TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

Representative **Desk**

LSG Floor Report For POSTPONED BUSINESS CALENDAR- Tuesday, April 27, 2021

Author	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1380 By: Longoria	Relating to information technology purchased through the Department of Information Resources.	State Affairs Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	The Department of Information Resources (DIR) is authorized to purchase certain technology-related commodity items in bulk at a pre-negotiated, discounted rate for the benefit of state agencies, so long as those items are in high demand from more than one state agency. HB 1380 expands this authorization by redefining commodity items to include those items in demand by more than one customer, whether that be a Texas state agency, a governmental entity of another state, or another entity like a city, school, hospital, or public safety agency. These entities are already authorized to purchase commodity items from the DIR, but the bill expands the types of items eligible for purchase under this program.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 956 By: Dutton | Frullo	Relating to the places where certain knives are prohibited.	Criminal Jurisprudence Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	Currently, blades over 5.5 inches long are prohibited from certain premises such as food establishments with alcohol permits and licensure, places of worship, and amusement parks. These knives are necessary for the foodservice industry, manual laborers, and construction workers. Individuals in these professions may unintentionally carry prohibited knives into location-restricted establishments that hold criminal liability. Entering location-restricted establishments with a blade over 5.5 inches long is punishable by a Class C fine-only misdemeanor or 180-days of deferred disposition with no confinement. HB 956 allows these knives in establishments that have over 51% of their income from alcohol, amusement parks, and places of worship while maintaining restrictions for schools and school-related events, correctional facilities, and certain hospitals. The bill also removes the definition for amusement park establishments by replacing it with premises. HB 956 removes the criminal liability from individuals in professions that require knives from the unintended consequence of conviction.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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LSG Floor Report For MAJOR STATE CALENDAR- Tuesday, April 27, 2021

HB 15 By: Thompson, Senfronia | Bonnen | Goldman | Coleman | Meyer	Relating to the creation of the Brain Institute of Texas; granting authority to issue bonds.	Higher Education Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Research surrounding neurodegenerative diseases (NDD) and other chronic brain conditions like Alzheimer's diseases, dementia, Huntington's disease, Parkinson's diseases is still underdeveloped. A diagnosis or genetic indicator that someone has one of those diseases is the equivalent to a death sentence as we do not know how to treat them or even detect the early stages of onset. Typically, it is discovered too late when significant damage is already done. Thus, there is an imperative to invest in research that finds methods of treatment and detection. HB 15 will provide the means to do this with the creation of the Brain Institute of Texas. This bill will go into effect January 1st, 2022 if HJR 5 is passed and approved by the voters. The structure of the institute is similar to the Cancer Prevention and Research Institute of Texas (CPRIT). The Brain Institute of Texas will: • create grants to carry out the Brain Health and Research Plan, to conduct brain related research, cover costs associated with the research, and establish prevention programs and mitigation strategies. • collaborate with state agencies and other entities to improve brain related care and research. • create oversight standards related to monitoring spending allocated funds, monitoring grant contracts and programs, and ensuring compliance of grant proposals. • establish compliance procedures for conflict-of-interest rules and the peer review process. • hire a chief compliance officer who will be responsible for monitoring compliance with the bill's provisions and report incidences of non-compliance to the oversight committee. • HB 15 outlines the member composition and duties of the various committees that will be under the institute, as well as the hiring guidelines, duties, and expectations of the CEO, chief compliance officer, and additional officers. The bill also outlines the guidelines of member selection, addressing conflicts of interest, removal from committee, as well as vacancies for all