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PART 1. Representative Desk:

LSG Floor Report For POSTPONED BUSINESS Calendar – Wednesday, May 8, 2019

<p>HB 802 By: Huberty</p>	<p>Relating to voting rights and eligibility for office of residents of certain districts subject to a strategic partnership agreement.</p>	<p>Land & Resource Management</p> <p>Vote: 6 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>Special districts located in the extraterritorial jurisdiction (ETJ) agree to a strategic partnership agreement (SPA) which is a written agreement between district board of directors and municipalities. These agreements allow limited purpose annexation of commercial properties and allows municipalities to impose their sales tax which is typically split 50/50 between city and district and serves as districts payment for any agreed upon services provided by a municipality.</p> <p>HB 802 allows residents surrounding commercial properties to participate in municipal elections. However, in limited purpose annexation agreements on commercial properties, municipalities don't usually impose city regulations on the district. Residents of a district elect five permanent directors to serve on the board who govern the district, therefore, municipality elections do no impact residents within the district.</p> <p>HB 802 would allow voters living in the ETJ to participate in municipal elections. This legislation will dilute the votes of those living within the city limits. For example, if HB 802 is passed it will add 1.1 million people to Houston voter rolls who do not pay property taxes nor are impacted by city regulations. Adding them to Houston voter rolls will dilute the minority vote within the city and eliminate proportional representation for taxpayers within the city limits.</p> <p>HB 802 would allow non-residents living outside the city limits and dilute the voices of those directly impacted by municipal elections.</p>	<p>Unfavorable Evaluated by: Donisha Cotlone (832) 496-4424 Donisha@TexasLSG.org</p>
<p>HB 2748 By: Perez</p>	<p>Relating to regulation of the retail sale of fireworks.</p>	<p>County Affairs</p> <p>Vote: 7 Ayes 2 Nays 0 PNV 0 Absent</p>	<p>Currently, under Texas Law, there are restrictions on time frames when fireworks can be sold. HB 2748 seeks to address this issue by providing for the year-round sale of fireworks through a licensed jobber.</p> <p>HB 2748 authorizes a jobber to sell fireworks year-round who has a retail location and possess a licensed permit through the state fire marshal's office.</p> <p>HB 2748 removes previous specifications that a jobber only purchases fireworks for resale to retailers and specifications that require you to become a licensed jobber due to the possession, storage, and/or selling of particular fireworks.</p> <p>HB 2748 eradicates deadlines and controls over time periods in which the commissioner's court may restrict or prohibit the sale or use of fireworks.</p> <p>However, there are public safety and environmental concerns. More children will be at risk because of the increased availability of fireworks. In addition, dryer weather climates, in combination with the availability of fireworks year-round, is a breeding ground for massive wildfires. These decisions should be left for local jurisdictions to decide.</p>	<p>Unfavorable Evaluated by: Brandi Granderson (202)808-6140 Brandi.Granderson_HC@house.texas.gov</p>

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<p>HB 3207 By: Deshotel</p>	<p>Relating to the maritime port plans, reports, and programs prepared by the Port Authority Advisory Committee.</p>	<p>Transportation Vote: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>It is hard to decipher requirements for the Port Authority Advisory Committee (PAAC)—a nine-member committee that advises and updates Texas Transportation Commission about policy and Texas maritime ports—because the ultimate report is similar to the Port Capital Program (which is another similar report); it would be beneficial to see some clarity on their separate roles.</p> <p>HB 3207 reduces ambiguity by combining the reports into the two-year Maritime Port Mission Plan—defines goals/objectives concerning maritime port facilities and intermodal transportation systems— which PAAC will submit to Texas Transportation Commission, Governor, Lt. Governor, and Speaker. This increases efficiency and minimizes duplicitous reports.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 3258 By: Minjarez Bernal Pacheco Allison Gervin- Hawkins</p>	<p>Relating to an authorization to increase the sales and use tax collected in an advanced transportation district of a metropolitan rapid transit authority.</p>	<p>Ways & Means Vote: 6 Ayes 3 Nays 0 PNV 2 Absent</p>	<p>HB 3258 allows for an additional 0.5% Metropolitan Transit Authority (MTA) sales tax for advanced transportation and mobility enhancement in advanced transportation districts (ATD). The tax increase would have to be petitioned for, and approved at an election, and would not count against the two-cent hard cap on combined local sales tax rates. The bill lays out election requirements and procedures and prohibits the adoption of an increase if it results in more than 2.5 percent combined local tax rate in any location in the district. Currently, San Antonio ATD is the only district with a transit authority imposed sales and use tax at 0.25%; the 0.5% increase would yield roughly \$155 million in annual revenue. While this is the first permitted increase over the two-cent local sales and use limit, the bill provides the local voters the chance to determine the solution to a local problem.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>HB 1936 By: Rose Zerwas Thompson, Senfronia Coleman Longoria</p>	<p>Relating to the applicability of the death penalty to a capital offense committed by a person with severe mental illness.</p>	<p>Criminal Jurisprudence Vote: 5 Ayes 3 Nays 0 PNV 1 Absent</p>	<p>It has been argued that the same ruling made by the Supreme Court of the United States on the unconstitutionality of the death penalty for those with an intellectual disability can also be made for those with severe mental illnesses. Their ruling was based on medical science that has shown that those individuals with an intellectual disability do not have the same level of rational judgement, understanding or self-control as do others who commit murder, which diminishes the individuals' personal culpability. Many of those same factors apply when discussing individuals with certain severe mental illnesses, such as schizophrenia, schizoaffective disorder and bipolar disorder.</p> <p>HB 1936 establishes that a defendant who at the time of the commission of a capital offense was a person with severe mental illness may not be sentenced to death. A person with severe mental illness, as defined within HB 1936, means a person who has schizophrenia, a schizoaffective disorder, or a bipolar disorder, and as a result of that disorder, has active psychotic symptoms that substantially impairs the person's capacity to: appreciate the nature, consequences, or wrongfulness of the person's conduct; or exercise rational judgement in relation to the person's conduct.</p> <p>HB 1936 would establish procedures for a defendant to have the opportunity to prove that they had a severe mental illness at the time of the offense which would then require the jury to make the determination of severe mental illness at trail through a special verdict, which is separate from the jury's verdict of guilt or innocence.</p> <p>HB 1936 also states that the provisions laid out will only be applicable to trials that commence on or after the bill's effective date, regardless of whether the alleged offense was committed before, on, or after that date.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 3824 By: Sherman</p>	<p>Relating to an affirmative finding of family violence entered in the trial of certain offenses.</p>	<p>Criminal Jurisprudence Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Currently, a judge has the authority to make an affirmative finding of family violence in a trial of offenses under Title 5, Penal Code, however, many acts that occur in family violence cases are excluded as they do not appear under said Title. HB 3824 seeks to expand the types of offenses for which a judge is authorized to make an affirmative finding of family violence as an added protection to victims of family violence.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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<p>HB 4165 By: Pacheco Cortez Allison Gervin-Hawkins Minjarez</p>	<p>Relating to authorization by the Texas Higher Education Coordinating Board for certain public junior colleges to offer baccalaureate degree programs.</p>	<p>Higher Education Vote: 8 Ayes 1 Nays 0 PNV 2 Absent</p>	<p>There is currently a statutory limit for public junior college districts to offer only three bachelor's degrees at any time. This limit affects one of the largest community college systems located in San Antonio, the Alamo College District which has 5 campuses.</p> <p>HB 4165 will authorize public junior college districts to offer a maximum amount of six bachelor's degrees, instead of the current three, if the college is in a county that has a population of more than 1,800,000 and within 180 miles of the Texas-Mexico border.</p> <p>The author intends to amend HB 4165 by reducing the amount of bachelor's degrees from six to five for public junior colleges.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
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LSG Floor Report For GENERAL STATE Calendar – Wednesday, May 8, 2019

<p>HB 1308 By: Calanni Zerwas Longoria</p>	<p>Relating to the enforcement of commercial motor vehicle safety standards in certain municipalities.</p>	<p>Transportation Vote: 10 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>Due an increase in commercial motor vehicles, there is concern about DPS's ability to regulate commercial trucks and enforce standards. Resulting from increased border security there is a shortage of DPS officers (who enforce commercial motor vehicle safety standards). Car crashes are increasing rapidly, and maintaining roadways is becoming complicated for local governments. Oftentimes, these trucks violate the law and need to be serviced. Local law enforcements experience frustration when recognizing violations and out of service criteria but can't do anything about it.</p> <p>HB 1308 seeks to address this issue by allowing Katy police officers to apply for certification to enforce commercial motor vehicle standards—there is a specific need in Katy for enforcement regarding overweight trucks. HB 1308 is bracketed to the municipality of Katy.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 201 By: Stephenson</p>	<p>Relating to the composition of the combative sports advisory board.</p>	<p>Licensing & Administrative Procedures Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Combative sports are sports in which 2 contestants participate in full contact competitions such as boxing. Currently, combative sports have a board that oversees these sports made up of four doctors, one boxing representative, one mixed martial arts representative, one referee, a former combative sports contestant, and a member of the public. HB 201 amends the occupations code in order to remove the member of the public from the board and add a licensed chiropractor to the board. HB 201 does not remove the member of the public until their term is over and adds the chiropractor at that time. Chiropractors help heal the most common injuries that these sports participants suffer such as whiplash, concussions, and acceleration injuries. The board was created to oversee the sports including injuries that occur while participating in combative sports. HB 201 provides a broad scope of members to serve on the board including chiropractors who play a crucial role in healing injuries.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 3040 By: Hunter</p>	<p>Relating to an interim study by the Texas Commission on Judicial Selection regarding the method by which certain trial and appellate judges are selected.</p>	<p>House Administration Vote: 10 Ayes 1 Nays 0 PNV 0 Absent</p>	<p>HB 3040 establishes the Texas Commission on Judicial Selection to study and review the method by which statutory county court judges, probate court judges, district judges, justices of the courts of appeals, judges of the courts of criminal appeals, and justices of the Texas Supreme Court are selected.</p> <p>The study must consider/include:</p> <ul style="list-style-type: none"> • The fairness, effectiveness, and desirability of selecting a judicial officer through partisan elections • The fairness effectiveness, and desirability of judicial selection methods proposed or adopted by other states • Relative merits of alternative methods for selecting a judicial officer • Merits of using a board compromised of members of the public to nominate or assess the qualifications of candidates • Specific constitutional and statutory changes that are necessary from the results of the study <p>The members of the commission will be appointed as follows:</p>	<p>Favorable Evaluated by: Raul Lopez (512)-787-7199 Raul@texaslsg.org</p>

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			<ul style="list-style-type: none"> • 4 members appointed by the Governor, the Governor will also designate the presiding office of the Commission • 4 members appointed by the Lieutenant Governor, including 3 senators with at least one member of each political party • 4 members appointed by the Speaker, including 3 members of the House with at least one member of each political party. • 1 member appointed by the Chief Justice of the Supreme Court of Texas • 1 member appointed by the presiding judge of the Texas Court of Criminal Appeals • 1 member appointed by the board of directors of the State Bar. • The appointed commission members reflect the racial, ethnic, and geographic diversity of Texas and include both attorneys and non- attorneys. <p>These members of the committee are not entitled to compensation The Office of Court Administration of the Texas Judicial System (OCA) to provide administrative support to the commission. The OCA is required to implement a provision of the bill only if the legislature appropriates money for that purpose. The OCA can implement a provision of the bill using other appropriations available for that purpose.</p> <p>A report must be submitted to the Governor and the legislature no later than December 31, 2020. The commission and bill provisions expire January 2, 2021.</p>	
<p>HB 2797 By: Hinojosa Gutierrez Moody Rose Wray</p>	<p>Relating to evaluation under the state accountability system of school district campuses that enroll certain students who receive special education services.</p>	<p>Public Education</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Currently, school districts are held accountable for measuring educational attainment for students with disabilities using the alternative assessment instrument STAAR Alt 2 under the federal Every Student Succeeds Act (ESSA). This alternative exam has met all federal requirements under ESSA and has already been designed to take into consideration students with a range of cognitive disabilities for students in grades 3-8 and high school. However, there are certain small school districts whose students have significant disabilities and some of those students, unfortunately, do not make it to graduation. These small school districts have a low enrollment of students "at risk" and do not qualify for the STAAR alt 2 alternative assessment.</p> <p>HB 2797 addresses these concerns by creating the Alternative Accountability Structure to accurately assess their students with special needs.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 3301 By: Darby Lambert Clardy</p>	<p>Relating to merger agreements among certain hospitals; imposing fees.</p>	<p>Public Health</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>Currently, if two hospitals in a rural county are competing to offer services to the population and they decide to consolidate their resources, services, and equipment to offer better health care to the public through a merger, the hospitals could be penalized by state and federal antitrust laws.</p> <p>Mergers can be beneficial to the public by improving quality, efficiency, and accessibility of health care services as well as by improving the ability for the operation of the facilities and for improving public health. HB 3301 notes that, even when a merger is anticompetitive according to state and federal antitrust laws, it might be beneficial to the community. In essence, HB 3301 allows for such hospital mergers in which the benefits of certain anticompetitive mergers to outweigh the risks of breaching antitrust laws and grants such hospital mergers immunity against the repercussions of antitrust laws. This is particularly valuable to the rural areas of Texas that don't have the ability to use hospital district taxing to fund their healthcare facilities. These areas may be best serviced by the improved hospital entity that is created when services, resources, and skills from two different hospital entities are merged. The federal State Action Immunity Doctrine gives states the ability to grant immunity from federal antitrust laws if certain conditions are met. HB 3301 meets these conditions and, if implemented correctly, will allow for the state to grant immunity from both state and federal antitrust laws to approved hospital entities.</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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Eligibility Criteria

The bill is bracketed to counties that meet the following criteria:

- has a population of up to 100,000 and is not adjacent to a county with a population of over 250,000.
- has a population between 100,000 and 150,000 and is not adjacent to a county with a population of 100,000 or more.
- contains two or more hospitals

This bracketing includes seven Texas counties which serve rural populations.

