how a county or municipality must allocate these funds and which percentage must go to which account. SB 346 also sets out provisions that include but are not limited to: • Removes requirements that a victims service fees be paid from the participation in a commercially sexually exploited persons court programs fee • Transfers Local Government Code provisions relating time payment fee to the Code of Criminal Procedure • Decreases the fee for a person who fails to appear for certain complaints or citations within the Transportation code from $30 to $10 • Removes requirements for the collections of a fee for criminal cases in which a court reporter takes testimony SB 346 repeals the provisions for local county courts in order to expedite cases and allow the courts to move smoothly. SB 346 allows for the allocation of resources in order for court costs to be able to be used for viable resources that help the Texas public.	
SB 1238 By: Johnson **Sponsor:** Rose	Relating to the admission, examination, and discharge of a person for voluntary mental health services.	Public Health Vote: 9 Ayes 1 Nays 0 PNV 1 Absent	SB 1238 requires that the required physical or psychiatric examination must be conducted either 72 hours before admission or 24 hours after admission. If a patient is admitted to a facility before the required physical and psychiatric examination has been performed, the patient must immediately be discharged if a physician conducts the physical and psychiatric examination and determines that the patient does not meet the standards for inpatient mental health services. The facility is not allowed to bill such a patient or the patient's insurance for the temporary admission for inpatient mental health services. If the patient is a minor, current law requires that the guardian or managing conservator of the underage patient may only request admission of the patient to inpatient mental health services only as allowed by DFPS or by a court order. In effect, SB 1238 prevents a prospective voluntary patient from being formally accepted for treatment at an inpatient mental health facility without the appropriate examination and a physician's determination that the patient meets clinical standards for admission.	**<u>Favorable, with Concerns</u>** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			Current Texas law requires a pre-admission screening that includes a physical or psychiatric examination. Federal law also requires an additional post-admission examination that consists of a physical or psychiatric examination as well. By allowing for the options to examine before admission or immediately after admission, SB 1238 aims to streamline the process for admission into inpatient mental health services. Some have concerns that the unintended consequences of SB 1238 could result in patients routinely being stuck for 24 hours in limbo between admission and treatment waiting for the physician to determine whether or not they meet clinical standards for formal admission. However, the provisions of this bill are an improvement from the current protocols which allow patients to remain in the waiting room for far longer times. Additionally, this 24-hour period allowed for examination is well within the federal Centers for Medicare and Medicaid (CMS) maximum allowed standard of 60 hours. During the 24-hour period before the physician examination, the patient is eligible appropriate medical care as well as valuable resources including counseling and other therapeutic interventions. A preliminary mental health evaluation done by a qualified mental health professional at the time of admission serves to ensure that the patient is offered the appropriate level of care and that only patients who need in-patient care would be conditionally admitted to the facility. At this point, even if the physician has not yet conducted the physician has not conducted the physical and psychiatric assessment to order formal addition, the patient will still be subject to active treatments that include safety precautions for crisis stabilization and active treatment to ensure that safety precautions are taken to prevent self-harm.	
SB 531 By: Birdwell **Sponsor:** Lozano	Relating to the sources of funding for the Texas emissions reduction plan.	Environmental Regulation Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	The Texas Emissions Reduction Plan (TERP) provides grants and supports programs that encourage the use of alternative fuels to reduce air emissions from mobile sources. TERP also reports to the federal government on how well Texas is reaching air quality goals. The plan is set to expire in August of 2019, but the goals of TERP have not been met. SB 531 deletes the expiration date for TERP, August 31st, 2019, and provides for the continuation of TERP until federal air quality compliance is achieved. This means that TERP programs to reduce emissions would stay in place and the TERP surcharges, TERP fees, and the collection of money from vehicle title fees going to TERP would stay in place until the last day of the state fiscal biennium following the year Texas Commission on Environmental Quality (TCEQ) publishes to the Texas Register notice regarding the attainment of national ambient air quality standards for ozone. TERP has never been properly funded. Current fee collections should be continued to fund the emissions programs, plus more.	**Favorable** Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org
SB 2111 By: Watson **Sponsor:** Price	Relating to the Health and Human Services Commission developing a plan to contract with a public institution of higher education to operate a certain state hospital.	Public Health Vote: 7 Ayes 0 Nays 0 PNV 4 Absent	In the 85th legislative session, the Legislature appropriated roughly $300 million towards the improvement of the state's mental health hospitals. $15.5 million of this was intended for the beginning stages of projects for the improvement of the Austin State Hospital (ASH). SB 2111 allows for the ASH to partner with the Dell Medical School at University of Texas at Austin. This partnership is modeled on the 30 yearlong successful partnership between the Harris County Psychiatric Center and UTHealth in Houston. SB 2111 allows for HHSC to contract to facilitate the transfer the operations of the Austin State Hospital to a local public institution of higher education. To do so, the bill requires HHSC to consult with the Dell Medical School as well as establish procedures and policies to ensure that Dell Medical School operates the hospital at a quality that is at least equal to the quality level achieved by the HHSC. HHSC must retain the ability to maintain and obtain certain information including information on: • client outcomes	**Favorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			• individual and average lengths of stay ○ including the total number of days that a particular patient is in the facility per calendar year, regardless of reason for discharge and readmission • the number of incidents in which patients were restrained or secluded • the number of incidents of serious assaults in the hospital setting • the number of incidents in the hospital setting requiring contacts with law enforcement HHSC is required to prepare and provide a report containing the plan and any recommendations to the Governor, Lt. Governor, and the Speaker of the House.	