committees. The oversight committee will adopt conflict of interest rules based on the standards set by the National Institutes of Health to govern all committee members within the institute. HB 15 will outline necessary guidelines to determine a conflict of interest, disclosure requirements, recusal procedures, and what is needed to be done following review and determination of conflicts of interest. A compliance program will be created to operate under the chief compliance officer. Procedures	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			and a telephone hotline will be created for the purposes of privately accessing the confidentiality office and to ensure confidentiality. By state law, closed meetings may be conducted by the oversight committee to discuss ongoing compliance investigations regarding fraud, waste, or abuse of state resources. The institute will be responsible for preparing an annual report for the governor, the lieutenant governor, the speaker of the House of Representatives, and each standing legislative committee that has jurisdiction over the institute. The institute is required to have an annual independent financial audit completed by a certified public accounting firm and the results of the audit will be reported to the Texas Comptroller and the oversight committee. The institute will be responsible for keeping the records of grant application reviews for at least fifteen years. Once approved, a contract must be drafted between the institute and the recipient to outline specifics regarding how the money is to be used, repayment of the unused money, as well as termination of the contract. HB 15 dictates that grant recipients are able to use their funding as long as it follows the contract between the recipient and the institute. Lastly, HB 15 will create specific limitations, prohibitions, and requirements with the awarding of grant funding. HB 15 will establish a dedicated fund in the general revenue for the institute and outlines how these funds are to be used. HB 15 allows the institute to request the Texas Public Finance Authority (TPFA) to issue and sell state general obligation bonds. The bill includes parameters regarding the issuance of state general obligation bonds and the expectations of the TPFA. If the TPFA contracts a private entity to issue a bond, they should consider contracting with a business primarily operating within Texas as well as a historically underutilized business (HUB). Texas has access to sophisticated and well developed medical institutions that could make significant progress in brain related research. There is a pressing need to invest in this research for Texans and other individuals that face NDD or other chronic brain conditions.	
HB 9 By: Klick | Allison | Shaheen | Harless | Price	Relating to the criminal punishment and conditions of community supervision for the offense of obstructing a	Criminal Jurisprudence Vote: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	The United States Constitution guarantees the right to free speech and assembly. In the past year, we witnessed nationwide and global protests that often resulted in arrest and criminalization of certain protestors based on racial and ideological factors while protecting other protestors that gridlocked cities and blocked hospitals in response to COVID-19 mandates. In County or District Attorneys are responsible for obstruction of highway or passageway offenses, which is punishable by a Class B misdemeanor, with up to 180-days of county jail time and up to $4,000 in fines. HB 9 pertains to penalties for obstructing a highway or passageway and emergency or healthcare	**<u>Unfavorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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	highway or other passageway; increasing a criminal penalty.		facility access for an authorized emergency vehicle. If an authorized vehicle's audible or visual signals are on, HB 9 will categorize the offense as "knowingly" obstructing access, which enhances the offense from a Class B misdemeanor to a state jail felony, a provision that could lead to an assumption that all protestors have the same agenda. The bill also sets a minimum 10-days confinement in county jail as a condition for those granted community supervision. By adopting the term "knowingly," HB 9 presumes that protesting will result in obstruction and incarceration. The bill fails to recognize that law enforcement works in coordination with protestors and places command centers ahead of time to reroute emergency vehicles. HB 9 limits judicial discretion and would likely increase litigation substantially. Overall, HB 9 will require additional resources that negatively impact existing overcrowding issues in jails across the state at the taxpayers' expense.	