Certificate of Public Advantage (COPA) Application

For a hospital merger to receive such immunity from antitrust laws they must receive a certificate of public advantage from the HHSC. This document certifies that the public benefit of the merger outweighs the disadvantages of anticompetitive issues. One or more parties involved in the merger agreement may apply for a COPA from the HHSC with an application that includes a copy of the merger agreement and a description of the nature of the merger. Should any documents in the application contain confidential information, HB 3301 specifies that the applicant must clearly identify the confidential information and submit duplicate applications -- one complete version intended for the HHSC and another redacted version intended for public release. A copy of the application and all materials must be submitted to the attorney general.

HHSC may impose an application fee of up to \$75,000.

Application Review by the Attorney General

HB 3301 grants the attorney general the authority to review the application for the COPA and advise HHSC on whether to grant or deny the application. Advice to deny the application must be supplemented with a justification of the decision.

Application Review by HHSC

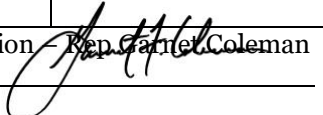
HHSC will review the application for the COPA according to the standards set out by the bill language. The commission must give their decision to grant or deny the application in writing within 120 days after the filing of the application with a written justification of the decision. Records of all approved merger agreements should be maintained by HHSC for a length of time that is unspecified by the bill.

The HHSC must review the approved COPA annually. The attorney general may do so at the discretion of the office. Should the attorney general choose to review a certificate, the HHSC must wait until the office has done so before conducting its own review.

In making the decision, HHSC should take into account the following factors:

- Quality and price of hospital and health care services provided
- Whether the area will still contain a sufficient number of hospitals to meet care needs
- Cost efficiency of services, resources, and equipment as a result of the merger
- Ability of health care payors to negotiate with the proposed merged hospital entity
- Extent of any reduction in competition among health care providers in the area

Any hospital entity created as a result of a merger approved by HHSC may voluntarily terminate its COPA if proper notice is given to the HHSC at least 30 days before the date of termination.

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Supervision of Merged Hospitals

HB 3301 gives HHSC the responsibility of supervising every hospital entity created through approval of a merger to ensure that the terms of the COPA are being kept. Any increase in rates for any hospital services offered by the merged hospital entity must be approved by the HHSC according to the standards specified in the bill. A hospital seeking such a rate increase should submit certain documents for review by the HHSC. The review process must verify that the proposed rate increases public benefits and that it does not inappropriately exceed competitive rates for comparable services in the area. HHSC must offer a decision at least 30 days before the implementation of the rates and has the authority to deny or modify the rates as needed if they are inconsistent with the standards of review. HHSC may impose an annual fee of up to \$75,000 for supervision services to each merged hospital entity operating under a COPA.

Annual Report Requirement

Each merged hospital entity operating under a certificate of public advantage must submit an annual report to HHSC that includes:

- Information about the extent of benefits to the public
- Information about the hospital's actions taken to further the terms of the merger imposed by HHSC or any other commitments to the merger
- Description of activities conducted by the hospital under the merger agreement
- Information relating to the price, cost, quality of care, and access to health care for the population served by the hospital along with any identified health improvements in the population

HHSC may add required components to the annual report as they deem necessary.

Should HHSC identify any deficiency in the hospital's activities, HHSC may request a corrective action plan that includes strategies for the hospital to return to the agreed-upon standards.

Enforcement

HHSC has the authority to investigate the activities of a merged hospital entity, require the hospital to perform or cease certain actions, or revoke a hospital's certificate if it determines a lack of compliance, misrepresentation in the application, failure to pay fees, or a perceived lack of benefit to the public.

Any decision of the HHSC in granting, denying, or refusing to act on an application may be appealed by petition for judicial review in a district court of Travis County. Once the appeal process has been initiated, HHSC has 45 days to submit the copy of their records regarding the specific decision under review. The bill specifies how the district court may proceed with the appeals process. Once the district court has issued a written decision, HHSC must include the decisions into their records.

The Office of the Attorney General also has the authority to initiate proceedings through a Travis County district court to revoke a COPA if it is determined that the hospital entity is no longer providing enough public benefit to outweigh the disadvantages of anticompetitive immunity. The Office will have the burden of proof in such proceedings unless there is clear and convincing evidence that the certificate was obtained through misleading documentation.

HB 3301 would allow for hospitals, particularly in the rural areas of Texas, to have the ability to consolidate hospital resources through a merger if it is in the best interest of the community.

			Because this is a new process that requires a new, unprecedented function from HHSC, there are concerns regarding the operational logistics. There is a parallel Senate bill that addresses some of these concerns.	
HB 2155 By: Guerra	Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.	Agriculture & Livestock Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	The Pharr International Bridge is the 4th in the nation for trade with Mexico and processes 60% of the nation's produce imports from Mexico. A main economic factor for the Rio Grande Valley is the trade with Mexico and from the international port of entry, or the Pharr International Bridge. The Agricultural Inspection Grant Program is a necessary program that aids in reducing the wait times for agriculture goods crossing through ports of entries along the Texas-Mexico Border that get inspected by Customs and Border Patrol (CBP) Agricultural Specialists. Currently, because of the long wait times at the border for inspection and shortage of CBP Agricultural Specialists some of the produce and perishable goods gets rotten and creates a loss of revenue. HB 2155 continues the Agricultural Inspection Grant Program for non-profit organizations to allow for the efficient movement of produce through the ports of entry along the Texas-Mexico border using reimbursement not to exceed \$725,000.	Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org
HB 1992 By: Leman Hefner	Relating to prohibiting telemarketers from transmitting misleading caller identification information or otherwise misrepresenting the origin of a telemarketing call.	Business & Industry Vote: 7 Ayes 1 Nays 0 PNV 1 Absent	According to the Federal Communications Commission (FCC), caller ID spoofing occurs when a caller disguises their identity by transmitting false information to a caller ID display. Often, spoofing strategies are used to defraud an individual by coercing them into giving up personal information, incurring certain telephone charges, or for other malicious purposes. The Federal Truth in Caller ID Act prohibits spoofing with malicious intent and imposes penalties of up to \$1,000 per violation. Estimates suggest that nearly 30 percent of all cell phone calls in 2018 came from scammers. Despite this, there are concerns that Texas does not do enough to penalize the responsible parties for such predatory calls. HB 1992 explicitly prohibits the practice and states that a telemarketer may not transmit misleading information to a recipient's caller ID or in any other way misrepresent the origin of the telemarketing call. However, telemarketers will be allowed to substitute the caller identification information of a person on whose behalf the call is being made for the telemarketer's information.	Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org
HB 1635 By: Miller Davis, Sarah	Relating to health benefit plan coverage for early childhood intervention services.	Insurance Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	HB 1635 amends the Insurance Code to require private health insurance providers to cover Early Childhood Intervention (ECI) services for children with developmental delays and disabilities. Currently, there is only state-generated revenue for ECI programs covered under CHIP and Medicaid. Requiring private health care plan providers to cover ECI would prevent the loss of ECI programs and enable families to have the ability to make sure their children can overcome any delays or disabilities they have. HB 1635 would provide more equitable opportunity among children who have private health care and those who are covered under Medicaid Managed Care organizations. This creates better long-term outcomes for these children regardless of how they would receive ECI coverage, making a smaller fiscal impact as they age past ECI.	Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org
HB 362 By: Israel Capriglione Longoria Klick Anchia	Relating to the creation of a fund to assist local governments with the acquisition of voting system equipment.	Elections Vote: 8 Ayes 1 Nays 0 PNV 0 Absent	Currently many Texas voting systems used during elections were purchased with federal funds through the Help America Vote Act in 2002. Most of those systems were only meant to be used for a maximum of 15 years, yet many counties are still using them because federal funds are no longer available for purchasing new systems. HB 362 creates a voting system fund that allows the Secretary of State to use appropriated funds to disburse grants to assist counties with the purchase or lease of new voting systems. Counties must apply for the grant, which can equal up to 50% of the total cost of the voting systems. Application must include the following: <ul style="list-style-type: none"> • Type of equipment • Expected total cost and source of funding used in addition to grant • Plan to address long-term maintenance, repair and eventual replacement costs 	Favorable Evaluated by: Donisha Cotlone (832) 496-4424 Donisha@TexasLSG.org

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			<p>HB 362 requires the Secretary of State to determine application process and development of a criteria that will ensure the distribution of the funds are fair and proportionate. In doing so the Secretary of State must consider:</p> <ul style="list-style-type: none"> • Number of voters likely to be served by eligible equipment • Age and condition of equipment needing to be replaced • Need for equitable distribution of grants to both rural and urban counties • Whether a county has adopted a reasonable long-term plan to address long-term maintenance, repair and eventual replacement costs <p>HB 362 provides a much needed bridge between counties and efficient voting systems to ensure that Texas elections are secure and fit the needs of Texas increasing voter turnout.</p>	
<p>HB 2929 By: Leach</p>	<p>Relating to hospital liens.</p>	<p>Judiciary & Civil Jurisprudence</p> <p>Vote: 6 Ayes 3 Nays 0 PNV 0 Absent</p>	<p>A hospital lien is a right granted to hospitals to receive payments for services provided to a patient when the patient is injured by a negligent third party whether the patient has health insurance or not. The lien is tied to the payment or settlement of the court case that the patient is involved in. Once that case is settled or a verdict is reached, the hospital is then paid through that lien for the services they provided to that patient. There are concerns that the current Property code is not clear as to where in the hospital the services need to be provided in order for the hospital to be able to attach a lien to the patients' settlement. The current code does not clearly define if a lien can be attached to all services provided by the hospital or just for inpatient victims. Emergency room services are not considered inpatient services.</p> <p>HB 2929 amends the property code in order to add the definition of "admission" to the code. HB 2929 states that anyone is considered admitted to the hospital if they receive access to any department of the hospital for any type of treatment, care, or service to the individual. HB 2929 clarifies the current statute to allow hospital liens to be attached to cases within the emergency room as well as inpatient cases. HB 2929 outlines that a hospital may collect 50% of all the amounts recovered in the settlement or when a verdict is reached within the case and may not collect charges from the lien that should have been charged to the victim's health insurance.</p> <p>There are concerns, however, that this new definition of admissions will affect victims of surprise medical bills since those can be extremely large bills with no basis as to why they are charged. The hospital will be able to attach a lien to these and require 50% of the settlement to go to these medical bills.</p>	<p>Will of the House Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 3906 By: Huberty</p>	<p>Relating to the administration of assessment instruments used to assess the performance of public school students.</p>	<p>Public Education</p> <p>Vote: 12 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Currently, STAAR exams and state-administered end-of-course (EOC) assessments are administered in one day only and not in separate parts. When a school district needs to make changes to their daily schedule the day of an exam or assessment this can cause an unnecessary amount of stress for students who do not typically finish the exam in under 7-8 hours or a full school day.</p> <p>HB 3906 addresses the requirements for statewide standardized tests so that 85% of the students in a grade level can complete the test in a specific time frame. This time frame will require:</p> <ul style="list-style-type: none"> • For grades three through five, completion of all tests will be within an aggregate period equal to the number of tests for that grade multiplied by 120 minutes • For grades six through eight, completion of all tests will be within an aggregate period equal to the number of tests for that grade multiplied by 180 minutes <p>HB 3906 also authorizes the administration of these statewide exams to be done in multiple parts beyond the current one-day limit and does not apply to classroom portfolios. HB 3906 removes the requirement for the State Board of Education to adopt a specific schedule for the administration of the statewide assessments and exams.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 4152 By: Nevarez</p>	<p>Relating to use of hotel occupancy tax be certain</p>	<p>Ways & Means</p>	<p>In light of recent federal government shutdowns, concerns have been raised about the continuity of oversight and maintenance of Big Bend National Park. HB 4152 authorizes the use of hotel occupancy tax revenue (bracketed to Big Bend National Park).</p>	<p>Favorable Evaluated by: <i>[Signature]</i> Rep. Daniel Coleman</p>