SB 1091 By: Nichols **Sponsor:** Ashby	Relating to vehicles eligible for veteran toll discount programs.	Defense & Veterans' Affairs Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	SB 1091 adds language to the Transportation Code to limit the number of TxDOT toll exempt plates for veterans. Currently, there is no cap on how many plates a veteran may obtain for toll exemptions. The limit of plates would be one per veteran household. SB 1091 would prevent the abuse of veteran license plates being used by non-veterans on TxDOT toll roads. This would have a positive fiscal impact for TxDOT.	**Favorable** Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org
SB 37 By: Zaffirini **Sponsor:** Krause | Hernandez | Blanco | Oliverson | Shaheen	Relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.	Higher Education Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	Under current statue, a person who has a professional license and defaults on a student loan payment can have their license revoked and Texas is one of 19 states that participates in the revoking of professional license holders if they are in default on student loans. This practice is unethical and only leads to further barriers for the person who has defaulted on their loans, especially in the attempt to repay back their defaulted loans with a professional license that was taken away furthering their financial insecurity. Professional licenses can include professions ranging from dentists to teachers to social workers and attorneys. SB 37 removes language relating to removing licenses from default borrowers, and would restrict state agencies' authority to revoke, deny, suspend or fail to renew a professional or occupational license for a person that has defaulted on a student loan and allows the default borrower to continue practicing professionally. SB 37 removes a prohibition relating to removing licenses from default borrowers or as a disciplinary action to extend to occupational licenses or the renewal of occupational licenses.	**Favorable** Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org
SB 1474 By: Lucio **Sponsor:** Murphy	Relating to private activity bonds.	Pensions, Investments & Financial Services Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	SB 1474 amends the Government and Education Code to update current statute relating to Private Activity Bonds (PAB) issuance for alternative loan providers to assist those who have student loans from an accredited institution. PABs are tax-exempt bonds issued by or on behalf of a local or state government to provide special financing benefits for qualified projects and are used to attract private investment for projects that would have a public benefit. This can be affordable rental housing or student loan refinancing. Provisions for residential projects would be as follows: • Raises from 75,000 to 100,000 a county population threshold used to determine whether a residential facility that is rehabilitated or constructed in a county and proposed to be financed by an issue of qualified residential rental project bonds constitutes a project for purposes of such bond issuance • Caps the maximum total fee required to accompany an application for a reservation or an application for a carryforward designation for a project that includes multiple qualified residential rental projects at $25,000 • Removes and repeals requirements, regarding the amounts of the state ceiling available before August 15 exclusively to the Texas Department of Housing and Community Affairs and to housing finance corporations for the issuance of qualified residential rental project bonds, that the board grant reservations from those set	**Favorable** Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org

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			aside amounts in a manner that ensures that not more than 50 percent of each set aside amount is used for proposed projects that are located in certain qualified census tracts • Changes the period in which the board is required to apportion the amount of the state ceiling set aside for housing finance corporations among the uniform state service regions proportionally by population from before May 1 to before March 1 and repeals certain additional requirements relating to that regional apportionment • Changes the cap on the allocation a housing finance corporation may receive for the issuance of qualified mortgage bonds from $40 million to the greater of $50 million or 1.70 percent of the state ceiling • Prohibits a housing finance corporation from being penalized for insufficient utilization of the corporation's allocation of the state ceiling if the application for a reservation is received after July 14	
SB 568 By: Huffman **Sponsor:** Bonnen, Greg	Relating to the regulation of child-care facilities and family homes; providing administrative penalties.	Human Services Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	The number of deaths and serious injuries sustained by children while in daycare is evidence that Texas' current minimum standards for the safety and well-being of children are not sufficient. In 2018, the Austin American-Statesman released investigative reports detailing the severe negligence of child-care centers in Texas leading to thousands of injuries and at least 90 deaths of children in the last 10 years. The injury or death of a child due to abuse or neglect in daycare is unacceptable. SB 568 aims to impact the safety and well-being of children in child-care by strengthening the renewal process for child-care facilities, establish enforceable penalties for violations, require child-care facilities to notify parents/guardians of serious incidents, and by investing further in teachers through a dedicated safety training account in GR. SB 568 creates a general revenue dedicated safety training account for the purpose of providing training materials to licensed child-care facilities at no cost. High-quality training for teachers in Texas child-care centers would lead to better outcomes for the approximate 1 million children in child-care. By providing training materials at no cost, SB 568 invests further in teachers who directly impact the development, growth, and safety of children in Texas. The safety training account would receive money incurred from penalties for licensed child-care violations, gifts, grants, and any interest on the investment in the account. The Health and Human Services Commission (HHSC) would adopt any rules necessary to implement the safety training account and materials. SB 568 requires HHSC to develop safe sleeping standards for all licensed child-care facilities to comply with. Implementing statewide safe sleeping standards can result in a decrease of sleep associated deaths in child-care centers. Moving forward, if HHSC determines a child-care center violates a safe sleeping standard during inspection, the child-care facility is required to notify the parent or legal guardian of each enrolled child in their facility and would face administrative penalties. Currently, all licensed child-care centers are required to hold liability insurance. SB 568 expands those requirements to include any registered family home as well. Registered family homes would be held to the same requirements as a licensed child-care center; requiring a coverage amount of at least $300,000 for each occurrence of negligence. SB 568 allows for an exemption of holding liability insurance should the facility be unable to access coverage due to financial reasons or if an issuer is not available in their area for that type of coverage. The facility must notify the parent or guardian of each enrolled child in their care they do not have liability coverage. HHSC already reviews renewal applications by licensed child-care facilities. SB 568 would require HHSC to also review renewal applications of registered family homes. In addition, when reviewing a licensed child-care facility or registered family home's application for renewal of licensure, SB 568 requires HHSC to evaluate whether the applicant has had repeat violations or a pattern of violations in the previous 2 years. If HHSC determines that the	**<u>Favorable</u>** Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org

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			applicant has had repeated violations or a pattern of violations, they may place additional requirements or conditions on the facility in order to receive their license. SB 568 also gives HHSC the authority to not renew the license of a child-care facility or the registration of a family home if the violation is not corrected by the compliance date. SB 568 requires a licensed child-care center or registered family home to notify the parent or guardian of a child under their care if the following incident occurs: • Abuse, neglect, or exploitation of the child • Injury of the child that requires hospitalization or treatment by a medical professional • Illness of the child that requires hospitalization SB 568 also requires a licensed child-care center or registered family home to notify a parent or guardian of each child in their care if a violation of abuse, neglect, or exploitation of a child occurs in their facility. HHSC already imposes penalties for child-care facility violations. SB 568 adds into statute the following penalties for certain violations: • $1,000 for violations of child abuse, child neglect, or exploitation of a child • $500 for failure to notify a parent/guardian or HHSC the injury of a child in their care that requires hospitalization or the treatment of a medical professional • $500 for failure to notify a parent/guardian or HHSC the illness of a child in their care that requires hospitalization • $50 for failure to notify a parent/guardian of each child enrolled in the facility or home of a violation of child abuse, child neglect, exploitation of a child, or safe sleeping standards • $50 for failure to notify a parent/guardian of each child enrolled in the facility or home of their lack of liability insurance coverage HHSC may impose penalties for each day the violation occurs for certain violations pertaining to child safety and notification of parents/guardians of the violation. The added penalties in SB 568 do not apply to residential child-care facilities. By placing further penalties into code and strengthening the renewal process, SB 568 would hold continuously bad child-care facilities responsible for their harmful practices and discourage initial violations. SB 568 updates language throughout code to reflect that HHSC is responsible for regulatory aspects of child-care licensing as set forth last session. SB 568 also requires HHSC to provide all inspection data for licensed child-care facilities on their website for at least 5 years, rather than allowing HHSC to choose. SB 568 clarifies that any provision shall only be implemented if HHSC has available money appropriated for this purpose.	