HB 20 By: Murr	Relating to the release of defendants on bail.	Criminal Jurisprudence Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent	HB 20, also known as the Damon Allen Act, attempts to address long-standing bail issues with statewide mechanisms to assure public safety. However, HB 20's provisions regarding Pretrial Public Safety Assessment cause significant concerns regarding its ability to take contextual factors such as race or background into account when rendering a decision. It will also limit judicial discretion and could cause an increase in our jail population costing the state and taxpayers money. More than 60% of people in Texas jails have not been convicted of a crime. A majority of these nearly 40,000 people are stuck in jail because they cannot afford bail. The pretrial justice system has three essential obligations: maximizing public safety, court appearance, and pretrial liberty as required by Federal and State Constitutions. **Statewide Litigation** Bail reform measures adopted statewide must address legal concerns to ensure that policies do not undermine the Constitution's mandate to preserve liberty until proven guilty. The 5th Circuit Court of Appeals and the Supreme Court have repeatedly stated that it is unconstitutional to hold someone in jail because they cannot afford to pay a bond and that pretrial detainment must be the limited exception. Under the current bail system, judges must maintain minimum and least restrictive considerations for release while keeping in mind a person's flight risk and threat to public safety. Currently, all Texans have a right to bail except those with capital offenses where the proof is evident. **Worthwhile Aspects**	**Unfavorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			HB 20 adds bail training and continuing education courses for magistrates with 90-day limits on completion. The bill maintains that bail decisions must be made within 48-hours of arrest and impose the least restrictive conditions and minimum amount of personal or monetary bond. HB 20 also specifies that magistrates may release defendants only if they are compliant with training requirements and residents of counties they serve. The bill adds a notice of bond conditions that must be distributed no later than the next business day where the magistrate issues an order by modifying or removing a condition previously imposed, and the court clerk must send a copy to the prosecutor and chief of police or sheriff of the county. Only if a court clerk lacks information may they delay sending the copy. If conditions prohibit a defendant from going near specific locations, the court must send a copy to the locations. HB 20 requires judges and magistrates to provide written findings justifying bail denial, which is currently not happening in Texas. Also, the bill requires specific release of bail-related data to become public information. **Pretrial Public Safety Assessment** In contrast to Nationwide discoveries, HB 20 develops a validated Pretrial Public Safety Assessment (PPSA) tool to be implemented statewide. The bill requires that the PPSA tool: • must remain objective and based on empirical data related to appearance failures and public safety • may not consider factors that disproportionately affect racial, ethnic, and socioeconomically disadvantaged groups • must produce unbiased and proven results without disproportionate outcomes Although HB 20's PPSA tool attempts to control for bias, race is not explicitly addressed. HB 20 does not specify the input variables for the PPSA that are dependent upon unique language. Since the groups listed above often experience failure to appear, the tool should solely select instances of intentional bond jumping. Factors considered in the PPSA will cover the defendant's age and justice records as a stand-in for public safety risk. Without insight into what offenses constitute as dangerous and if the algorithm considers convictions or arrests, the tool could promote ageism and perpetuate existing social inequalities. HB 20 states that the judiciary must consider bail of Class B misdemeanors or higher with the	

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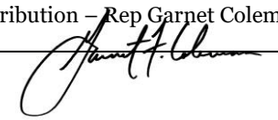

			PPSA tool within 48-hours of arrest and consider the PPSA results before making bail decisions. The overall issue with PPSA is how algorithms are run and how the PPSA tool is used. The bill assumes that a one-size-fits-all scientifically-based tool could be race-neutral and will result in low-risk defendants being released without supportive evidence, which will further encode racial discrimination. Currently, there is no risk assessment tool available that does not produce biased and discriminatory outcomes. The last thing Texas needs is justification for more detention, higher bond amounts, and more guilty pleas to get out of jail. **Judicial Discretion** It is of utmost importance for the judiciary to justify detainments for all cases, not solely denials. This adjustment would require reinforcement by the Legislature to make such changes per the 5th Circuit. As written, HB 20 does not require the court to hold an evidentiary hearing. While HB 20 does specify that bail schedules may not be inconsistent with the bill and that the schedules do not prohibit the acceptance of bail before a PPSA is conducted or before bail decisions have been made, there are concerns of PPSA errors leading to costly litigation as seen in Houston. In rural jurisdictions, HB 20 allows for Sheriffs to conduct