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	counties.	Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	Bend National Park) in the event of an emergency, federal government closure or lack of federal appropriation of funding for three or more days, to ensure the continuation of vital functions and the protection of the park and its visitors. The bill would provide for guidance and interpretive services, sanitation, and collection of waste. It would also limit the use of the tax revenue for this purpose to 60 days.	Eliot Davis (713) 855-3285 Eli@TexasLSG.org
HB 4228 By: Nevarez	Relating to the use of municipal hotel occupancy tax revenue in certain municipalities.	Ways & Means Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	HB 4228 would grant the city of Alpine greater flexibility and local control in the use of hotel occupancy tax revenue by repealing certain sections of the code currently bracketed uniquely to that area. The bill would strike the set allocation requirements that certain percentages be applied to tourism & advertising; encouragement of arts; and historical restoration & preservation (50/15/15% respectively).	Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
HB 1739 By: Geren Davis, Yvonne Shine Leach Kuempel	Relating to recovery under uninsured and underinsured motorist insurance coverage.	Insurance Vote: 5 Ayes 0 Nays 0 PNV 4 Absent	HB 1739 adds language to the Insurance Code to clarify the statute in which a claimant is entitled to uninsured (UM) / underinsured motorist (UIM) compensation via automobile insurance. Currently, insurance companies do not pay out UM/UIM policies due to the lack of accountability in statute and burden of proof on the insured party. This leads insured parties to engage in litigation against insurance companies to receive compensation at a loss of legal fees. HB 1739 clarifies language in the Insurance Code by adding notice requirements of a claim and legal determination not being a prerequisite to claiming compensation. This provides more consumer protection and the ability to receive more timely and complete compensation during an accident with uninsured or underinsured motorists.	Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org
HB 4726 By: Dominguez	Relating to the creation of the Cameron County Flood Control District; granting a limited power of eminent domain; providing authority to impose assessments, fees, and taxes and to issue bonds.	Natural Resources Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	Extensive flood and economic damage of Cameron County can be accredited to rapid growth, low permeability of the soils, flat topography and the lack of adequate drainage systems in the area. In addition, storm water runoff from a neighboring county and that county's own rapid growth and development has only exacerbated the issue. HB 4726 will allow for the creation of the Cameron County Flood Control District (District) to cover underserved areas that are currently not covered by a drainage district or irrigation district. The underserved areas are said to account for approximately 56% of the county that are without adequate infrastructure, maintenance, or support to mitigate the damaging effects of heavy rainfall. HB 4726 lays out the District's powers and duties along with other provisions regarding alteration of district territory, the annexation of authority, and the ability to impose a maintenance tax that has been authorized by an election within the district. Only if HB 4726 were to receive a two-thirds vote of all the members elected to each house the District will be authorized to exercise certain eminent domain power for the purposes of acquiring the fee simple title or an easement or right-of-way to, over, or through any land, water, or land under water inside or outside the district that has a direct effect on the accomplishment of the purposes for the creating the District and is necessary for constructing and maintaining all levees and other improvements. Otherwise, it is expressly prohibited to do exercise the power of eminent domain.	Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
HB 1916 By: Miller Zerwas Howard Meyer Wu	Relating to requiring evidence-based trauma training for certain attorneys.	Juvenile Justice & Family Issues Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	An attorney ad litem is responsible for representing a child in a child protection case in court to ensure the best interest of the child. HB 1916 adds into statute that an attorney ad litem on the maintained list by the court to represent a child in a child protection case must complete training regarding trauma-informed care and the impact of trauma on children in the care of the Department of Family and Protective Services. Attorney ad litem are already required to complete annual continuing legal education trainings regarding the representation of a child in a child protection case. HB 1916 will allow trauma-informed care to count towards their annual continuing legal education credit for the state bar. Trauma-Informed training must include:	Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org

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			<ul style="list-style-type: none"> • Impact of trauma on the child including the effect on their behavior, decision-making abilities, and their memories • How trauma may impact attachment or lack of attachment for a child • Importance of screening children for trauma due to the risk of inappropriate interventions or psychotropic medications • Potential for re-traumatization in the care of DFPS • Resources for research, interventions, and available trauma-informed mental or behavioral health services • The role appropriate trauma-informed care may have for the child to build resiliency and process adverse experiences <p>HB 1916 requires the Supreme Court in consultation with various child law entities to adopt rules to allow for the training. An attorney must complete the trauma-informed training prior to their appointment as an attorney ad litem for a child. Attorneys who are on the maintained list of the court as an attorney ad litem which can be assigned will be required to complete the trauma-informed care training prior to September 2020.</p> <p>Children in foster care have experienced significant trauma in the form of physical abuse, sexual abuse, emotional abuse, neglect, family separation, or family violence. Oftentimes this trauma is complex and compounded. Attorney ad litem are meant to be legal advocates for the best interest of the child throughout a case. Attorney ad litem interact not only with the child they're representing but also their parents. Ensuring that attorney ad litem are appropriately trained in trauma-informed care will help them better understand and advocate for the needs of the child.</p>	
<p>HB 3439 By: Patterson Parker Shaheen Geren Phelan</p>	<p>Relating to the authority of a municipality or county to require a labor peace agreement as a condition of engaging in a commercial transaction with the municipality or county.</p>	<p>Urban Affairs</p> <p>Vote: 5 Ayes 4 Nays 0 PNV 0 Absent</p>	<p>A labor peace agreement is a negotiated agreement between a union and a non-union employer to mutually agree on established rules of engagement for organizing and contract-bargaining. The terms of the agreement generally state that the union agrees to refrain from disruptive demonstrations. This allows for a more peaceful debate between employees' representation and the employer.</p> <p>HB 3439 prohibits a municipality or county from adopting any measure that requires a person to enter into such an agreement as a condition of being considered for a contract or engaging in any other transaction with the local government. This would take away a mechanism by which local governments can have the same calm, cooperative that is afforded to private businesses.</p>	<p>Unfavorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>
<p>HB 29 By: Minjarez Klick Moody Coleman Parker</p>	<p>Relating to the regulation of the practice of physical therapy.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The National Institute on Drug Abuse stated that in 2017, Texas had 1,458 deaths due to opioid overdoses. In 2014 alone, the state spent over \$2 billion in opioid-related healthcare costs. Because up to 29% of patients prescribed opioids misuse them, it is imperative that Texas laws be amended to address this issue. Studies indicate that physical therapy services can reduce the likelihood of the necessity for an opioid prescription, advanced imaging services, and an emergency department visit as well as a potential reduction in out-of-pocket costs for patients. Currently, Texas statute requires a patient to have a physician referral before accessing physical therapy, making Texas the only state that prevents patient direct access to physical therapy. States that have allowed direct access have not seen an increased risk of liability claims. The issue is compounded by the fact that many Texans lack access to physician services to receive the referral for physical therapy in the first place.</p> <p>HB 29 allows physical therapists to treat a patient without a referral under the following conditions:</p> <ul style="list-style-type: none"> • The physical therapist has been licensed to practice for at least one year • The physical therapist is covered by professional liability insurance as required by the Texas Board of Physical Therapy Examiners (hereafter referred to as the Board) 	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			<ul style="list-style-type: none"> The physical therapist either has a physical therapy doctoral degree from an appropriately accredited program or institution or has completed at least 30 hours of certain activities as specified by the bill A physical therapist may only treat such a patient for up to 10 consecutive business days. A physician who has a physical therapy doctoral degree and has completed a residency or fellowship is allowed to treat a patient for up to 15 consecutive business days. After the allowed allotment of treatment days is over, the physical therapist must obtain a referral from a physician before continuing treatment. <p>A physical therapist who treats a patient without a referral must obtain from the patient a signed disclosure stating acknowledgement that physical therapy is not a substitute for a medical diagnosis, that physical therapy is not based on radiological imaging, that the physical therapist cannot diagnose an illness or disease, and that the patient's health insurance may not include physical therapy coverage.</p> <p>Any physical therapist who violates the provisions of HB 29 as enacted will be subject to disciplinary action from the Board.</p> <p>The removal of barriers to direct access can increase the number of patients who have the option of physical therapy treatment.</p> <p>The Texas Physical Therapy Association, the Texas Medical Association, and the Texas Orthopedic Association have all agreed to the provisions of the bill that allows for the allotment of a certain number of treatment days in accordance with the training level of the physical therapist as well as requirements of the disclosure form.</p>	
<p>HB 3148 By: Parker Springer Zerwas Lucio III</p>	<p>Relating to the administration and oversight of investigational adult stem cell treatments administered to certain patients.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Charlie's Law, implemented in the 85th legislative session, allows access to adult stem cell treatments for patients suffering from chronic disease or terminal illness. However, the statutes instituted by Charlie's Law need further clarification and updating to reduce access and operational issues.</p> <p>HB 3148 requires HHSC to adopt a form for informed consent that allows for DSHS to take over the administration of the oversight of investigational adult stem cell treatments.</p> <p>An institutional review board (IRB) is an administrative board created for the protection of the rights and welfare of human research subjects. HB 3148 states that an IRB for the oversight of investigational stem cell treatments only needs to meet one of the following criteria:</p> <ul style="list-style-type: none"> Affiliated with a medical school or an eligible hospital Accredited by the Association for the Accreditation of Human Research Protection Program Registered by the Office for Human Research Protections under the US Department of Health and Human Services Accredited by a national accreditation organization, subject to approval by DSHS <p>HB 3148 also prohibits any governmental entity from interfering with a patient's access to the use of an investigational stem cell treatment unless the adult stem cell product being used is considered to be unsafe for use. This exception does not include a lack of approval from the US Food and Drug Administration (FDA).</p> <p>HB 3148 adds that the subchapter on investigational adult stem cell treatments may not be used to prohibit a physician from using commercially available adult stem cells that are produced by a manufacturer that is registered</p>	<p>Favorable</p> <p>Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

			<p>with the FDA. Additionally, the subchapter may not be used to require an IRB to oversee adult stem cell treatment that uses FDA registered adult stem cells for an intended use.</p>	
<p>HB 1113 By: Davis, Sarah Price Thompson, Senfronia Leach Coleman</p>	<p>Relating to state contract limitations and programs for sex trafficking prevention and victim treatment.</p>	<p>Public Health Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>According to a 2016 study conducted by the University of Texas, an estimated 79,000 Texans under the age of 25 had been trafficked for sex at some point in their lives. The Department of Family and Protective Services (DFPS) reported that in 2017, law enforcement received 697 allegations of sex trafficking, nearly a 300 percent increase from 2016. The increase in numbers correlates with similar patterns in national trends in sex trafficking and may be due to increased identification of cases due to an increased awareness of child sex trafficking (CST). Regardless of the cause of the rising number of cases, it is imperative that Texas take action to care for victims and to prevent future cases. Without proper treatment, victims of CST could suffer from the long-term effects of physical, mental, and emotional trauma which increases the likelihood of negative health outcomes. While several state-level strategies and initiatives are currently in place, there are concerns regarding a lack of sufficient local solutions. HB 1113 complements current programs from the Offices of the Governor and Attorney General by offering several strategies to allow for addressing CST at a more local level.</p> <p>Disqualification from Vendor Participation in State Contracts HB 1113 grants the Comptroller the authority to bar any vendor from participation in certain state contracts if the vendor has taken any action that promotes human trafficking.</p> <p>Treatment Program for Victims of CST HB 1113 establishes a program for the improvement of quality and access to care for victims of CST in Texas. HHSC will be responsible for designating an institution of higher education to operate the program. The institution shall dedicate units at the institution for both inpatient and outpatient care for victims of CST. The institution shall also create opportunities for CST research and workforce expansion while assisting other such Texas institutions to establish similar CST programs. The program will be funded through state appropriations as well as other sources deemed necessary by the institution.</p> <p>Matching Grant Program - Prevention of CST HB 1113 requires HHSC to establish a matching grant program to award grants for the initial establishment of municipal sex trafficking prevention programs. To apply, a municipality should develop a media campaign, provide proof of ability to match the funds of the grant, create a needs assessment in collaboration with a local institution of higher education. The needs assessment should include the prevalence of sex trafficking crimes in the city, strategies for the reduction of such crimes, and the program's need for supplemental state funding. HHSC should award available grants to applications that show the greatest need and the most effective strategies for the reduction of sex trafficking crimes. HHSC should develop a contract with municipalities to which an award is granted. The contract must allow HHSC sufficient control to ensure the success of the program and a return on the state's investment. The matching grant program will be funded through state appropriations as well as other sources deemed necessary by HHSC.</p> <p>Matching Program - Law Enforcement Training HB 1113 requires the Office of the Governor to collaborate with the Child Sex Trafficking Prevention Unit to establish a matching grant program to offer local law enforcement officers training in recognizing the signs of sex trafficking. The local law enforcement agencies that are awarded such a grant must enter into a contract with the Office of the Governor that allows the Office sufficient control to ensure the success of the program and a return on the state's</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