SB 633 By: Kolkhorst **Sponsor:** Lambert | Guillen	Relating to an initiative to increase the capacity of local mental health authorities to provide access to mental health services in certain counties.	Public Health Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	SB 633 requires HHSC to identify all local mental health authorities (LMHAs) that are located in a county of less than 250,000 people or any LMHA that is determined by HHSC to serve predominantly a population of less than 250,000. From this list of counties, HHSC should group the counties in groups of at least two in ways that would be beneficial to all the counties involved. HHSC should then notify each authority regarding the categorization of that authority while also letting them know of the group to which they have been assigned. From these assignments, HHSC shall develop a mental health services development plan for each local mental health authority group with the purpose of increasing the ability of each authority in each group to provide access to services. In seeking improvements in efficiency and effectiveness, HHSC should focus on reducing: • costs to the local governments of providing services to those undergoing a mental health crisis • transportation of such individuals to an LMHA • incarceration of those with mental illness in county jails in the area served by an authority	**Favorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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			HHSC should also assess the capacity of the authorities in the LMHA group to provide access to services. Both the HHSC and the LMHA group should collaborate to evaluate: • potential cost benefits to state or local entities through increasing the capacity of LMHA authorities including savings in transportation, hospitalizations, ER services, incarceration • potential funding sources through state funds or grants • necessary measures to ensure the plan's alignment with the Statewide Behavioral Health Strategic Plan and the Comprehensive Inpatient Mental Health Plan SB 633 requires that HHSC compile and evaluate every mental health services development plan that is created and determine the cost-effectiveness of each plan as well as how each plan would improve the delivery of mental health treatment and care to residents served by each LMHA group. HHSC is required to produce and publish a plan on its website by December 2020 that contains each LMHA group's plan, HHSC's evaluation of each plan, and a statewide analysis of mental health services in the counties targeted by SB 633. If both HHSC and the LMHA group identify sufficient avenues of funding, they may implement an evaluated mental health services plan. While this language may be stripped from the bill, the amendment added to SB 633 authorizes the district to impose sales and use taxes in increments of an eighth of a percent with a minimum of one-eighth of a percent and a maximum of two percent. Any election to adopt, change, or abolish the rate of the district's sales and use tax must be called by an order adopted by the district's board of directors. The amendment also authorizes the Midland Hospital District to adopt, change, or abolish a sales and use tax through an election. The district would be allowed to use the revenue from any such taxes for any need of the district, within the boundaries of statute. However, an imposition or increase of a sales and use tax rate is prohibited if it would cause all the sales and use taxes imposed by the various taxing authorities overlapping the district to total over two percent. Should the hospital district wish to increase their taxes in an action that would put the total sales and tax use of the area above two percent, any election to do so would have no effect unless one or more of the other taxing authorities hold elections to reduce their tax rate to accommodate the hospital district's desired rate increase.	
SB 711 By: Hinojosa **Sponsor:** Leach	Relating to allowing safety recall information to be included in a vehicle inspection report.	Homeland Security & Public Safety Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	When a vehicle has a recall on it from the manufacturer, the manufacturer lets the owner know but the owner has the option to get the recall fixed or not. Furthermore, the other car owners who share the roads with these vehicles are not aware of the recalls, and if the recalls are not fixed, the owner places others in danger. There are also concerns that the driver's whose cars have recalls sell their cars without the recall being fixed. Every year, a vehicle must be inspected and have a report generated on the vehicle to allow the Department of Public Safety to know of certain issues with vehicles. SB 711 amends the Transportation Code in order to authorize the Department of Public Safety to adopt rules to include in the annual inspection report whether a vehicle has an open recall on it and whether this recall has been fixed or not. SB 711 also amends the Health and Safety Code to authorize the Texas Commission on Environmental Quality (TCEQ) to adopt rules to include the same notification of a recall on the vehicle inspection for a vehicle that is inspected in a county that includes vehicle emissions inspections. SB 711 improves the completion of recall repairs by including these extra checks into the annual inspection reports.	**<u>Favorable</u>** Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org

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SB 1621 By: Kolkhorst **Sponsor:** Price	Relating to creating a license for certain rural medical facilities; requiring a license; authorizing fees.	Public Health Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	SB 1621 responds to the rural hospital closures in the state and federal level. SB 1621 defines a limited services rural hospital as a specific hospital that is located in a rural area or designated by the US Centers for Medicare and Medicaid Services (CMS) as a critical access hospital, a rural referral center, or a sole community hospital. Such a hospital must also meet the federal requirements to be designated as a limited services rural hospital under federal law. SB 1621 establishes procedure for a license for limited services rural hospitals in anticipation of federal legislation regarding recent rural hospital closures. In the event that federal legislation creates a payment program specifically for limited services rural hospitals or other similarly designated hospitals, HHSC would be required to amend their rules to adhere to federal regulations, including those for minimum standards. An applicant for such a license must submit an application to HHSC along with any required fee. HHSC may grant the license if the applicant complies with all appropriate rules and standards. The commission may also waive or modify the any requirements if it determines that the action would benefit the individuals to be served by the facility. The Executive Commissioner of HHSC may establish and collect a reasonable fee for this license. While this language may be stripped from the bill, the amendment added to SB 1621 authorizes the district to impose sales and use taxes in increments of an eighth of a percent with a minimum of one-eighth of a percent and a maximum of two percent. Any election to adopt, change, or abolish the rate of the district's sales and use tax must be called by an order adopted by the district's board of directors. The amendment also authorizes the Midland Hospital District to adopt, change, or abolish a sales and use tax through an election. The district would be allowed to use the revenue from any such taxes for any need of the district, within the boundaries of statute. However, an imposition or increase of a sales and use tax rate is prohibited if it would cause all the sales and use taxes imposed by the various taxing authorities overlapping the district to total over two percent. Should the hospital district wish to increase their taxes in an action that would put the total sales and tax use of the area above two percent, any election to do so would have no effect unless one or more of the other taxing authorities hold elections to reduce their tax rate to accommodate the hospital district's desired rate increase.	**Favorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org
SB 1319 By: Birdwell | Watson **Sponsor:** Murphy	Relating to an annual report submitted to the comptroller by a county that imposes certain hotel occupancy taxes.	Ways & Means Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	Similar to current requirements for local municipalities, SB 1319 would increase transparency by requiring counties to report annually to the Comptroller on the collection and use of hotel occupancy tax, in addition to posting the information on the county's website. Reported information would include the rate of tax imposed; the amount of that tax revenue used for sporting or community venue funding; and the amount of revenue collected in the preceding year. The Comptroller would adopt necessary rules but intends to administer within existing resources.	**Favorable** Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
SB 1393 By: Seliger **Sponsor:** Landgraf	Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.	Ways & Means Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	SB 1393 is bracketed to the city of Odessa and would modify the permitted use of the local hotel occupancy tax in efforts to increase tourism and economic development. The bill would allow for the use of this tax revenue to construct and maintain a facility and center capable of hosting intercollegiate athletic events. The land must be owned by the University of Texas system and leased to the municipality for a minimum term of 25 years. The municipality must track the hotel tax revenue attributed to the new facility and related events for seven years after receiving the initial tax revenue investment. After that period, any tax revenue expended on the facility in excess of the amount generated would be withdrawn from the municipality's general fund to reimburse the municipality's hotel occupancy tax revenue fund. The bill also prohibits the reduction in tax revenue percentage allocated for promotion and advertising purposes to less than the	**Favorable** Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org

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			average percentage during the preceding 36-month period from the initial use of the hotel occupancy tax for this proposed purpose.	