the PPSA, which could pose a conflict in the interest of justice. HB 20 specifies that the judiciary maintains the authority to release defendants in certain felony and misdemeanors punishable by confinement cases. The bill further emphasizes that violent or sexual offenses may be denied pending trial upon judicial discretion. In contrast, HB 20 adds that the judiciary may not release defendants with capital or trafficking-related offenses on personal bonds, expanding current ineligibility that could lead to costly litigation statewide. The Penal Code is blind to background context, and judges can currently consider previous justice involvement that does not pose an actual risk of fight or public safety. Many local governments have mechanisms to release large categories of defendants on personal bonds, and automatic release, HB 20 will undermine these local reforms. **Jail Populations**	

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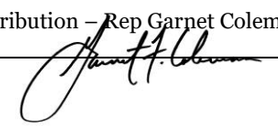

			Under Texas' current bail statutes, the statewide average cost to county taxpayers for pretrial detainment is $59.00 per individual each day. HB 20 is likely to cause jail populations to increase and result in the creation of new jails to maintain the influx of beds as judges air on the side of caution by layering the PPSA on a broken justice system. To remedy this, HB 20 must remain in line with the Constitution's imperative to maximize pretrial liberty and ensure bail practices comport with constitutional due process and equal protection. If HB 20 had a case-by-case administrative release in place and confirmed that protected classes would not be impacted negatively, the bill could resolve the expansion of pretrial detention at taxpayers' expense. Pretrial detention increases recidivism, the 90% rate of cases that resolve in plea deals, and negatively influences case and conviction outcomes. Also, the mental, emotional, and sociological impacts pretrial detainment have on defendants since jails have a three-times higher rate of suicide than prisons. **Continuance of Public Safety Risks** HB 20 maintains that defendants may be released on personal bond for some technical and general offenses. In contrast to previous additions, the bill's rules for setting bail amounts states explicitly that: • Bail must be sufficiently high for the reasonable assurance of compliance • Results of the PPSA be considered for the victim, law enforcement, and community safety • All relevant facts or circumstances shall be considered, and only misdemeanor offenses that resulted in bodily injury or manufacturing and delivery of drug-related offense that occurred more than 10-years before Although HB 20 has well-intentioned language around rules for setting bail amounts, as written, the money bail system coupled with the clear and convincing evidentiary standards of HB 20 maintains that those with financial means will be released. The bill adopts the assumption that defendants with low-level non-violent offenses will be eligible for bond, which is in direct conflict with statewide data showing higher bond amounts and an increase of guilty pleas for good-time credit. The Legislature must reinforce the need for the judiciary to compile financial disclosure statements on a case-by-case in bail setting rules; to ensure equal protection and an end to poverty-driven	

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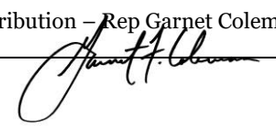

			incarceration. Also, to tap into existing resources to establish statewide notifications for court and bond-related information.	
LSG Floor Report For CONSTITUTIONAL AMENDMENT CALENDAR- Tuesday, April 27, 2021				
HJR 5 By: Thompson, Senfronia | Bonnen | Goldman | Coleman | Meyer	Proposing a constitutional amendment authorizing the issuance of general obligation bonds and the dedication of bonds proceeds to the Brain Institute of Texas research fund established to fund brain research in this state.	Higher Education 10 Ayes, 0 Nays, 0 PNV, 1 Absent	The Brain Institute of Texas will continue progress on the important research and treatment of neurodegenerative diseases (NDD) and other chronic brain conditions. It is important that Texas invest in the development and execution of this necessary research. HJR 5 is the companion resolution to HB 15. HJR 5 proposes an amendment to the Texas Constitution that would allow the Texas Public Finance Authority (TPFA) to provide for, issue, and sell state general obligation bonds on behalf of the Brain Institute of Texas. The resolution provides specific limitations on amounts that can be issued per year and the total amount that can be issued by TPFA. The bonds issued will need to be executed under prescribed conditions by the TPFA. The resolution requires the TPFA to consider whether a business is primarily operating within Texas as well as if the business is a historically underutilized business (HUB) when issuing bonds. The sale of the bonds are to be deposited into separate funds or accounts within the state treasury. HJR 5 outlines the specific items that the institute is able to fund using the money from the bond sales. The resolution provides for appropriation of money from the state treasury to make certain payments for the bonds and that the bonds are incontestable and are general obligations of the State of Texas. HJR 5 is necessary in order to ensure the successful launch of the Brain Institute of Texas.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
LSG Floor Report For GENERAL STATE CALENDAR- Tuesday, April 27, 2021				