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			investment. The matching grant program will be funded through state appropriations as well as other sources deemed necessary by the Office.	
HB 1770 By: Martinez Sheffield	Relating to the offense of passing certain vehicles on a highway.	Transportation Vote: 13 Ayes 0 Nays 0 PNV 0 Absent	As Texas grows, safety concerns for operators of service vehicles used for maintenance of electrical power lines grow, as well. Also, after Hurricane Harvey, there was a lot of electrical work to be done and people were not paying enough attention which jeopardized worker safety. When approaching certain vehicles, drivers are required to vacate the lane closest to the vehicle and slow to a speed not to exceed 20 miles per hours less than the posted speed limit or 5 miles per hour if the posted speed is less than 25 miles per hour. Violation is punishable by a misdemeanor (and a \$500 fine if the violation causes property damage). The vehicles that drivers must slow down and move away from including stationary emergency vehicles with visual signals on, stationary tow trucks with flashing lights, or TxDOT vehicles (that are not separated from the roadway) with visual signals on. HB 1770 adds service vehicles used for maintenance of electrical power lines with visual signals to that list. This serves as protection for operators of service vehicles used for maintenance of power lines.	Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org
HB 3631 By: Bailes	Relating to the confidentiality of the e-mail address of an applicant for or holder of a license issued by certain state agencies.	State Affairs Vote: 11 Ayes 0 Nays 0 PNV 2 Absent	HB 3631 will require that email addresses, which are already being collected through the licensing process, to be provided when there is a public information request (PIR) of an applicant for or holder of an occupational license that has been issued by the Department of Agriculture (TDA) or the Texas Department of Licensing and Regulation (TDLR). Although names, business names, and addresses are released through a PIR, it does not release personal information such as a home address or home telephone number. It should therefore not be required to release a state licensee's personal email address through a PIR without the consent of the applicant for or holder of an occupational license.	Will of the House Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
HB 2894 By: Collier	Relating to the prosecution of health care fraud; creating a criminal offense.	Criminal Jurisprudence Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	HB 2894 would redefine "Medicaid fraud" as "healthcare fraud" as it would allow for the prosecution of a person for all fraudulent conduct committed against a healthcare program to be prosecuted in one case. In doing so this would address the other types of fraud that may be committed against a governmental health care program but is currently being prosecuted under the theft statute if the offense does not relate to Medicaid specifically. This change in language would also impact the statute of limitations as theft has a five-year whereas Medicaid fraud has seven. HB 2894 simplifies any act of defrauding a health care program into one statute, which can then be prosecuted as one case, and with one statute of limitation.	Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
HB 1380 By: Murr	Relating to the jurisdiction of certain courts and fees collected by a justice court; increasing a fee.	Judiciary & Civil Jurisprudence Vote: 8 Ayes 1 Nays 0 PNV 0 Absent	The current small claims court only has jurisdiction over cases in which a maximum of \$10,000 dollars is disputed. There are concerns that this current amount is too low and is creating a backlog in higher courts who handle cases with a higher amount of money. HB 1380 amends the Government code in order to increase the jurisdiction of small claims court from \$10,000 to \$20,000. This allows for the higher courts to ease their backlog and allows for the small claims court to take on more cases. This unclogs the courts and allows the people who file small claim cases to have their cases heard in a timely manner. HB 1380 also increases the filing fee for these cases from \$25 to \$50.	Favorable Evaluated by: Santiago Cernigliaro (713) 435-9049 Santiago@TexasLSG.org
HB 2013 By: Gervin-Hawkins	Relating to the implementation of certain rules regarding public school accountability adopted by the commissioner of education or the Texas Education Agency.	Public Education Vote: 13 Ayes 0 Nays 0 PNV	There is a relatively short time frame for the TEA and school districts to prepare for the addition or implementation of new rules and regulations for public school accountability that the commissioner of education adopts. There is currently no method to extend or delay this time frame for the adoption of new procedures or rules for administering provisions relating to public school system accountability.	Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org

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		0 Absent	HB 2013 authorizes an optional one-year waiting period for the TEA, service centers, and school districts to delay the implementation of new commissioner rules from rolled out legislation. HB 2013 will change how rules relating to public school accountability are implemented and allow for more time for the TEA and school districts to prepare.	
HB 388 By: Murphy	Relating to the exemption from ad valorem taxation of real property leased to and used by certain schools.	Ways & Means Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	<p>Similar to exemptions granted to public schools, HB 388 provides for a property tax exemption for real property leased to and used by an open-enrollment charter school if:</p> <ul style="list-style-type: none"> Property is used exclusively by the school for its operation, administration or other educational functions and is “reasonably necessary;” and The property owner by affidavit certifies to the school, property tax payment information under certain lease agreements (including disclosure documents with exemption amount) to reflect the change in tax liability. <p>However, unlike public schools, charter schools do not rely on property tax funds and this exemption has no effect on their funding as it would for public schools. Charters also lack comparable oversight by the state and given the increasing financial strain on the public education system, these exemptions are seemingly unnecessary for the success and recruitment of these charters as well as critical missed revenue for already-strained necessary local services. Additionally, the leases are often issued by, and to the ultimate financial benefit of for-profit real-estate investment companies.</p> <p>The substitute further prohibits its provisions from invalidating a current tax exemption of state-funded real property granted to charter schools prior to the January 2020 effective date.</p>	Unfavorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
HB 1873 By: Dominguez	Relating to a report by the Texas Division of Emergency Management regarding building trade services following disasters.	Licensing & Administrative Procedures Vote: 8 Ayes 0 Nays 0 PNV 3 Absent	<p>During the Hurricane Harvey recovery period, certain homeowners had a very hard time finding contractors to help them rebuild their home. There were a lot of homeowners who were also taken advantage of by fraudulent contractors. There are concerns that there was not enough skilled tradespeople to help rebuild Texas during Harvey.</p> <p>HB 1873 amends the Government code to require that the Texas Division of Emergency Management (TDEM) to create a report for the legislature to improve the availability of skilled tradespeople. The report will include:</p> <ul style="list-style-type: none"> Strategies to increase the availability of tradespeople Approaches to increase the prosecutions against fraudulent contractors Methods to promote bond requirements for contracts <p>HB 1873 requires TDEM to work with state agencies in order to find the best solutions to include in the report. HB 1873 creates this report in order to help rebuild Texas in a safer and more reliable way during the next disaster.</p>	Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org
HB 2366 By: Darby	Relating to the regulation of motor fuel quality and motor fuel metering devices.	International Relations & Economic Development Vote: 8 Ayes 0 Nays 0 PNV 1 Absent	<p>HB 2366 seeks to expand limitations placed on the Texas Department of Agriculture’s (TDA) authority over motor fuel regulation from last session.</p> <p>HB 2366 change fees and penalties in the following ways:</p> <ul style="list-style-type: none"> Limits an administrative penalty dealing with the sale/regulation of fuel to \$2,500 (previously \$5,000) Limits the penalty for a continuous violation relating to the registration of weighing/measuring devices or the weights/measures of the fuel to \$2,500 for fuel metering devices (previously \$5,000) Limits the civil penalty for a dealer, distributor, supplier, etc. who violates requirements relating to motor fuel mixtures and ratings to be no more than \$2,500 (previously \$10,000) Limits the increase of fees for motor fuel testing, inspection, or performance to no more than 10% of the amount of the fee from the previous biennium 	Favorable, with Concerns Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org

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There have been complaints that the funds raised through fees for inspection and registration of motor fuel metering devices are being used to fund other aspects of TDAs authority beyond the costs to run this regulation program. HB 2366 states that fees collected for the registration and inspection of motor fuel metering devices may only be used by the TDA for the purposes of administering and enforcing motor fuel metering device inspections. This specifically dedicates those funds to be used to implement the program rather than the funds going to GR for appropriation. HB 2366 directs TDA to use funds which were collected as fees for testing, inspection, or performance of motor fuels be used to pay costs associated with motor quality testing including sampling costs, transportation costs, and shipping costs.

Currently, a consumer may submit a complaint about a motor fuel device, such as a gas pump at a gas station, to the TDA and the department will notify the person it is registered to requiring an inspection only if the device was last inspected more than 18 months prior or if the department received more than 2 complaints about that location. HB 2366 would require the TDA to give notice of the complaint to the operator of the pump via email within 24 hours after the complaint is received by the department. Giving notice within 24 hours will allow the device operator to quickly respond to the complaint with a fuel test for inspection. In the past, some notifications have taken weeks to be delivered to the operator of the pump and by that time testing the fuel quality isn't as effective as the fuel from the complaint will have been used. Placing a more rigid notification requirement on TDA will increase consumer protection and allow the fuel to be tested in a timely manner for any impurities. It should be noted that current statute requiring more than 2 complaints before action can be taken to limit consumer protection.

HB 2366 would require the complainant to provide proof of purchase for the transaction to purchase the fuel in addition to the exact pump which the complaint is about. Many consumers do not get or keep their gas receipts and while the bill allows for any proof (bank statement, credit card statement, etc.) those records will not contain information about the exact pump. This could lead to a decrease in complaints which will not accurately represent whether or not there was a violation as the TDA cannot pursue action.

When a motor fuel test is required, the operator must contract with a licensed third-party inspector to collect a sample of fuel which is then sent to a licensed laboratory for testing. Currently, the TDA contracts with only one laboratory in Texas for motor fuel testing. This results in an elongated turnaround for the results of the test and may also contribute to untestable materials due to degradation if the fuel takes too long to arrive at the lab. HB 2366 requires the TDA to consider the distance to the nearest motor fuel quality testing laboratory and the octane of the fuel when adopting agency rules for testing motor fuels. In addition, TDA is required to contract with at least 5 laboratory locations in Texas for the purpose of motor fuel quality testing.

Currently, it is considered an offense if an individual removes or destroys a tag which is required to be placed on the weighing/measuring device; resulting in a fine for the operator of the fuel device. Oftentimes consumers will destroy tags at the pump, but the operator gets fined for the offense. HB 2366 states that it is not an offense if the device has valid registration if the individual who removed the tag operates that motor fuel metering device and if the person did not intentionally remove or destroy the tag. TDA will replace all tags which pertain to this new exemption.