SB 1414 By: Hancock **Sponsor:** Phelan	Relating to fees regarding a residential tenant's failure to timely pay rent.	Business & Industry Vote: 6 Ayes 3 Nays 0 PNV 3 Absent	There are currently about 3.5 million Texans who rent their homes. Nearly a fourth of these Texans qualify as extremely low-income. Nearly a fifth of the 3.5 million spend more than half of their household income on rent. Current Texas law states that landlords have the authority to charge late fees on rent after at least one full day after due date only if such a provision is written into the lease. The fee that is assessed must be reasonable and proportionate to cover the inconvenience or damages caused to the landlord by the late payment. This measure aimed to prevent the late fee from becoming a source of revenue for the landlord. The landlord is also allowed to charge a daily fee for each day that the rent is due. SB 1414 removes the requirement for late fees to be proportionate to the landlord's damages. In place of the proportionate clause, SB 1414 institutes provisions that the late fee may be up to 12 percent of the rent for dwellings in structures containing up to four units and up to 10 percent for dwellings in structures containing more than four units. An additional clause allows for the landlord exceed these caps if there are damages or expenses to the landlord as a result of the late payment of rent. The late fee defined here may be divided and assessed as an initial fee for the first day of the late rent and additional fees for each day that the rent is late. SB 1414 amends existing language to state that a landlord is only liable for legal action by the tenant after the late fees have been collected. The bill also allows for a tenant to request at any time a written statement from the landlord of the amount of late fees owed, but a landlord's failure or refusal to respond does not change the fact that the tenant still owes said fees, thus exempting the landlord from consequences. Low-income renters are often disproportionately affected by late fees and have less resources to take action against the landlord. SB 1414 lays out a plan by which landlords have a certain percentage they are allowed to charge for late fees within which they are exempt from legal recourse. In addition, the vagueness of the bill language which allows landlords to impose a late fee above the caps may make it even more difficult for a tenant to bring forth legal action against the landlord. In effect, SB 1414 is a regressive bill that may allow for landlords to impose potentially indiscriminate fees without accountability.	**Unfavorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org
SB 1525 By: Watson **Sponsor:** Sanford	Relating to the application of the sales and use tax to certain property and services.	Ways & Means Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	SB 1525 clarifies and codifies current Comptroller practice regarding the 'sale-for-resale' definition under the sales and use tax exemption. The bill would exclude from exemption under amusement and personal services, coin-operated services operated by the consumer. SB 1525 preserves the resale exemption for tangible personal property (TPP), or service sold for the purpose of transferring as part of contract fulfillment with an exempt entity but excludes TPP sold for oil and gas activities in a performance or service taxable under the Oil Well Service tax. To ensure the exemption is limited to transactions currently subject to sales and use tax, it refines the 'sale-for-resale' exemption for certain environment and conservation services, specifying labor costs to be itemized separately from material costs. The bill also provides for a 65 percent exemption on total labor and materials costs necessary to maintain TPP for certain healthcare and oncology centers for the purpose of environmental protection or energy conservation.	**Favorable** Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
SB 1861 By: Menendez **Sponsor:** Flynn	Relating to certain public facilities financed, owned, and operated by a public facility corporation.	Pensions, Investments & Financial Services Vote:	SB 1861 allows for public facility corporations that finance, own, and operate a multifamily residential development to qualify for the same tax exemptions as a non-profit if the residential facility reserves 50% of the units for those who make less than 80% of the median income of the area or governmental purpose. Additionally, the sponsor of the corporation is considered the user of the public facility and would receive these tax exemptions based on meeting the requirements.	**Favorable** Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org

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		9 Ayes 0 Nays 0 PNV 2 Absent	SB 1861 facilitates the opportunity for the creation of more affordable housing for corporations that are not non-profits. The widening of the availability for tax exemptions offer the opportunity to a sponsor who may not exclusively have a non-profit to endeavor in the creation of affordable housing as well as other projects they may have as a public facility corporation.	
SB 1940 By: Hancock **Sponsor:** Oliverson	Relating to the administration of a temporary health insurance risk pool.	Insurance Vote: 6 Ayes 0 Nays 0 PNV 3 Absent	As a result of the passage of the Affordable Care Act, the state took steps to dissolve the state-operated health insurance risk pool that provides health insurance to at-risk Texans who have difficulties qualifying for private healthcare due to pre-existing conditions. In the event the federal government mandates the establishment of a risk pool with high-cost medical conditions, SB 1940 would postpone the dissolution of the state's health insurance risk pool to August 2021 and provides the Health and Human Services Commissioner with wider authority when seeking waivers for the high risk insurance pool SB 1940 creates a more long-lasting program for high-risk individuals who have difficulty gaining and maintaining private health coverage. Transitioning away from temporary assistance while only utilizing federal dollars would benefit taxpayers in reduced use of tax dollars for coverage and uninsured emergency use, a cost which would fall onto insured consumers.	**<u>Favorable</u>** Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org
SB 2212 By: Taylor **Sponsor:** Paul | Phelan | Deshotel	Relating to the maintenance and operation of certain projects by certain drainage districts.	Natural Resources Vote: 6 Ayes 0 Nays 0 PNV 5 Absent	SB 2212 would allow the Jefferson County Drainage District No. 7, the Orange County Drainage District of Orange County, Texas, and the Velasco Drainage District to enter into a project partnership agreement with the United States Army Corps of Engineers for a project proposed to be located in the said districts and listed in the Sabine Pass to Galveston Bay, Texas Coastal Storm Risk Management and Ecosystem Restoration report published by the Army Corps of Engineers in May 2017. If a District were to enter into the partnership, they would be required to meet certain requirements set out in the provision of SB 2212, such as developing a maintenance and operation plan for the proposed project along with a biennial report to be submitted to the General Land Office and the legislature. A District would be allowed to accept money from any source for the purpose of funding maintenance and operation of the project; and provide local matching funds required by the project partnership agreement with the Army Corps of Engineers.	**<u>Favorable</u>** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 2551 By: Hinojosa **Sponsor:** Burrows	Relating to liability, payment, and death benefits for certain workers' compensation claims.	State Affairs Vote: 12 Ayes 0 Nays 0 PNV 1 Absent	SB 2551 seeks to better the workers' compensation process for firefighters and emergency medical technicians who have claims arising from disease or illness due to exposure to heat, smoke, radiation, or a known or suspected carcinogen as determined by the International Agency for Research on Cancer such as cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain; non-Hodgkin's lymphoma; multiple myeloma; malignant melanoma; and renal cell carcinoma. SB 2551 essentially establishes presumptive legislation which shifts the burden onto the employer to prove that a firefighter or emergency medical technician's working conditions were not a significant contributing factor to the development of a disease or illness that resulted in death, total or total or partial disability. SB 2551: • adds a procedure for providing time for medical records to be provided once a claim has been filed in order to make the process less adversarial; • increases the period to approve or deny a presumptive claim from 15 days to 60 days and adds a 15-day cutoff for the insurance carrier to list which records they need to process the claim; • confirms that political subdivisions that act as workers compensation providers are regulated as any private provider would be liable for sanctions, administrative penalties and certain attorney's fees; and • authorizes risk pools or political subdivisions the ability to invest certain funds set aside in an account for the payment of death benefits giving them more flexibility to cover the costs of these potentially long-term benefits.	**<u>Favorable</u>** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org