HB 1653 By: Craddick	Relating to disannexation of certain areas that do not receive full municipal services.	Land & Resource Management Vote: 7 Ayes, 1 Nays, 0 PNV, 1 Absent	In 1891 the City of Austin added parts of the Colorado River to the city limits for the sole purpose of maintaining the shores. At this time, an agreement was made to not tax these residents, and they would be responsible for their own water, sewer, and fire services because the city could not provide services when the area was initially annexed. However, many services are now being provided to the residents. Recently, the Austin City council repealed the original agreement and stated that the community would now be subject to city tax. Through this additional tax, the City of Austin could collect $3 million dollars in additional funds. The Austin City Council has requested that these funds be directed towards City of Austin priorities.	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			HB 1653 seeks to set disannexing procedures for areas that: • do not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or • was annexed for limited purposes and has not received at any time full municipal service. If the municipality fails to disannex the property after a petition has been filed, the person who filed the petition may bring an action against the municipality to compel disannexation of the property. The limited scope of the bill would only apply to landowners who live along the Colorado River. The homeowners in these communities have avoided paying city taxes for decades even though the city has provided essential environmental and public maintenance services such as spending on Lake Austin and its shores, water quality protection, erosion control, and maintaining public open spaces for years, which benefit the lakeside communities. The claims by the homeowners that they are not being provided essential services were contradicted by testimony at a public hearing by using data from Austin Police Department and other City employees who identified public services being provided to the lakeside residents.	
HB 2318 By: Geren	Relating to the content and numbering of propositions on the ballot.	Elections Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, when political subdivisions like emergency service districts, school districts, or utility districts hold proposition elections, they assign the ballot measure a number in order of appearance on the ballot. However, when multiple political subdivisions hold proposition elections on the same ballot, it can create confusion for voters, campaigns, and election assistants when they are inadvertently named with the same letter. HB 2318 would require political subdivisions with proposed ballot measures that appear on the same ballot to allow the election authority to assign a unique letter to those propositions. This bill will provide specificity to ballots that may unintentionally lead voters to make an incorrect choice.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 4579 By: Burrows	Relating to the powers, duties, and bond authority of the Lubbock Reese Redevelopment Authority; providing authority to impose a fee.	County Affairs Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	While most Base Realignment and Closure (BRAC) bases are established under the Local Government Code, Lubbock Reese Redevelopment Authority (LRRA) remains in the Special District Local Laws Code. This is because unlike all other BRAC bases, LRRA is not funded by city or county tax dollars. HB 4579 seeks to align LRRA powers with other BRAC bases' powers. This would encourage the development of new industry by private businesses and encourage financing of certain projects.	**Favorable** Evaluated by: Jenny Catchings (925) 628-0628 Jenny.Catchings_HC@House.Texas.gov

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HB 2593 By: Moody | Guillen	Relating to the criminal penalties for the possession of certain tetrahydrocannabinols under the Texas Controlled Substances Act.	Criminal Jurisprudence Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Hemp and marihuana are broad classifications of the cannabis plant. The difference between the two comes down to the chemical composition of each plant. Hemp is often mentioned in reference to cannabidiol (CBD), while marijuana relates to tetrahydrocannabinol (THC), even though the chemical composition in both can change. Texas has legalized hemp, which is cannabis with less than 0.3% THC, and its use for various ailments is illustrated by the fact that CBD stores are growing in popularity. In Texas, marihuana remains in its own category outside of the penalty groups (PGs) identified by the Texas Controlled Substances Act. Currently, cannabis possession offenses start at a Class B misdemeanor and progress up to a first-degree felony, dependent upon the substance's form. • Marihuana flower under 4 ounces starting at a Class B misdemeanor offense • All other forms of cannabis (oils or edibles) fall into PG 2, regardless of weight, and start at a felony offense HB 2593 remedies the disparity between cannabis offenses by removing the active component of cannabis (THC) from PG 2 and creates PG 2-B to encompass all other forms of cannabis. This change ensures that all cannabis offenses start at the misdemeanor level. HB 2593 is an opportunity for Texas to reconsider the scale of punishment and address excessive sentencing for THC offenses.