In addition, HB 2366 does the following:

- Extends the registration requirement for a fuel metering device from one year to two years to match the current calibration requirement

			<ul style="list-style-type: none"> Clarifies further that TDA only has the authority to stop the sale of motor fuel which violates certain quality measures if there is proof from a laboratory confirming the fuel is out of compliance Clarifies that TDA does not have the authority to do random inspections Removes the authority of the TDA to test motor fuel with an octane rating less than 88 (regular/unleaded gas); focusing inspection efforts on premium gasoline with an octane level at 88 or higher which is more likely to experience a decrease in octane level <p>HB 2366 seeks to expand limitations placed on the Texas Department of Agriculture's (TDA) authority over motor fuel regulation from last session.</p>	
HB 2131 By: Walle	Relating to a public defender's investigation into a defendant's finances.	Criminal Jurisprudence Vote: 8 Ayes 0 Nays 1 PNV 0 Absent	On the recommendation from The Texas Indigent Defense Commission (TIDC), HB 2131 will remove the reporting requirement on a public defender's office that conducts an investigation of the financial condition of an indigent client that the office has been appointed to represent and the authorization for a judge to hold a hearing to determine if the client is indigent and entitled to representation. By preventing a public defense attorney from reporting on their client's financial circumstances it will no longer put said attorney in a position to act as a witness, which is seen as a violation of attorney-client privilege.	Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
HB 2858 By: Toth Romero, Jr.	Relating to adoption of a uniform swimming pool and spa code for use in municipalities in this state.	Urban Affairs Vote: 8 Ayes 1 Nays 0 PNV 0 Absent	There are concerns that the fragmented municipal codes across the state that regulate various constructions on pools and spas make it difficult for businesses that take on such a project to maintain consistent business protocols. HB 2858 remedies this issue by adopting the International Swimming Pool and Spa Code for implementation statewide. This will allow for all municipalities across the state of Texas to be unified on policies that regulate the construction, alteration, remodeling, enlargement, and repair of pools and spas. The bill also grants municipalities the ability to adopt necessary local amendments as well as the authority for the administration and enforcement of the International Swimming Pool and Spa Code.	Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org
HB 2620 By: Martinez	Relating to the movement of oversize or overweight vehicles, including the enforcement of motor vehicle size and weight limitations; creating a criminal offense.	Transportation Vote: 11 Ayes 1 Nays 0 PNV 1 Absent	The DMV Board made various recommendations regarding the movement of overweight/oversize vehicles and HB 2620 implements some of these recommendations. HB 2620: <ul style="list-style-type: none"> Adds a new definition for an escort flag vehicle to mean a vehicle following or preceding a permitted overweight or oversize vehicle to facilitate movement Adds a new definition for an escort flagger to mean a person who has completed training in traffic direction and either operates an escort flag vehicle or directs/controls traffic with a hand signaling device or an automated flagger assistance device Allows use of more than one escort flag vehicles or escort flaggers if TxDOT requires it or to protect the safe movement of the load Creates a Class C misdemeanor offense for someone who moves an oversize or overweight vehicle and is not the person named on the permit unless the vehicle being operated is towing a disabled, abandoned, or accident-damaged vehicle and is on its way to the nearest destination to appropriately drop the load Authorizes the TxDMV to deny oversize/overweight vehicle applications if the applicant is subject of an out-of-service order by the Federal Motor Carrier Safety Administration or determined unsatisfactory safety rating or multiple violations by the Texas Department of Public Safety. And the TxDMV can deny permits without a hearing opportunity or preliminary notice. An applicant can try to appeal this denial within 26 days after the department issued the denial. 	Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org

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			<ul style="list-style-type: none"> Prohibits counties or municipalities from requiring the use of escort flag vehicles for movement of a manufactured home Requires 10% of oversize/overweight vehicle fees to go to the TxDMV fund, unless otherwise specified in the authorizing statute/code Requires the comptroller to send amounts due regarding oversize/overweight vehicle fee revenue to counties or municipalities once a year for their use Allows an administrative fee to be imposed on shippers who don't provide an accurate shipper's certificate of weight and requires the person transporting the shipment to provide a copy of the applicable weight certificate to TxDMV before issuance of an overweight permit if the combined weight of the load is over 200,000 pounds Repeals requirements for the comptroller to send collected permit fees for the operation of certain ready-mixed concrete trucks and timber transporting vehicles to deposit to the county road and bridge fund Repeals issuance of permits by telephone for operating overweight or oversize motor vehicles. 	
HB 2159 By: Meyer	Relating to the correction of an ad valorem tax appraisal roll.	Ways & Means Vote: 9 Ayes 0 Nays 0 PNV 2 Absent	<p>Inconsistencies among appraisal districts have resulted in some districts refusing to accept a motion to correct appraisal roll based on market value after the protest deadline but prior to the tax due date. HB 2159 clarifies that unequally appraised or excessively valued property makes a property owner (or chief appraiser) eligible under statute to file a motion for the correction of appraisal roll.</p> <p>The bill specifies that the error must be equal to or greater than 33% of the correctly appraised value for an owner to file the motion. This improves consistency in interpretation and application across appraisal districts, and further increases transparency and credibility in the appraisal process.</p> <p>Concerns have been raised that this will increase the burden on an already heavily used system and could lead to some of the tax burden being shifted from those that can afford legal representation to those that do not have the resources to pursue such measures, including businesses that can intentionally wait until the most advantageous time given appeals are based on the moving average of a property category.</p>	Favorable, with Concerns Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org
HB 2151 By: Muñoz	Relating to the use of extrapolation by a health maintenance organization or an insurer to audit claims.	Insurance Vote: 8 Ayes 1 Nays 0 PNV 0 Absent	<p>HB 2151 amends the Insurance Code to prohibit health maintenance organizations (HMO) from using extrapolation or an average or sample audit to estimate audit totals of claims not reviewed. Compensation to a provider or any refund due to a preferred-provider must be based on the actual total and not an estimate.</p> <p>HB 2151 would ensure the compensation is accurate with the number of claims per provider. This provision of accurate review of each claim would prevent abusive claims from insurance providers against healthcare providers. With both the provider being compensated appropriately and insurance providers not litigating as many claims, this would funnel down to the consumer in a positive manner.</p>	Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org
HB 2020 By: Kacal Harris	Relating to the release of defendants on bail.	Criminal Jurisprudence Vote: 7 Ayes 2 Nays 0 PNV 0 Absent	<p>HB 2020 has the intent of bail reform for the purpose of increasing safety through creating the Bail Advisory Commission in order to establish better bail practices. However, within its provisions it would limit the authority to judges that meet certain requirements to release defendant on bail. Doing such would mean even less people authorized to set bail to be available, which can only cause an increase in the backlog of cases, which will force more people to wait in jail all at the taxpayer's expense. Backlogs and delays in bail hearings, more often than not, equates to those who cannot afford a cash bail to sit in jail for weeks or even months. As a result, many then plead guilty as way to get back home in order to avoid losing their job or even custody of their children. HB 2020 would also allow judges to deny bail if they believe money bail or a personal bond could not reasonably ensure that the person would show up for court or if that person might endanger the safety of a victim or the public based on a new validated-risk assessment envisioned in the bill regardless of the fact that the Office of Court Administration already has one.</p>	Unfavorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org

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<p>HB 3469 By: Wilson</p>	<p>Relating to a study by the Texas Department of Transportation on the feasibility of charging a pavement consumption fee for the operation of certain motor vehicles on public highways.</p>	<p>Transportation Vote: 11 Ayes 1 Nays 0 PNV 1 Absent</p>	<p>Economic expansion has brought rapid growth to the State of Texas so there is a surplus of heavy commercial vehicles passing through. The heavyweight vehicles damage pavement by cracking and breaking down the structural integrity. As trucks are getting heavier, the damage grows greater and reparation costs rise. Taxation for commercial vehicles is becoming outdated because trucks are causing pricier damage than what is being paid for with taxes.</p> <p>HB 3469 requires the Texas Department of Transportation (TxDOT) to consult with The University of Texas Center for Transportation Research and the Texas A&M Transportation Institute to complete a study for a pricing model for pavement that suggests charging a pavement consumption fee related to reasonable cost repair damage to pavement and highways. This is a system where trucking companies plug in tracking data about how far a truck has driven, what roads, and weight/wheelbase of the truck into a TxDOT website and then the program would calculate the amount of pavement integrity consumed. The resulting charge (pavement consumption fee) would be itemized and billed to the customer. This could help with data collection and revenue distribution.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 2163 By: Bernal</p>	<p>Relating to the types of vehicles regulated as neighborhood electric vehicles.</p>	<p>Transportation Vote: 12 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>With our states continued and rapid growth, creativity when it comes to transportation considering traditional and nontraditional modes can help to keep up with demand. HB 2163 facilitates the mobility of citizens and tourists by expanding the definition of a neighborhood electric vehicle to include electric three-wheeled vehicles.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 2367 By: Bonnen, Greg</p>	<p>Relating to a prohibition on bids by certain insurance and health benefit providers to administer or provide coverage under certain group benefit plans for governmental employees.</p>	<p>Pensions, Investments & Financial Services Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>HB 2367 adds language to the Insurance Code to prohibit insurance carriers from submitting bids for contracts if the carrier is found to have terminated a contract solely due to a physician in contract informing a consumer of all doctors in and out of network coverage. This ban would be for two competitive bidding cycles with the Teacher Retirement System and Employees Retirement System.</p> <p>HB 2367 would prevent providers who may not utilize best industry practices when contracting providers for enrollees. This would allow for more consumer protections when utilizing their purchased healthcare.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>
<p>HB 2401 By: Deshotel</p>	<p>Relating to the requirement that state agency employees complete cybersecurity awareness training.</p>	<p>State Affairs Vote: 12 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>HB 2401 will require that each executive branch state agency's employees, other than a public institution of higher education, who have access to the agency's network or online systems, to complete cybersecurity awareness training. The justification for this requirement comes from concerns that state employees are not being adequately trained by a certain level of standard as each agency, currently, is setting their own minimum standard and qualifications. HB 2401 seeks to create a uniform set of standards that must be met within training for state employees to ensure that they do not become vulnerable to cybersecurity attacks.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 3579 By: Burrows</p>	<p>Relating to the calculation, collection, and remittance of state hotel occupancy taxes.</p>	<p>Ways & Means Vote: 11 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>HB 3579 facilitates and enforces the collection and remittance of state hotel occupancy tax under current law by explicitly establishing calculation of the 6% hotel occupancy tax for any room or space rental in a hotel and related rental charges (excluding food, personal, and telecommunication services) by the person who collects the payment. This includes persons who do not own, operate, manage, or control a hotel, in addition to online companies (ex. Expedia, Travelocity) that often inaccurately collect and remit taxes based on negotiated room rate and not the actual amount paid.</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>

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<p>HB 2168 By: Allen</p>	<p>Relating to a trauma history screening for certain defendants and inmates.</p>	<p>Corrections</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Among incarcerated men and women, there is a prevalence of complex trauma related to mental health, substance use disorder, and antisocial behaviors. Therefore, it is important to have targeted intervention practices to strengthen the chances for success in rehabilitation and reintegration. That is why appropriate screening to diagnose trauma is important especially because people who have experienced significant trauma tend to display symptoms that meet criteria for other disorders.</p> <p>HB 2168 requires the Texas Department of Criminal Justice (TDCJ) and the community justice assistance division of TDCJ to require the community supervision and corrections departments to screen each inmate for childhood or other significant trauma and refer inmates exhibiting PTSD or other trauma symptoms to the appropriate medical/mental health care professional. This allows for early identification of trauma and appropriate interventions.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 2062 By: Guerra</p>	<p>Relating to reimbursement for home telemonitoring services under Medicaid.</p>	<p>Human Services</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Home telemonitoring services include services which track daily data transmissions (such as vital signs, blood sugar levels, weight, oxygen levels, medication compliance, etc.) as ordered by a physician. The data is reviewed by a nurse or another qualified health professional on a daily basis and involves check-ins with the patient especially if the data is outside of normal parameters. The physician must do a review of the transmitted data on a weekly basis. Home telemonitoring services assist individuals in health maintenance and prevent unnecessary problems from occurring; resulting in potential cost savings to the state in emergency visits and lengthened hospital stays.</p> <p>Currently, home telemonitoring services will cease to be reimbursable through Medicaid in September of 2019. HB 2062 repeals the Sunset date for the reimbursable home telemonitoring program to make it indefinite. Utilization of home telemonitoring services in Texas has increased over the last few years and is vitally important for rural communities, specifically South Texas which has the highest utilization rates. Rural areas have a significant barrier to quality care due to the expansiveness of Texas and a lack of providers in their area. Allowing the home telemonitoring program to continue to be reimbursable through Medicaid will ensure Texans can appropriately monitor their health and be advised by a health professional on a regular basis.</p>	<p>Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org</p>
<p>HB 2689 By: Dean Capriglione Bernal Blanco Wray</p>	<p>Relating to the designation of a cybersecurity coordinator by each school district.</p>	<p>Public Education</p> <p>Vote: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Student information that is on school databases is left susceptible to cyber-attacks and there is currently no TEA oversight or centralized system in place that is utilized consistently to monitor these attacks. TEA is currently required to notify school districts about cyber-attacks but there is no liaison coordinator to aid with this process.</p> <p>HB 2689 requires the superintendent to designate a cybersecurity coordinator to serve as the liaison between the district and the TEA. The concern with this bill is that it is an unfunded mandate as this position does not exist already and will lead to an increased cost for the school district to have someone fill this role.</p>	<p>Favorable, with Concerns Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 2667 By: Guillen</p>	<p>Relating to the licensing and regulation of certain occupations and activities; providing administrative penalties; requiring occupational licenses; authorizing fees; creating criminal offenses.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>There are concerns in Texas that certain codes in statute are redundant with other codes and create confusion within Texas business. There are concerns that these provisions create confusion within the Texas Department of Licensing and Regulation (TDLR). During the interim, the TDLR makes recommendations to the legislature in order to amend the code and make it less redundant and easier to follow. HB 2667 amends the alcoholic beverage code, the code of criminal procedure, the family code, the government code, the health and safety code, the occupation code and the transportation code following the recommendations of the TDLR.</p> <p>Court-Ordered Education Programs: The TDLR must establish the regulation of the educational court programs that are currently offered in Texas. The TDLR must create a license application for these programs, evaluate the qualifications of the applicants and enforce the minimal standards for these programs to follow their rules with collaboration from the Texas Commission of Licensing and Regulation (TCLR) and the executive director of the TDLR.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>

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HB 2667 prohibits a person from conducting a court education program unless the person has a program provider license and meets the requirements for these licenses. HB 2667 requires the instructors of the Alcohol education program, the drug offense educational program, the intervention program for intoxication, and the intoxication offense educational program to hold the appropriate licenses to provide these classes.