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SB 815 By: Rodriguez **Sponsor:** Moody	Relating to the creation and preservation of certain records of criminal proceedings.	Criminal Jurisprudence Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	SB 815 requires a record of communication between a magistrate and a person arrested under warrant for an out of county offense to be retained in compliance with local government records retention schedule of the Texas State Library and Archives Commission. Recent legislation has caused confusion regarding how long a record of a magistrates notice to a defendant to request the appointment of counsel and how long the defendant has to respond. This is an issue because the forms used by the magistrate contain information used by Texas Indigent Defense Commission to monitor whether magistrates are advising defendants of their right to request counsel and whether and when defendants request counsel. Confusion on this process could cause inconsistencies in procedure across the state calling into question fair trials for vulnerable defendants.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 632 By: Kolkhorst **Sponsor:** Price	Relating to the composition of the governing bodies and the consultation policies of local mental health authorities with respect to sheriffs, their representatives, and local law enforcement agencies.	Public Health Vote: 7 Ayes 0 Nays 0 PNV 4 Absent	Because local law enforcement often deals with the mental health issues in their area, SB 632 promotes cooperation and collaboration between local mental health authorities (LMHAs) and law enforcement. SB 632 requires that a governing body of an LMHA must include one or two sheriffs from the county as an ex officio nonvoting member. If the LMHA only serves one county, they may have one sheriff. If the LMHA serves more than one county, the LMHA should take the median population of all of the counties and choose one sheriff each to represent the counties with a population above and below the median population size. The designated sheriff would serve for the duration of their term in office, the sheriff may choose a representative to serve in their place. The LMHA is prohibited from restricting such a sheriff or a sheriff's representative from providing input at a meeting of the LMHA governing body. SB 632 states that, if an LMHA does not have a governing body, they should use the same method above to designate a sheriff or a sheriff's representative with whom the LMHA must consult regarding the use of the funds they receive. The provisions of this bill do not preclude a sheriff or a sheriff's representative from being included as a voting member of the body. For a board of trustees of a community center established by a local agency, SB 632 also requires local law enforcement representation. Such a board of trustees should include a sheriff of a county in the region served by the community center as well as the members of the local agency's governing body, five to nine qualified voters who are residents of the area. The position of the sheriff may also be taken by a representative. This requirement would be considered to be fulfilled if the one of the qualified voters appointed is a sheriff of the county. If such a sheriff represents only one of multiple counties served by the community center, then the governing body must appoint a sheriff or a sheriff's representative from one of the other counties to serve as an ex officio nonvoting member.	**Favorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org
SB 772 By: Hughes **Sponsor:** Springer | Bell, Cecil	Relating to evidence in certain civil actions of a person's failure to forbid handguns on certain property.	Judiciary & Civil Jurisprudence Vote: 5 Ayes 4 Nays 0 PNV 0 Absent	Currently, business owners have the authority to post signs on their storefront prohibiting someone who owns and can legally carry a weapon from bringing into their establishment. However, there are concerns that the business owners are being sued when someone gets injured from a weapon in their establishment if a sign prohibiting someone from carrying was not posted in the establishment. SB 772 states that any evidence that a person failed to exercise the option to forbid the carrying of a handgun by a license is inadmissible in a trial in which the cause of action comes from an injury sustained in the property by a weapon. By prohibiting this evidence from being admissible in a trial, business owners are being protected when allowing someone to carry a weapon in their establishments. This provides blanket protection for business owners when conflicts arise within their establishments and people are allowed to carry their handguns within their business	**Unfavorable** Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org

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			entities. SB 772 would allow business owners to allow people to carry their weapons into an establishment and not be held responsible for the consequences.	
SB 535 By: Campbell **Sponsor:** Flynn | Ashby | Oliverson	Relating to the carrying of a handgun by a license holder on the premises of certain places of religious worship.	Criminal Jurisprudence Vote: 5 Ayes 2 Nays 0 PNV 2 Absent	Currently, there is confusion regarding whether or not a license holder of a handgun is allowed to carry on the premises of a church, synagogue, or other established place of religious worship. In 2017, the Attorney General's Office issued a determination that licensed carry was allowed on these premises unless otherwise expressed via written notifications or communicated orally. SB 535 seeks to codify this determination by removing the carrying of a handgun onto the premises of a church, synagogue, or other established place of religious worship from being an offense. This change requires places of religious worship to be treated similarly to private properties; meaning the place of religious worship must post appropriate visible signage as required to prohibit guns on their premises. There are concerns that by removing a place of religious worship from the statute which determines an offense, the law would favor license holders over a place of religious worship and may be difficult to prosecute. In addition, removing these premises from the code which defines an offense could be interpreted as the legislature's intent to remove the prohibition to carry guns onto those premises altogether, regardless of private property postage signs. Therefore, codifying this clarification could expand gun laws to allow concealed and open carry in all places of worship due to improper interpretation of intent throughout the code. Allowing private citizens to carry handguns into places of worship for the protection of others may actually lead to increased incidents of unintended shootings or lead to confusion for law enforcement responding to a serious incident.	**<u>Unfavorable</u>** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 2432 By: Taylor **Sponsor:** Sanford	Relating to the removal of a public school student from the classroom following certain conduct.	Public Education Vote: 7 Ayes 4 Nays 0 PNV 2 Absent	There is a list of allowable reasons in the Education Code that allow the removal of a student in a public school district to be transferred to a Disciplinary Alternative Education Program (DAEP). SB 2432 would extend the requirements and reasons for the removal of a student to DAEP to a student who commits certain harassment offenses against a district employee on or off school property. If a student engages in conduct that contains the following elements of the offense of harassment against an employee of the school district: • initiates communication and during the communication makes a comment, request, suggestion, or proposal that is obscene; • threatens, in a manner reasonably likely to alarm the person receiving the threat, to inflict bodily injury on the person or to commit a felony against the person, a member of the person's family or household, or the person's property; • conveys, in a manner reasonably likely to alarm the person receiving the report, a false report, which is known by the conveyor to be false, that another person has suffered death or serious bodily injury; • sends repeated electronic communications in a manner reasonably likely to harass, annoy, alarm, abuse, torment, embarrass, or offend another. The concerns with this bill are that sending a student to a DAEP does not change the behavior that the student is exhibiting and results in less time for the student in their regular school setting. Using a DAEP to address behaviors does not appropriately look at the underlying issues a student might be facing as would a more effective intervention. TEA has previously identified that the placement of a student in a DAEP is a factor that increases the risk that a student would drop out of school. This means if school districts rely on these placements the school district is harming students and not helping the teachers who felt harassed. The last concern is that language in SB 2432 regarding harassment is a vague and this has the potential to be open to interpretation, leaving certain students such as black, special education, and LGBTQ students to be disproportionately affected.	**<u>Will of the House</u>** Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org