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 1930 By: Walle	Relating to landlord and tenant dispute information reported by justice courts to the Texas Judicial Council and made accessible to the public.	Judiciary and Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	During the ongoing COVID-19 pandemic, housing stability continues to be a major issue, specifically for Harris County. As state and federal eviction protections approach expiration, Texans face an avalanche of evictions that have been filed in Justice of the Peace Courts (JP Court). Without robust and comprehensive evictions data, we may never fully understand the eviction crisis across the state. HB 1930 instructs justice courts to submit a monthly report to the Texas Judicial Council (TJC), that include eviction suits, suits involving the disconnection of utilities, repair and remedy suits, suits involving security deposits, unlawful lockouts, the provision of security and safety devices and any other category of suit involving a landlord or tenant and designated by the office as an eviction suit. HB 1930 also includes that TJC must publish this information on an internet website. Filling in these research gaps can lead to stronger intervention and informed public policy in the future. This is an effort to better understand evictions at the state level with tools that are already at the state's disposal.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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HB 1418 By: Leach	Relating to civil liability and responsibility for the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improved real property.	Judiciary & Civil Jurisprudence Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Currently in Texas, if a contractor follows the plans and specifications given to them by the owner, architect, or engineer, and the plans contain a defect in the design, the contractor can be held liable, regardless of if they had a hand in the design or not. This statute dates back to a 1907 Texas Supreme Court Case Lonergan v. San Antonio Loan & Trust, which was affirmed in 2012. HB 1418 seeks to amend the Business and Commerce Code by making it so that a contractor is not responsible for the consequences of defects in a contract, and it may not warrant the accuracy, or suitability of plans, specifications, or other design or bid documents provided to the contractor. If the contractor finds a defect in the plans, then the contractor must provide written disclosure about known defects in the plans, specifications, or other design or bid documents, to whom they entered the contract with, within a reasonable amount of time. If a contractor fails to disclose a defect in the plans once they become aware, then they may be held liable for the consequence of the deficit. HB 1418 also amends the Civil Practice and Remedies Code by stating that a construction contract for architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers practicing under the same or similar circumstances. The design services provided under a design-build contract are subject to these same standards of care. If a contract contains different standards of care, then the contract would be void and unenforceable. The bill would not apply to a contract entered into by a person for the construction or repair of a critical infrastructure facility. For purposes of this bill, the definition of critical infrastructure includes pipelines, related appurtenances or facilities, utility-scale equipment, or facilities to transmit or distribute electricity, and utility-scale water storage facilities, and that the absence of fencing or signage would not disqualify an item from being classified or treated as a critical infrastructure facility for the purpose of the bill. Many stakeholders would still not be exempt under the definition of the bill of critical infrastructure and the bill would also increase construction costs, and limit freedom to contract for large, specialized construction projects. These specialized projects are aerospace, semiconductors, automotive, pharmaceuticals, etc., that we are trying to attract to the state of Texas. These projects would provide high-wage jobs with the ability for the jobs to multiply. The bill has the ability to make Texas less competitive with neighboring states.	**<u>Will of the House</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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HB 3233 By: Moody | Stephenson	Relating to the establishment by certain counties and hospital districts of disease control pilot programs to reduce the risk of certain infectious and communicable diseases; authorizing fees.	County Affairs Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 3233 allows for a disease control pilot programs in the form of safe sterile needle provision and disposal. This could reduce occurrence of blood-borne disease such as HIV/AIDS, Hepatitis B, and Hepatitis C. These clean syringe services come paired with referral to appropriate health and social services, including substance abuse and mental health services. Overall, this is an important public health measure which helps to reduce disease, connect people with the help they need to stop using intravenous drugs, and keep cities free of improperly disposed used needles. The bill applies to Dallas, Harris, Travis, Bexar, El Paso, Nueces, and Webb Counties.	**Favorable** Evaluated by: Jenny Catchings (925) 628-0628 Jenny.Catchings_HC@house.texas.gov