HB 2667 also sets out the provisions in order for TDLR to have discretion over general standards that a license holder must have in order to provide the education of these court-related programs. HB 2667 sets out the provisions for prohibited practices, the way a license holder may issue a complaint on a provider who violates the rules, the grounds for disciplinary actions against a license holder, and all administrative duties in relation to these education programs. HB 2667 also created a third-degree felony for all those who try and falsify a certificate of completion for these programs.

Texas Department of Licensing and Regulation:
 HB 2667 allows the TCLR to establish the length of a license term, a fee for the issuance and renewal of a license and require any education for these licenses for any program regulated by the TDLR.

Midwives:
 HB 2667 removes the provision that a public member must serve as a presiding member of the Midwives Advisory Board and requires the education for basic midwifery education must include the basic requirements for preceptors and students of the field.

Massage therapists, barbers, cosmetologists:
 HB 2667 creates the license for someone to be able to own, operate, or manage a barbershop or massage shop. The person applying for this license must be in compliance with their barber or massage therapy license and the TDLR may issue a dual establishment license which is a license for an establishment who conducts any practice of cosmetology or massage therapy at the same location. HB 2667 also directs the advisory board for these establishments to advise the TDLR as to how to administer the best practices for the field.

Used Automotive Parts:
 HB 2667 decreases the minimum frequency of inspections for used automotive parts recycling plants from 2 to 4 years. This avoids the shutdown of the plants and allows them to run longer without interruption.

Repeals in code:
 HB 2667 repeals the provision in the Alcoholic Beverage Code to no longer require a minor who is placed on deferred disposition for an alcohol-related offense to participate in a court-ordered program.

HB 2667 repeals the provision for minor who was charged with an animal cruelty offense to participate in a court-ordered education program approved by the TDLR.

HB 2667 repeals the provision for the TDLR to administer the court education programs since the bill amends the code to allow the TDLR to work with the TCLR and the executive director of the TDLR to administer new regulations of these programs.

<p>HB 2879 By: Raney</p>	<p>Relating to a competitive grant program to fund promotion of early literacy programs in certain communities in this state.</p>	<p>Public Education</p> <p>Vote: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>According to the Barbara Bush Literacy Foundation, there is 1 available book for every 300 students that reside in low-income areas. The first five years of a child's life are most important to their learning and growth, so promoting exposure to literacy skills is vital to their development.</p> <p>HB 2879 establishes a competitive grant program to promote early literacy through grants awarded and administered by The University of Texas Health Science Center at Houston. The grant program will require health care practitioners who participate in the literacy program to:</p> <ul style="list-style-type: none"> • provide services designed to increase the school readiness of children receiving program services and encourage parent literacy when applicable • maintain waiting rooms that encourage children to read through well-child exams they are to provide books to children and encourage parents to read to their children to develop preliteracy skills 	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 2655 By: Rosenthal Allen Talarico Toth</p>	<p>Relating to an active shooter emergency protocol for public school districts and required active shooter training for school district peace officers and school resource officers.</p>	<p>Public Education</p> <p>Vote: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>There has been a rise in school violence across the nation, and in 2018 Santa Fe High School in Santa Fe, Texas experienced a school shooting that took the lives of 10 people. School districts, law enforcement, and teachers need to be efficiently prepared to ensure safety in the classrooms to the best of their ability through active shooter drills.</p> <p>HB 2655 requires school districts to include protocols for responding to active shooters in their multi-hazard emergency operations plans and includes school resources and peace officers to complete the training as well.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 1686 By: Smith</p>	<p>Relating to the application for and duration of a protective order for victims of certain offenses; enhancing a criminal penalty.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>HB 1686 will make certain violations of protective orders to become punishable as a state jail felony, which is confinement in a state jail from 6 months to 2 years and with an optional fine not to exceed \$10,000, while violations of certain court orders issued will be punishable at either the misdemeanor or felony level dependent upon the specific circumstances. HB 1686 will require a prosecutor to promptly file an application for a protective order for the following offenses: continuous sexual abuse of a young child or children, indecency with a child, sexual assault, aggravated sexual assault, stalking, trafficking or continuous trafficking or persons, or compelling prostitution. However, if the victim is at least 18 years old and requests an application not to be filed then the prosecutor will be prohibited from doing so. HB 1686 will require that protective orders issued in such cases be made effective indefinitely if the offender is convicted or placed on deferred adjudication and only if the offender is required to register as a sex offender for life.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>
<p>HB 4413 By: Buckley</p>	<p>Relating to state occupational licensing of certain military service members, military veterans, and military spouses.</p>	<p>Defense & Veterans' Affairs</p> <p>Vote: 7 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>HB 4413 would amend the Education Code and the Occupation Code to allow an expedited process for military personnel or veterans to receive licensure through a state agency. This would be in accordance with the State Board for Educator Certification (SBEC). Other state licenses that may have Texas residency requirements would only require documentation of permanent change of station versus extended state residency. A study would also be conducted by the Texas Veterans Commission (TVC) to investigate which occupational licenses significant numbers of military personnel apply for and examine the requirements of each license. This data would be submitted with recommendations in a legislature report by December 1, 2020.</p> <p>HB 4413 would allow for military personnel who are qualified in a field a more fluid transition when moving due to station change. This would create more economic stability for our personnel and veterans as well as fill open positions which are chronically hard to fill, such as teachers.</p>	<p>Favorable Evaluated by: Elizabeth Churaman (281)-686-4544 Elizabeth@texaslsg.org</p>

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<p>HB 3000 By: Talarico Capriglione</p>	<p>Relating to student data security in public schools.</p>	<p>Public Education</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>Some school districts have experienced major cyber-attacks that have led to the unsolicited release of student information that can include social security numbers, family member names, and addresses. School districts are currently not required to report to the parents of students in the school district when these attacks occur, maintain records of the attacks, nor are they required to come up with a plan to prevent cyber-attacks.</p> <p>HB 3000 addresses this issue by requiring school districts to report major cyber-security breaches to TEA and make sure parents of the students in that school district are aware of these attacks. HB 3000 establishes a system to ensure that the reporting of security breaches is done and will require the school districts to create a plan to address future attacks.</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 3460 By: Thompson, Ed</p>	<p>Relating to the route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.</p>	<p>Transportation</p> <p>Vote: 12 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The state and TxDOT allow local options to issue permits for oversize and overweight vehicles on certain corridors with fees to sufficiently cover maintenance to roadways in the state highway system. Currently, there are eight entities authorized to issue corridor permits for oversize/overweight vehicles. Matagorda County seeks to be included in this by providing designated oversize/overweight corridor in Matagorda County to the Port of Palacios with the existing fee structure that is already in place.</p> <p>HB 3460 allows route designation for oversize and overweight vehicles under permits issued by the port authority to use a direct route from the intersection of State Highway 35 and McCrosky Road in Matagorda County to the entrance of the Port of Palacios using State Highway 35, the intersection of State Highway 60 and Chalmers Road in Matagorda County to the entrance the Port of Palacios using State Highway 60, the intersection of Farm-to-Market Road 521 and Weathers Road in Matagorda County to the entrance of the Port of Palacios using FM 521, and the intersection of State Highway 71 and Wind Road in Matagorda County to the entrance of the Port of Palacios using State Highway 71.</p>	<p>Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>
<p>HB 1782 By: Cortez Guillen</p>	<p>Relating to a plan to increase the use of telemedicine medical services and telehealth services in this state.</p>	<p>Public Health</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>HB 1782 requires HHSC to develop and implement an action plan for the expansion of telehealth medical services and for increasing the availability of critical medical care and health care services to Texans in medically underserved areas such as border and rural areas.</p> <p>In enacting the provisions of the bill, HHSC should seek assistance from the Texas Hospital Association, the Texas Medical Association, teaching hospitals, and the statewide health coordinating council. HHSC is also required to consult with providers, advocacy groups, agencies, and other stakeholders that may be able to provide valuable input to the creation of the action plan.</p> <p>The action plan should include short-term and long-term recommendations, any necessary statute or administration reform, and options for the funding necessary for implementation. The short-term and long-term plans should be included in the updated HHS strategic plan.</p> <p>HHSC is required to submit the action plan to the Governor and Legislature by September 2020. Full implementation of the short-term plan should be complete by September 2023 and full implementation of the long-term plan should be complete by September 2029.</p> <p>Any provisions of the action plan that must be implemented by Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) clinics will be contingent on approval from the federal administrative agency, the US Department of Agriculture.</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>

			Increasing the effectiveness and efficiency of telemedicine while simultaneously expending such programs can offer greater levels of health care access for Texans, particularly those who live in rural areas and those who struggle with mobility issues or transportation insecurity.	
HB 3204 By: Sanford Swanson	Relating to the form of ballot propositions and certain voter information document requirements for an election seeking authorization for the issuance of school district bonds supported by property taxes.	Public Education Vote: 8 Ayes 3 Nays 1 PNV 1 Absent	The current process for school district bond elections is not spilt up and divided by items for the voters. The information that is required for a bond election is posted on a school district website for people to view publicly. HB 3204 restricts the governing board or commissioners court from including more than one project per proposition in a bond election and creates multiple costly bond elections for different items. The concerns with this bill are that it creates an unnecessary addition to ballot language and creates a burden for large school districts who often have large comprehensive bond packages with multiple projects which could lead to organizational problems. HB 3204 is an anti-equity measure that ultimately leads to voter fatigue.	Unfavorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org
HB 4416 By: Middleton	Relating to the qualifications necessary for a political party to have the names of its nominees placed on the ballot.	Elections Vote: 6 Ayes 3 Nays 0 PNV 0 Absent	Currently Texas is one of the most restrictive states when it comes to ballot access. The laws tend to be more in favor of major parties (Democrat and Republican) whose access is guaranteed by taxpayer-funded party primaries. Minor parties must be polled at 5% in statewide elections or 2% in governor elections to retain ballot access or get nearly 85,000 valid signatures (typically at least 120,000 actual signatures) from supportive voters to sign a petition within a short 3-1/2-month period to gain access to the ballot. Supporting voters can only sign the petition if they have not voted in major party primaries or have not signed a petition for another candidate. Because of these restrictions, it is virtually impossible for minor parties to gain access without significant funding through generous private donations and is estimated to cost between \$0.5 and \$1.0 million. In a lot of cases, many minor parties are rejected access to the ballot due to lack of these significant resources. HB4416 increases the minimum number of votes that at least one political party nominee must receive from 5% to 10% for a statewide election in order for their party to remain on the ballot in a general election. This will create a larger barrier for minor party access to the ballot than currently exists. HB 4416 will limit Texas eligible voter's access to choices on the ballot. There are currently only 4 states with a percent higher than 5%, most states are below 5% and some only requires that the parties be organized as in having real officers, bylaws and regular financial reports. Texas is a state that stands on individual liberty and limited government, however, increasing the barriers for ballot access will relinquish eligible Texans right to have their voice heard in Texas elections due to government-imposed barriers to ballot access.	Unfavorable Evaluated by: Donisha Cotlone (832) 496-4424 Donisha@TexasLSG.org
HB 4163 By: Thompson, Senfronia	Relating to the authority of a court to grant a commutation of punishment for certain persons released on parole.	Corrections Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	Texas law allows individuals on probation judicial clemency which means the judge can set-aside convictions or allow defendants to withdraw their plea so the judge can dismiss the accusation which allows those placed on probation to be discharged without a final felony conviction. This releases individuals from all penalties associated with the offense. Judicial clemency is only available for probationers; parolees cannot file motions to request a commutation of their sentences. HB 4163 gives parolees opportunity to commute (shorten) their sentence if they were released from jail/prison on parole at least 10 years before filing, their parole was never revoked, and they are not registered sex offenders. HB 4163 requires parolees to provide employment history during parole, educational and training completion, volunteer activities, and letters of support when applying for commutation. Once the motion is received the court, the court must notify the state's attorney and request information from the Texas Department of Criminal Justice (TDCJ) relating to the individual's conduct while on parole. The court may hold a hearing to consider the motion of commutation in order to hear testimony from the defendant and other relevant sources. The court has 180 days	Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org