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SB 988 By: Watson **Sponsor:** Capriglione	Relating to the assessment of litigation costs and attorney's fees in certain actions under the public information law.	State Affairs Vote: 11 Ayes 0 Nays 0 PNV 2 Absent	SB 988 gives the Attorney General protection from being assessed attorney's fees in very narrow cases to prevent the untimely release of information to the public by requiring a higher standard to assess fees against the AG for fulfilling its statutory duties the Texas Public Information Act. SB 988 would shift the cost of burden of providing what is public information from the entities that are trying to withhold the information to the entity charged by law with defending the public's right to know.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 194 By: Perry **Sponsor:** Moody | Meyer | Collier | Leach | Beckley	Relating to the creation of the criminal offense of indecent assault, to judicial protection for victims of that offense, and to certain criminal acts committed in relation to that offense.	Criminal Jurisprudence Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	SB 194 would create the offense of indecent assault as a Class A misdemeanor (punishable by a fine not more than $4,000, confinement in jail for up to one year, or both). A person commits indecent assault if they, without the consent of the other person and with the intent to arouse or gratify the sexual desire of any person: touch the anus, breast, or any part of the genitals of another person; touch another person with the anus, breast, or any part of the genitals of any person; exposes or attempts to expose another person's genitals, pubic area, anus, buttocks, or female areola; or causes another person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, or feces of any person. If the conduct constitutes an offense under another law, the actor may be prosecuted under the provision of SB 194, the other law, or both. Currently, Texas state law does not consider such serious sexual violations as an offense. Rather, they are only prosecuted as "assault—offensive contact," which is a Class C misdemeanor punishable by a fine of up to $500, and subject to a two-year statute of limitations. By comparison, Texas law makes similar conduct a second degree felony with no limitation period when committed against a child younger than 17 years of age. SB 194 would include the offense of indecent assault to be reflected in the current Code of Criminal Procedure's Chapter 7A regarding the protective order for victims of sexual assault or abuse, stalking, or trafficking; Chapter 17's Bail's article for a magistrate's order for emergency; and Chapter 56's article for rights of victim of sexual assault or abuse, stalking, or trafficking. SB 194 also amends the Government Code to require the Department of Public Safety (DPS) bureau of identification and records to collect, in addition to the other types of information the bureau is required to collect concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any indecent assault case. SB 194 would require information in the law enforcement information system relating to an active order to include the conditions of bond imposed on a person to whom the order is directed for the protection of a victim in any indecent assault case. SB 194 authorizes DPS to adopt reasonable rules relating to active conditions of bond imposed on a defendant for the protection of a victim in any indecent assault case.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 719 By: Fallon **Sponsor:** Frank	Relating to increasing the punishment for certain conduct constituting the offense of murder and providing for the prosecution of that conduct as capital murder.	Criminal Jurisprudence Vote: 7 Ayes 1 Nays 0 PNV 1 Absent	Currently, a murder of a child who is 10 or younger is considered an offense of capital murder, prosecuted as a capital felony versus first degree felony murder if the victim was 11-14 years of age. A capital felony is punishable by death (if older than 18 years of age), life in prison, or life without parole whereas a first degree felony is punishable by confinement in prison for life or a term from 5 to 99 years, and an optional fine not to exceed $10,000. SB 719 would raise the age of the capital murder of individuals from under the age of 10 to 10 years of age or older, but younger than 15 years of age. A concern of SB 719 is that it is expanding the criteria in which the death penalty can be applied. However, SB 719 prohibits the sentencing of a person to death who is found guilty of capital murder of such an individual and prohibits the state from seeking the death penalty in any case based solely on an individual's age being 10 years of age or older, but younger than 15 years of age.	**Favorable, with Concerns** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org

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SB 295 By: Lucio **Sponsor:** Davis, Sarah | Minjarez | Meyer | Moody | Collier	Relating to the unlawful restraint of a dog; creating a criminal offense.	Criminal Jurisprudence Vote: 7 Ayes 2 Nays 0 PNV 0 Absent	Texas' current animal cruelty laws regarding unlawful tether of a dog do not allow for appropriate enforcement by peace officers as they are required to give a warning when a violation occurs and may only give a citation if the violation continues to occur after 24 hours; creating a possible loop of continuous violations with no penalties. In addition, current statute does not expressly disallow for a dog to be restrained using a chain which is cruel and leads to harm or injury of the animal. Chaining a dog can also lead to increased aggression especially if the animal gets tangled in the chain. SB 295 supports the humane treatment of dogs throughout Texas by providing clear standards for the proper restraint of dogs, which does not lead to injury or pain, and provides guidance for their owners to follow. SB 295 repeals current statute regarding unlawful restraint of a dog and replaces it with updated definitions, clear language for what constitutes a restraint violation, and provides enforceable standards for peace officers. SB 295 adds the following definitions into statute: • *adequate shelter*: clean, sturdy shelter that protects the dog from weather and temperature and allows for the dog to appropriately stand, turn around, and lie down normally • *collar:* a neck band of nylon, leather, or something similar • *harness: a* set of straps of nylon, leather, or something similar designed to control or restrain a dog • *properly fitted:* a harness or collar which is of appropriate size for the dog, doesn't choke the dog or prevent the dog from breathing or swallowing and is attached in a way which doesn't cause pain SB 295 clarifies that an owner is an individual who owns or has control of the dog. SB 295 clearly states that requirements within the bill do not keep a person from walking their dog with a leash. It is an offense to leave a dog restrained outside without attendance unless the dog has access to adequate shelter, access to an area without standing water, shade from sunlight, and drinking water. In addition, the owner may not leave a dog restrained outside without attendance with a restraint that: • Is a restrain with a chain or a weighted chain • Is shorter than 5 times the length of the dog from nose to tail or at least 10 feet • Has an ill-fitted collar or harness • Causes injury or pain to the dog SB 295 does not apply to situations where the dog is restrained for camping, recreational activities, hunting or fishing, agriculture activities such as herding, or leaving a dog in the bed of a truck in order for the owner to complete a short task. In addition, restraints which are attached to the dog via a trolley system which allows the dog to move along a running line are exempted from this bill. SB 295 does not add additional penalties into statute, but clarifies what constitutes an offense and makes the law appropriately enforceable. A person commits an offense if they knowingly violate the above restraint requirements. SB 295 states that each violation of a restraint is a separate offense. SB 295 states that violating restraint requirements is a Class C misdemeanor unless the individual has already been convicted with the same offense, for which it becomes a Class B misdemeanor. SB 295 clarifies that if another offense was committed under other law, they may be prosecuted under either or both laws. SB 295 does not supersede local authority to adopt or enforce ordinances relating to the restraint of a dog which is compatible or stricter than SB 295.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org