HB 363 By: VanDeaver	Relating to restricting the use of personally identifiable student information by an operator of a website, online service, online application, or mobile application used for a school purpose and providing an exemption from certain restrictions for a national assessment provider.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, vendors conducting business with local education agencies (LEA) use their own data-sharing agreement with individual schools. A non-standardized data-sharing agreement created by each respective vendor establishes a system that releases control of student data into the hands of those vendors. Vendors often require more personal student information than needed to complete contractual obligations for products and services they require across the state. Vendors are not uniformly held accountable for how they use the student information across the state. HB 363 will ensure the integrity of student information being shared between LEAs and vendors, keeping students safe from cyber threats, and ensuring their data is used to provide goods and services that will benefit all students. To protect student data shared between the local school district and private vendors, a standardized data sharing agreement and a uniform way of holding these vendors accountable for safeguarding the use of student information must be required. HB 363 changes data transfers by creating the following requirements: • limited to what Texas Education Agency and LEA determined to be necessary to complete contractual agreements for products and services. • require any agency-approved operator that has covered information about students to utilize a unique ID for each student already being used across the state through the Texas Student Data System (TSDS). • adhere to a state-required data sharing agreement that includes encryption standards. • exempts national assessment providers who receive covered information to connect students to employment, scholarships, financial aid, educational resources, or postsecondary opportunities.	**Favorable** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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HB 2509 By: Lucio III | Martinez	Relating to measures to support or enhance graduate medical education for the practice of podiatric medicine in this state.	Higher Education 9 Ayes, 0 Nays, 0 PNV, 2 Absent	There is growing concern about the medical needs for those that are older as well as for those that are diagnosed with obesity or diabetes. Specifically, there is a growing need for foot related care in Texas because of these factors. Having access to foot related care will become imperative for those populations and ensure complete care for Texans. HB 2509 adds new language to the definition for "graduate medical education program". It will introduce a nationally accredited post-doctor of podiatric medicine (D.P.M.) into the definition so that post-doctor D.P.M. programs can receive certain funding from the Texas Higher Education Coordinating Board and state programs intended to support graduate medical programs. Investing in P.D.M programs will allow Texas to foster a new generation of podiatrists that will provide for the needs of Texans.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1241 By: Shine | Price | Smithee | Thompson, Ed	Relating to municipal annexation of certain rights-of-way.	Land & Resource Management Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Current law in Texas allows a property owner to request annexation, formally known as voluntary annexation. Property owners typically want to be annexed because they would prefer access to city water and sewer, as well as reasons that promote economic development and public safety. In order for a property to be annexed, it must be in a municipality's extraterritorial jurisdiction (ETJ) and generally be touching existing city limits. However, it is a common occurrence that the property seeking annexation is across a road or railway easement, or not far from the existing city limits. In the 86th Legislative session, unilateral annexation by municipalities was eliminated, which resulted in an unintended consequence removing the ability to annex a property not immediately adjacent to a city, even at the landowner's request. HB 1241 addresses this issue by reinstating the authority for a municipality to annex the right-of-way of a road or railway easement that is contiguous and runs parallel to the municipality's boundaries. The bill also allows for annexation by the most direct route for land that is not immediately adjacent to the city limits, this is known as "lollipping". Annexation boundaries are limited based on the extent of the city's ETJ and population. Before property can be annexed, it must be approved by the Texas Department of Transpiration (TxDOT) and the resident county. The bill states that a municipality may annex a right-of-way if the municipality provided written notice to the landowner through the landowner's registered agent. This bill emphasizes that no land would be annexed without the request of a property owner and reinstates previous legislation empowering landowners to seek annexation on their own terms. There is a concern that if voluntarily annexed properties are not immediately adjacent to city limits, then the most direct route would interfere with other properties that did not consent to annexation. In these situations, fragmented annexation practices could result in a city providing subpar services	**Favorable with Concerns** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			to that area.	