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			<p>following the parolee's motion to determine whether or not the individual is eligible for commutation and if it determined as so, the court will then issue an order commuting their sentence if it is in the best interest of the public, the person, and justice.</p> <p>HB 4163 is contingent upon passage of constitutional amendment HJR 130, which authorizes a court to grant commutation to individuals who have successfully served on parole for a certain amount of years.</p>	
<p>HB 3384 By: Shine</p>	<p>Relating to the authority of the comptroller to conduct a limited-scope review of an appraisal district located in an area declared by the governor to be a disaster area.</p>	<p>Ways & Means</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>HB 3384 authorizes a more feasible limited-scope, instead of a full comprehensive, review of appraisal districts in counties with declared disaster areas during the relevant tax year in which the disaster occurred. As witnessed by Hurricane Harvey, many appraisal districts were impacted and resources limited, making comprehensive reviews logistically problematic or completely impractical.</p> <p>To qualify for this option, the chief appraiser must request a limited review and the comptroller must ensure that because of the disaster:</p> <ul style="list-style-type: none"> • The building to conduct business is destroyed or inaccessible for at least 30 days • The district's records or system are destroyed for at least 30 days <p>Or the district simply does not have the resources to undergo a full review</p>	<p>Favorable Evaluated by: Eliot Davis (713) 855-3285 Eli@TexasLSG.org</p>
<p>HB 838 By: Deshotel Thompson, Ed</p>	<p>Relating to an agreement between the Department of Public Safety and a county, municipality, or private vendor for the issuance of renewal and duplicate driver's licenses and other identification certificate services; increasing a fee.</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>There are current concerns that the lines at the Department of Motor Vehicles(DMV) are too long in certain areas and people are having to wait outside for hours just to renew their licenses. HB 838 amends the transportation code in order to expedite the renewal of driver's licenses and increase the productivity of the DMV in order to decrease the wait times.</p> <p>HB 838 allows certain third-party vendors who have background checks and are vetted by the Department of Public Safety (DPS) to have access to issue a renewal of state driver's licenses. The third party vendors will not be able to issue new licenses but can renew if DPS already has the driver's information in their system. HB 838 allows the third party vendors to charge \$10 dollars for these services.</p>	<p>Favorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 4202 By: Smithee</p>	<p>Relating to the authority of a court to grant a motion for a new trial in certain criminal cases.</p>	<p>Criminal Jurisprudence</p> <p>Vote: 9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Currently, a motion for a new trial (MNT) may only be filed within the 30 days after the sentencing. Texas has few solutions for such innocent or wrongly sentenced individuals other than this 30 day window for the filing of an MNT or a direct appeal process. An MNT is generally not allowed even if the defendant, the state of Texas, and the trial court all agree that a new trial should be granted.</p> <p>Following requests for legislative action on this issue, HB 4203 addresses this issue by making it easier to request and obtain a new trial. The bill expands the window for an MNT by allowing for a defendant to file an MNT with the convicting court at any time during the term of an imprisonment that three or more years or after the imposition of the death penalty. To do so, the defendant must have the written consent of the district attorney or the criminal district attorney. This allows for the state to have some say in who is eligible to apply for an MNT. The filed MNT must include a statement of facts that has been agreed to by all parties involved in the proceedings.</p> <p>HB 4202 grants the court discretion to grant the defendant the requested new trial using the agreed statement as a basis for the decision. Though the provisions of this bill are subject to the procedures for appeals as outlined in Chapter 44 of the Code of Criminal Procedure. However, the bill specifies that the appeals process will only be apply to the court's decision to approve the MNT. This means that neither the attorney representing the state, hereafter referred to as the prosecutor, nor the defendant will be entitled to appeal the court's denial to grant a new trial.</p>	<p>Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

			<p>The attorney representing the state may offer a conditional consent to the MNT with the requirement that the defendant must plead guilty, accept a specific punishment, waive parole eligibility, or waive the right to appeal. The motion is eligible for withdrawal by either the defendant and the prosecutor's consent is eligible for withdrawal at any time before the trial court has granted the motion. If either the motion or the consent is withdrawn, the court may not grant a new trial for this particular MNT.</p> <p>HB 4202 also offers additional clean up language to ensure that the Code is kept consistent with the bill provisions. HB 4202 offers a way for innocent or wrongly sentenced individuals to have an avenue by which to pursue justice while allowing for accountability by requiring the state's consent to initiate a motion for a new trial.</p>	
HB 760 By: Wu	Relating to the punishment for the criminal offense of theft involving a package delivered to or collected from a residential or commercial property; increasing a criminal penalty.	Criminal Jurisprudence Vote: 8 Ayes 1 Nays 0 PNV 0 Absent	As a measure to deter packages being stolen from people's property HB 760 will increase the penalty for theft of addressed packages dependent on their value. HB 760 will make it a Class A misdemeanor, which is punishable by a fine of not more than \$4,000, confinement in a county jail for a term not exceed one year, or both, for theft of property valued at less than \$2,500 that has been delivered by a common carrier but not yet received by the addressee. HB 760 also makes sure that it is not a defense to the prosecution of such an offense that the package is addressed to a person who is not the owner of the residential or commercial property from which the package was stolen. HB 760 does not include mail or packages that have been delivered by the United States Postal Service (USPS) as it has its own prosecution through federal courts.	Favorable Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org
HB 2786 By: Button Perez Burrows Hinojosa Leach	Relating to employee turnover reporting during a day-care center's, group day-care home's, or registered family home's license or registration renewal.	Human Services Vote: 7 Ayes 0 Nays 0 PNV 2 Absent	HB 2786 requires a child-care center seeking the renewal of their license to disclose the total number of employees who left employment from that child care center for the previous year within their license application. The Department of Family and Protective Services will collect this information and include the number of employees who left each licensed child care center and registered family home in their searchable database accessible to the public. By placing this information on the database, parents are better able to determine the most appropriate child care center for their child. Quality child care is an important support for Texas' workforce and turnover of child care teachers impact the quality of the care provided in addition to driving up costs for the provider to hire new, appropriately trained teachers. Gathering data which includes turnover rates in child-care centers will provide further information on how to improve child care in Texas and better support teachers who are responsible for children during their brain's most formative years.	Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org
HB 3850 By: Deshotel	Relating to the funding of certain ship channel improvements; authorizing the Texas Transportation Commission to issue revenue bonds.	Transportation Vote: 12 Ayes 0 Nays 0 PNV 1 Absent	<p>The ship channel improvement revolving fund was created to provide funding for infrastructure improvement to Texas waterways. There is concern about the methodology around providing finance through the fund to allow finance of the sponsor's local share.</p> <p>HB 3850 revises the methodology about how certain ship channel improvements are funded to provide flexibility. HB 3850 authorizes the Texas Transportation Commission to issue revenue bonds—its proceeds will be deposited into the ship channel improvement revolving fund. HB 3850 also changes the purpose the commission must use money from the fund for from financing qualified projects for navigation districts to enhance financial capabilities. HB 3850 provides revenue or security for low-interest loans, flexible loan repayment terms, and longer repayment terms for loans.</p>	Favorable Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org
HB 3511 By: VanDeaver Anchia Thompson, Senfronia Murphy	Relating to the creation of the Commission on Texas Workforce of the Future.	International Relations & Economic Development Vote: 6 Ayes	<p>HB 3511 creates the Commission on Texas Workforce of the Future to collaborate with various entities to increase the efforts of state and local authorities to build Texas' workforce talent pipeline. The Governor will appoint the presiding officer of the commission which must be a business executive. The commission will consist of 17 members:</p> <ul style="list-style-type: none"> • 5 members appointed by the Governor <ul style="list-style-type: none"> ○ At least one member appointed by the Governor must be a part of the statewide labor federation 	Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org

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<p>Lozano</p>		<p>1 Nays 0 PNV 2 Absent</p>	<ul style="list-style-type: none"> ○ When appointing members, the Governor should consider appointing leaders representing various industries such as health care, oil/gas, technology and manufacturing, construction, and petrochemicals ● 4 members appointed by the Lieutenant Governor <ul style="list-style-type: none"> ○ 2 members must be of the Senate ○ An administrator of a K-12 public school system or an elected member of a school board ○ Superintendent of an adult education program under an adult high school and industry certification program ● 4 members appointed by the Speaker of the House of Representatives <ul style="list-style-type: none"> ○ 2 members of the House of Representatives ○ A representative of a high school dropout recovery adult education program serving individuals between 18-25 years of age OR a Superintendent of a public school who oversees an adult high school dropout recovery education program ○ An administrator of a public community or technical college or a public university in Texas ● Commissioner of Higher Education (or their appointee) ● A commissioner of the Texas Workforce Commission (or their appointee) ● Commissioner of the Texas Workforce Commission ● Chair of the Texas Economic Development Corporation <p>In addition, members of the commission should represent the ethnic and geographical diversity of Texas.</p> <p>The Commission on Texas Workforce of the Future will develop recommendations which will be submitted to the legislature with strategies to help address problems in workforce development including but not limited to:</p> <ul style="list-style-type: none"> ● Supporting public-private partnerships in industries ● Improving coordination between entities to increase access to high-quality jobs ● Addressing the future skills gap ● Increasing training opportunities for individuals who are historically underrepresented in high-quality jobs. <p>The Commission on Texas Workforce of the Future will establish work groups to discuss policy issues and possible recommendations for the commission. In addition, the commission may hold public meetings for community input on these matters. It is believed that between the various agencies involved in the commission, provisions within HB 3511 can be conducted with current funds within those agencies. The Commission on Texas Workforce of the Future will expire January 12, 2021.</p> <p>HB 3511 seeks to increase coordination between various entities to increase access to skill training, education, quality jobs, public-private partnerships, etc. to close the workforce skills gap and meet the needs of businesses in Texas.</p>	
<p>HB 3635 By: Turner, John</p>	<p>Relating to financial assistance paid to the survivors of certain law enforcement officers, firefighters, and other public employees killed in the line of duty.</p>	<p>Appropriations</p> <p>Vote: 22 Ayes 0 Nays 0 PNV 5 Absent</p>	<p>HB 3635 allows for the financial assistance payment to survivors of law enforcement officers, firefighters, and other public employees killed in the line of duty to be updated automatically to keep up with the rate of inflation. This bill will allow for the amount to be adjusted by the Employee Retirement System board of trustees based on the percent change of the Consumer Price Index. Historically, these payments have been updated periodically by the legislature leaving families without sufficient compensation and losing value over time due to inflation. Currently, the lump sum payment amount is \$500,000, last adjusted in 2015, and has lost approximately \$35,000 in value as of March 2019. HB 3635 allows for families of certain public servants killed in the line of duty to receive sufficient compensation to cover related expenses.</p>	<p>Favorable Evaluated by: Brittany Sharp (210) 748-0646 Brittany@TexasLSG.org</p>