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SB 1804 By: Kolkhorst **Sponsor:** Nevárez | Harless	Relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond imposed in criminal cases involving family violence.	Homeland Security & Public Safety Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	Currently, if someone has a protective order against them because of crimes of sexual assault or family violence, Law Enforcement officers cannot access the bond conditions in order to know who has a protective order issued or why the bond condition was issued. Because of this lack of access, there are concerns that victims are still at risk and the offender has no accountability. SB 1804 amends the code of criminal procedure to require a judge who imposes a bond condition to send a copy of the order to the chief of police from the municipality where the victim resides. Once the law enforcement agency receives a copy of said order, they must enter the information into the statewide law enforcement system managed by the Department of Public Safety (DPS). The information introduced must include the details of the case and why the bond was created. This allows law enforcement officers to be able to access the bond conditions relating to sexual assault or family violence and be knowledgeable of possible offenders in their area. SB 1804 protects victims from possible re-offenders.	**Favorable** Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org
SB 2293 By: Fallon **Sponsor:** Dutton	Relating to the applicability of certain laws to open-enrollment charter schools.	Public Education Vote: 7 Ayes 3 Nays 1 PNV 2 Absent	A political subdivision is a local government created to fulfill a certain obligation, which can include special districts for school districts and open enrollment charter schools. SB 2293 prohibits charter school employees from engaging in collective bargaining or striking and classifies an open enrollment charter school as a political subdivision. The concern with this bill is that labeling charter schools' political subdivisions, for the purpose of ensuring that charter school employees could not collectively bargain or strike, as the law specifies does not help Texas public school workers. Open enrollment charter school boards are not elected and are privately appointed bodies and if the charter entities the board oversees are private employers subject to the National Labor Relations Act then it should be determined through a fact-based inquiry focused on their private governance and private corporate form of organization.	**Unfavorable** Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org
SB 583 By: Hinojosa **Sponsor:** Rose	Relating to the appointment of a local public defender's office to represent indigent defendants in criminal cases.	Criminal Jurisprudence Vote: 6 Ayes 0 Nays 0 PNV 3 Absent	SB 583 amends the Code of Criminal Procedure to require judges in a county, with a public defender's office, to prioritize appointments of a public defender to an indigent defense case, including those accused of capital murder. A court would not be required to appoint a public defender in such cases if: • The appointment would be contrary to the office's written plan • The office is prohibited from accepting the appointment • The court makes a finding of good cause on the record for an appointment from the private bar Currently, the statute regarding these exceptions is unclear in regard to capital murder. Additionally, the process courts go through to make these exceptions are unclear and not transparent. This has led to appointments from the private bar instead of qualified public defenders. Public defender offices in Texas routinely outperform the private bar in results and cost-effectiveness. This bill would ensure that indigent defense cases are represented by public defenders in a consistent, cost-effective, and efficient way across the state.	**Favorable** Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
SB 2182 By: Nelson **Sponsor:** Parker	Relating to the eligibility of certain events for funding under the Major Events Reimbursement Program.	Culture, Recreation & Tourism Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	SB 2182 amends eligibility provisions under the Major Events Reimbursement Program (MERP) to include the AAA Texas National Hot Rod Association (NHRA) Fall Nationals event and consider the NHRA as a site selection organization for funding purposes (similar to the NASCAR All-Star Race and Moto Grand Prix currently eligible under the program). It would also address concerns regarding the potential ineligibility of the Texas Motor Speedway as current renovations would reduce the seat number below the required minimum.	**Favorable** Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org

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SB 1834 By: Alvarado **Sponsor:** Rose | Rodriguez	Relating to a study and pilot program regarding the use of incentives to purchase certain fruits or vegetables under the supplemental nutrition assistance program.	Human Services Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	Having access to healthy and nutritionally dense food is vital for establishing healthy habits and leads to better health outcomes. This is especially important for low-income families. Many low-income families are unable to purchase foods which are nutritional or healthy due to the price tag. As a result, low-income individuals are disproportionately impacted by food related diseases such as obesity, diabetes, hypertension, heart disease, etc. SB 1834 seeks to address childhood obesity and overall health of individuals in Texas by implementing a pilot program which incentivizes the purchase of locally grown fruits and vegetables through the Supplemental Nutrition Assistance Program (SNAP). In addition, SB 1834 will establish a study to review already existing programs to learn what strategies are currently the most effective to impact the purchase of fruits and vegetables through SNAP. SB 1834 directs HHSC, along with a workgroup. to create a pilot program in at least one geographic area of Texas. This pilot program would allow recipients of SNAP to receive additional benefits for buying fruits or vegetables from a participating retailer to be used for subsequent purchases of fruits or vegetables. For example, for every dollar spent on fruits and vegetables through SNAP the recipient receives an additional dollar to spend. This pilot program would also allow participating retailers such as farmers markets or farm shares to advertise these SNAP incentives to their customers. The pilot program may receive gifts, grants, or donations to administer the pilot program. In addition, SB 1834 requires HHSC to obtain a federal waiver if required, apply for any federal funds to operate the program, and may delay implementation until funds are available or appropriated for its purpose. The new federal Farm Bill has funds which provide for incentive programs such as this. SB 1834 directs HHSC to establish a work group to assist HHSC in implementing this study and give input as to the pilot program. This work group must consist of stakeholders from rural and urban areas in Texas who have experience in programs which provide incentives through SNAP. One member of the work group must have marketing experience with a comparable program. This workgroup is not an advisory committee and therefore not subject to governmental provisions for an advisory committee. No member of the work group shall receive compensation or be reimbursed for expenses incurred but may accept donations or grants for its purpose. SB 1834 directs HHSC to develop a study to evaluate programs in Texas which already provide incentives for buying fruits or vegetables through the SNAP program. The study must include the following: • A full catalog of all existing programs including details on how the program is funded • Recommendations on how to increase these types of programs • An analysis of the strategies to encourage recipients of SNAP to buy fruits and vegetables, the potential impact of these programs on the crop industry in Texas, and any federal programs which provide federal matches for these types of programs By the end of 2020, HHSC would submit a report containing their findings and recommendations from the study to the legislature and the committee with jurisdiction.	**Favorable** Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org
SB 572 By: Kolkhorst **Sponsor:** Rodriguez | VanDeaver | Kacal | Lambert |	Relating to the regulation of cottage food production operations.	Public Health Vote: 7 Ayes 0 Nays 0 PNV 4 Absent	SB 572 defines acidified canned goods as food with pH of 4.6 or less (anything below a pH level of 7 is considered acidic) that is sterilized through thermal processing and stored in an airtight container. The bill also defines fermented vegetable product as a low-acid vegetable food product subjected to certain microorganism processes which result in a pH value of 4.6 or less. Current law defines a cottage food production operation as one that is operated out of a home by an individual. Only certain foods are currently eligible for cottage food production, including candy, pies, granola, coffee, etc. SB 572 amends this list to include pickled produce preserved in a solution at a pH value of 4.6 or less, fermented vegetable products, plant based acidified canned goods, frozen raw produce, or any other food that does not require time or temperature control for food safety. SB 572 requires that the sale of frozen and uncut produce must include a label	**Favorable** Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org

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Moody			with a statement in at least 12-point font that states that the food should be kept frozen until prepared for consumption. The frozen foods must be stored and delivered with an air temperature of less than 32 degrees Fahrenheit. Any pickled produce, fermented vegetable products, or plant-based acidified canned goods should use a recipe that is from a DSHS-approved source, has been tested to confirm the equilibrium pH value of 4.6 or less, and approved by a qualified process authority. If the seller chooses to use a recipe that does not meet these qualifications, the seller must test each batch of the recipe to ensure that the finished product has a pH of 4.6 or less. For each batch of pickled, fermented, or acidified canned produce, the operation must label each batch with a unique number and keep a record of the batch number, recipe, source of the recipe (or testing results), and the date or preparation. This recorded information should be kept for at least a year. The bill strikes language forbidding a cottage food operation from selling allowed foods through the Internet or mail order and thus allows such sales. To provide clarification for these new allowances, SB 570 states that a cottage food production may sell allowed foods through the Internet or by mail order only if the seller personally delivers the food to the consumer. The seller must also provide all required labeling information and department rules to the consumer through a statement posted on the operation's website, published in a catalog, or other method of communication to the customer. To ensure the safe implementation of this bill, DSHS is required to take on certain responsibilities including: • approval of recipe sources for pickled, fermented, or acidified canned produce • maintenance a semiannually updated list on the DSHS website of approved recipe sources, certified laboratories, and qualified process authorities • creation and implementation of the process by which requests can be made for approval of new recipe sources • ensuring that recipe sources are scientifically validated and from a source with expert knowledge and adequate facilities for validating the recipes SB 572 clarifies that pickled cucumbers are exempted from the restricting provisions of the bill. The bill also adds responsibilities for the Executive Commissioner of HHSC to adopt any necessary rules to implement these changes. There are concerns that current cottage food laws unnecessarily limit sellers without substantially improving food safety for consumers. Since 2011, there have been no reported outbreaks of food-borne illness caused by cottage food since the law went into effect. Additionally, of other 24 states who have enacted laws similar to SB 572, only one state had an incident of foodborne illness due to an extreme and outlying circumstance. The required pH of 4.6 or below eliminates the risk of botulism. In the last 20 years, according to the CDC, there has only been one outbreak of botulism related to fermented vegetables -- this, too was due to an extreme circumstance caused by negligence of the home cook. The language of SB 572 takes care to ensure that risks of such negligence is mitigated.	
SB 667 By: Zaffirini **Sponsor:** Thompson, Senfronia	Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.	Judiciary & Civil Jurisprudence Vote: 9 Ayes	During the interim, the Real Estate and Probate Law (REPTL) sections of the state bar of Texas study areas of the probate law and make recommendations as to how the law can be improved and fixed. SB 667 is the omnibus bill of REPTL recommendations in order to amend and fix the guardianship cases in the state of Texas. SB 667 amends the Estates Code in order to make the following changes within the law: • Establish that in a county where there is no probate court, a county court at law would hear all of the guardianship cases, trust cases in which a ward is an income, and administration of gift trusts	**Favorable** Evaluated by: Santiago Cirnigliaro (713) 435- 9049 Santiago@TexasLSG.org

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		0 Nays 0 PNV 0 Absent	• Removed the attorney ad litem as someone who can investigate a complaint about the guardianship • Court costs regarding guardianship cases come from the guardianship estate if it's in the best interest of the case or come from the county treasury if it is not in the best interest of the ward to pay the costs • Requires for notice to be issued for a creation of a management trust and requires an officer to personally serve each guardian of the ward with a citation to appear in court • Establishes that a management trust terminates when the ward passes away or when they regain capacity if the trust was created for a minor who is incapacitated • Outlines the payments of claims to nonresidents of the state or country • Outlines the provisions for which a nonresident guardian of an estate can withdraw money from an estate • Requires the Judicial Branch Certification Commission to obtain fingerprint background checks of an individual seeking guardianship if they are not a Texas resident SB 667 addresses ambiguity within the law in order to fully protect Texas residents who have guardians. SB 667 is an omnibus bill that fixes Texas law.	
SB 25 By: West **Sponsor:** Turner, Chris | Stucky | Howard | Frullo | Walle	Relating to measures to facilitate the transfer, academic progress, and timely graduation of students in public higher education.	Higher Education Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	Currently different public institutions of higher education have their own polices for transferring course credit between other institutions. These different policies can lead the students attempting to transfer their credits to be not accepted at another institution and therefore delaying their graduation time. SB 25 requires General Academic Institutions (GAI's) to create a report including all courses, for transferring students who are undeclared or have changed their major, that the GAI is not granting academic credit toward their major and the reason why. SB 25 requires a report from public junior colleges for students transferring out of the institution or students awarded an associate degree. This report would include: • Courses attempted and completed at the college, including the total number of semester credit hours for those courses. • Courses attempted and completed at the college that are not in the recommended core curriculum. • Dual credit courses attempted and completed at the college. SB 25 allows students filling out the Common App to indicate the student's consent for an institution of higher education that rejects the applicant to provide the student's application to other institutions that offer the same degree program. SB 25 would require institutions of higher education to develop at least one recommended course sequence for each degree program or undergraduate certificate the institution offers and be included on the institution's website and course catalog. The developed recommended course sequence must: • Identify all required lower-division courses for the program • Include for each course the course number or course equivalent under the common course numbering system, and the course equivalent in the Academic Course Guide Manual. • Be designed to enable a full-time student to obtain a certificate or degree on time. • Include a specific sequence of courses in which courses should be completed to ensure timely completion of the program. SB 25 allows junior colleges and school districts to release student information to another institution of higher education for purposes of transferring course credit, in accordance with FERPA through reverse transfer data sharing.	**Favorable** Evaluated by: Marissa Gorena (956) 867-7232 Marissa@TexasLSG.org

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