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<p>HB 4186 By: Sanford Talarico</p>	<p>Relating to the creation of a committee to recommend a framework to incorporate digital teaching and learning in public schools.</p>	<p>Public Education</p> <p>Vote: 11 Ayes 0 Nays 0 PNV 2 Absent</p>	<p>A digital learning technology is any type of learning that can be accompanied by technology or through the instructional practice that makes effective use of technology. Digital learning technologies can help Texas' students understand theory and connect how to apply those concepts to different material in and out of the classroom.</p> <p>HB 4186 creates the Next Generation Commission on Digital Learning that will make recommendations to establish how digital teaching and learning in public schools will be incorporated. The commission will consist of 15 members and will allow for the TEA to provide administrative support. The Next Generation Commission on Digital Learning will produce a report with the following:</p> <ul style="list-style-type: none"> • a funding proposal for implementing digital learning strategies in elementary and secondary schools • strategies to provide high-quality education that will improve student outcomes and educator quality using digital learning tools and techniques • a framework for an effective statewide deployment of digital teaching and materials in Texas schools <p>strategies that will empower districts in the effective adoption and implementation of digital teaching and learning materials</p>	<p>Favorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 2490 By: Wu Frank Hinojosa Goodwin Bucy</p>	<p>Relating to the system for maintaining records relating to children in the conservatorship of the Department of Family and Protective Services.</p>	<p>Human Services</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>Recently, there have been concerns that the Department of Family and Protective Services (DFPS) IT system allows for children's case files to be changed by several staff members at various points throughout the case without maintaining the original case log; leading to several incidences of misrepresentation of the child's case. It is vital that a child's case narrative in the DFPS system accurately and truthfully represent their case so that the department, attorneys, etc. can act in the best interest of the child. HB 2490 seeks to remedy these concerns by requiring DFPS to update and make necessary changes to their IT system to ensure the integrity of a child's case file. The IT system must allow the following in regard to children's case files on the system:</p> <ul style="list-style-type: none"> • Must lock information entered into a case narrative at any stage of a case log by appropriate DFPS staff or agents after approval by department management • Once the information is locked: <ul style="list-style-type: none"> ○ Case narrative cannot be changed by any DFPS staff or management unless authorized by a court order ○ System will allow appropriate DFPS staff to add entries to the case narrative to update information but cannot change the previously locked information ○ System must track the identity of the person making the change and the date of the change with any considerable change made in a case log <p>HB 2490 will increase transparency for the process of developing a child's case file and hold DFPS staff accountable for any changes to the case narrative.</p>	<p>Favorable Evaluated by: Ali Schoon 515-313-3712 Ali@TexasLSG.org</p>
<p>HB 1748 By: Oliverson</p>	<p>Relating to continuing education requirements for surgical technologists.</p>	<p>Public Health</p> <p>Vote: 8 Ayes 0 Nays 0 PNV 3 Absent</p>	<p>HB 1748 states that surgical technologists are required by the provisions of the bill to complete the hours of continuing education required for maintaining their certification as set by the issuing organization. In addition, a surgical technologist must complete 30 hours of related continuing education every two years. The bill also grants facilities the right to request evidence that the required continuing education hours have been completed. If a surgical technologist fails to comply with these requirements for continuing education hours, the facility may restrict their ability to practice in that capacity.</p> <p>The requirements for continuing education within HB 1748 allow for surgical technologists to stay abreast of changes and advances in the field and addresses potential gaps in their knowledge base.</p>	<p>Favorable Evaluated by: Sharon Jacob 920-675-9865 Sharon@TexasLSG.org</p>
<p>HB 1457 By: Dominguez</p>	<p>Relating to the eligibility of certain attorneys to be employed by a public defender's office.</p>	<p>Criminal Jurisprudence</p> <p>Vote:</p>	<p>Currently, private practice lawyers, who have substantial experience with the practice of criminal law, are ineligible to represent indigent defendants through the public defender's office. The current system has forced certain counties, that only need part-time attorneys, to hire civil attorneys for the magistrate hearing. HB 1457 will allow for a county</p>	<p>Favorable Evaluated by: Merci Mohagheghi (718) 382-7007</p>

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		<p>9 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>and the public defender's office to decide if the procedure of hiring part-time, private practice lawyer for the sole purpose of providing counsel for indigent defendants is appropriate.</p>	<p>Merci@TexasLSG.org</p>
<p>HB 3535 By: Phelan</p>	<p>Relating to the payment of certain fees to municipalities by entities that provide telecommunications and cable or video services.</p>	<p>State Affairs</p> <p>Vote: 9 Ayes 2 Nays 0 PNV 2 Absent</p>	<p>HB 3535 allows a certificated telecommunications provider who currently pays both a per access line fee for telephone access to the municipal right of way under Chapter 283 of the Local Government Code, and a video right of way access fee under Chapter 66 of the Public Utility Code to make a statewide election to pay the larger the two fees. The provider is then exempted from owing the smaller fee. The committee substitute clarified that for any municipality where a provider currently pays only one of the two fees, the provider will continue to pay 100% of that right of way access fee after passage.</p> <p>HB 3535 requires a provider to file, not later than October 1 of each year, an annual written notification with each municipality in which the provider provides telecom or video services of the provider's requirement to pay the franchise fee to the given municipality or exemption from that requirement for the following calendar year. The changes to law made by HB 3535 apply only to a payment made on or after January 1, 2020. The bill requires a determination of compensation or fees under the bill's provisions for the year 2020 to be based on amounts actually paid between July 1, 2018, and June 30, 2019.</p> <p>The cable and telecom companies contend that this bill is necessary to comport technological advancements with the requirement to pay municipalities for access to the right of way. Chapter 283 was passed in 1999 when most telephones were still landline, predominantly copper wires. At the time, the phone functioned only as a communications device to make calls, not as a way to also text, view video and connect to the internet. Chapter 66 was passed in 2005 when video franchising went from municipal to statewide, and cable only transmitted video television content over its separate line. Now, both telecom and video transmit multiple services over one line -- just one access point -- and thus, two separate fees should no longer be assessed for access over one line.</p> <p>However, having services run through one single line does not change the current amount of land being used, nor does it negate the increased value of said property as the service providers have found more use for it. The fees being assessed are a rental for the use of taxpayer-owned property. It's the cost of doing business. The only difference is the companies are renting public, as opposed to private, property. Cable and phone companies are asked to pay for the right-of-way they occupy in the same manner as a commercial retail lease.</p> <p>Furthermore, the Texas Constitution prohibits the legislature from forcing a city to give away publicly-owned property for less than fair market value. The bills are unconstitutional because they eliminate value-based compensation. In other words, the compensation would no longer be based on the value of the right-of-way to the companies. (The bill, if passed, will be added to a pending state court lawsuit relating to S.B. 1004 (2017), which allows cellular infrastructure to be placed in city rights-of-way with less-than-adequate compensation.)</p> <p>Providers also contend that in every municipality where both fees are collected and the fees are passed on to consumers as a line item on their bill, HB 3535 will result in a direct consumer benefit because the double fee will no longer be collected. There is concern that this would actually occur, as most companies would likely keep the savings, instead of reducing customers' bill by a few dollars.</p>	<p>Unfavorable</p> <p>Evaluated by: Merci Mohagheghi (713) 382-7007 Merci@TexasLSG.org</p>

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			<p>HB 3535 directly impacts cities and their budgets. According to the Legislative Budget Board (LBB) HB 3535 will come at a cost to cities across the state.</p> <ul style="list-style-type: none"> • Houston is said to potentially lose up to \$27.5 million; • Dallas, \$9.2 million; • San Antonio, \$7.9 million; • Austin, \$6.3 million; • Arlington, \$2.8 million; • Sugar Land, \$7.9 million; • Plant, \$737,017; • Denton, \$669,548; • Waco \$373,194; and • The Colony, \$235,000. 	
<p>HB 1133 By: Stickland</p>	<p>Relating to public school class size limits.</p>	<p>Public Education</p> <p>Vote: 10 Ayes 0 Nays 2 PNV 1 Absent</p>	<p>There is a current restriction on class sizes for K-4th grade of 22 students per 1 teacher. Having class size rules is a benefit to the students and teachers as the classroom can become a community in a small setting and allows for a more efficient space for the teachers to teach and help every student.</p> <p>HB 1133 removes the current 22:1 limit on classroom sizes for K-4th grade and replaces it with a 22:1 average per grade per campus. HB 1133 makes classroom sizes meaningless for the sake of school district flexibility and not for the benefit of the students.</p>	<p>Unfavorable Evaluated by: Marissa Gorena (956) 867-7232 Marissa@texaslsg.org</p>
<p>HB 3622 By: Paddie Geren</p>	<p>Relating to the adoption of certain plumbing codes by the Texas State Board of Plumbing Examiners.</p>	<p>Licensing & Administrative Procedures</p> <p>Vote: 6 Ayes 1 Nays 0 PNV 4 Absent</p>	<p>The Texas State of Board Plumbing Examiners currently tests all applicants to become a licensed plumber under the International Plumbing Code (IPC) and the Uniform Plumbing Code UPC). These two codes are the codes that regulate the plumbing industry in Texas and the codes the licensed plumbers follow in their profession. Cities in Texas have the option to choose to operate under either code. However, this creates confusion within the field as to which city follows which code and creates disorganization within the state.</p> <p>HB 3622 amends the Occupations Code in order to repeal the UPC and require all Texas cities to adopt the IPC and operate under this code. The Texas State Board of Plumbing Examiners are required to also adopt this code and test all applicants under this code. The IPC correlates with other building codes in statute and is easier to adopt than the UPC.</p> <p>However, there are concerns that the IPC is too lenient on plumbers in order to be cost effective. The UPC is backed by the plumbing industry because it is the safer option for communities and holds the plumbers to a higher standard than the IPC. HB 3622 allows cities to amend the IPC in order to fit the cities other codes.</p>	<p>Unfavorable Evaluated by: Santiago Cirnigliaro (713) 435-9049 Santiago@TexasLSG.org</p>
<p>HB 1951 By: Krause Metcalf</p>	<p>Relating to the development, construction, and operation of toll projects; authorizing an administrative fee; imposing a civil penalty.</p>	<p>Transportation</p> <p>Vote: 8 Ayes 3 Nays 0 PNV 2 Absent</p>	<p>HB 1951 aims to reform the current toll road system. There are two main parts to this bill. Firstly, HB 1951 authorizes TxDOT to enter voter-approved comprehensive development agreements (a great approach to turn to voters for big projects, however, transportation decisions are made by local elected officials) with private entities for toll projects or state highway improvement projects (with tolled and non-tolled lanes) if the estimated capital costs for construction exceed \$1 billion if TxDOT says state funding is not available without reprioritization of funds designated for other projects. CDAs can be cost-effective and useful in construction projects. The problem here is that there are only two per year and they must cost \$1 billion or more to qualify—this likely means that only the biggest transportation projects (in the largest cities) will benefit.</p>	<p>Will of the House Evaluated by: Sophia Creede (832) 865-4774 Sophia@TexasLSG.org</p>

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Last session, there was a cap on tolling fees for TxDOT toll roads to a maximum of \$48 per year per person for driving on toll roads without paying properly. HB 1951 attempts to put this cap on other tolling authorities in Texas. This diminishes collections and removes the NTTA's ability to recover tolls by not allowing regional tolling agencies to run their own tolling businesses. HB 1951 lacks an enforcement model for those do not pay their fines. This will influence a shortage in funds needed for concrete and maintenance for tolling authorities. Regional tolling agencies don't receive state appropriations, they are stand-alone and self-financed. HB 1951 could end in tolling entities defaulting on bonds.

HB 1951:

- Prohibits TxDOT and private entities from constructing/operating from constructing a toll project classified as a comprehensive development agreement unless the project is approved by the majority of voters in all counties the project would be located, or in each county where a portion of the project is located in a county with a population of 500,000 or more and at least one county with a population of not more than 50,000.
- Requires the commissioner's court in each county with a portion of the toll project to order such an election when the scope of the project is finalized: the route, the number of lanes, the number of toll lanes, and the method of financing the project must be determined—and that information will be provided on the ballots along with whether the toll charge would be at a variable or static toll rate. After a specific toll project is voted on, if it loses, there cannot be another vote on that same project for five (5) years.
- Requires vehicle operators driving through the toll collection of a toll project shall pay the proper toll but is not required to pay at the time of passage: a toll entity shall use video billing or other methods—video recordings, photography, electronic data, and transponders— to allow vehicle owners to pay at later dates. The toll project shall send invoices to the owners' addresses from TxDMV or derived through other reliable means and the vehicle owners must pay within 30 days after the invoice was mailed.
- Limits the amount of administrative fees that a tolling entity charges may not exceed \$48 per year.
- States that an individual who fails to pay two or more invoices receives a civil penalty of \$25. Before, it could be punished with a criminal enforcement cost, as well.
- Establishes that a regional tollway authority and a regional mobility authority have the same powers and duties as TxDOT, a county, and the other regional authority regarding the authority's toll collection and enforcement powers for the authority's turnpike projects and other toll projects developed, financed, constructed, or operated under an agreement with the authority or another entity in addition to powers and duties provided to each authority.