HB 2414 By: Davis	Relating to the authority of a county clerk to require a person to present photo identification to file a document in the real property records of a county.	County Affairs Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Under current law, only Harris County may require photo ID of filers of real property records. HB 2414 removes the population bracket to require individuals in all counties to present a photo ID when filing real property records. This bill will reduce incidences of fraud.	**Favorable** Evaluated by: Jenny Catchings (925) 628-0628 Jenny.Catchings_HC@House.Texas.gov
HB 409 By: Cortez | Pacheco	Relating to waivers for entrance fees to state parks and certain hunting and fishing license fees for resident first responders.	Culture, Recreation, & Tourism Votes: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	The Coronavirus pandemic has impacted nearly every element of public life. First responders are increasingly on the frontline of this crisis and have undoubtedly buffered the impact to ensure the safety of all citizens. Providing care during this time can lead to stress, anxiety, fear, and other strong emotions. Recognizing nature as a stress-reducing outlet for our first responders to cope during this time, HB 409 seeks to create fee waivers to state parks, fishing, and hunting licenses for qualifying first responders. HB 409 would require the Texas Park and Wildlife Department (TPWD) and the Park and Wildlife Commission to waive state park entrance, resident hunting and fishing license, and the annual combination resident hunting and fishing license fees and requirement for qualifying first responders. Qualifying responders are those with: • at least 20 years of services; or • disabilities connected to service as a first responder, specifically the loss of a lower extremity or a disability rating of 50% or more. HB 409 creates a loss in revenue to the state of $1,296,000 for the biennium. However, the loss is a small token of appreciation to first responders for their service.	**Favorable** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 1804 By: Meyer | Metcalf | Minjarez	Relating to a prohibition against the appropriation of money to settle or pay a sexual harassment claim	State Affairs Vote: 13 Ayes, 0 Nay, 0 PNV, 0 Absent	HB 1804 prohibits the legislature or state agencies from using appropriated state funds to settle or pay a sexual harassment claim made against an elected official, a governor-appointed official, or members of these officials' staff. Sexual harassment claims are often brought against the perpetrator's employer, which incentivizes the employer to deter bad behavior and remove employees who are habitual offenders. However, because an elected official cannot simply be fired for bad behavior, some may feel less direct	**Will of the House** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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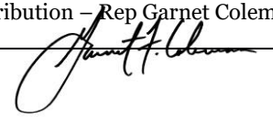

	made against certain members of the executive, legislative, or judicial branch of state government or their staff.		pressure to correct inappropriate behavior. Thus, it may be a good idea to place the obligation of payment on the individual so that they bear the responsibility for their actions and taxpayer dollars are not used to enable this behavior. That being said, this bill could make it more difficult for claimants to receive compensation for sexual harassment claims or settlements since there is no guarantee that a perpetrator will have the means to make payments. It may additionally disincentivize the state from investing in measures to deter sexual harassment amongst elected and appointed officials.	
HB 853 By: Cook	Relating to the possession of and access to a child less than three years of age.	Juvenile Justice & Family Issues Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	There is an effort this session to minimize trauma experienced by children separated from their parents and ensure that parent and child can maintain healthy bonds during when the child is in their custody. The preferable practice would be for all children in a family to be kept together during these periods. HB 853 provides clarifying principles and factors to be considered by courts when making decisions regarding a parent's rights of possession and access to children under the age of three. Some of the updated factors include: • the pre-existing relationship between the parent and the child and their siblings, and whether there had been minimal or inconsistent contact. • the personal availability of the parties. • present and immediate physical, medical, behavioral, or developmental needs of the child. • the impact and influence of individuals that would be living with the children if one party is given possession. • the current or future environment in which the child or children would be living. • the impact on a child if they were separated or kept with their siblings. HB 853 removes the need to consider the impact on the child if separated from one parent. Lastly, HB 853 gives courts the ability to render a period of possession order based on an agreement between the parties if it is in the best interest of the child. Essentially, this order will determine the timeframes they will spend with involved parties of the order. This order may only be used in cases involving children that are younger than three years old. The overall purpose of this bill is to maintain that the best interest of the child is the center of decisions regarding possession of the child.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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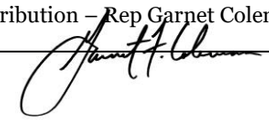

HB 962 By: Bucy	Relating to the hours of instruction required for driver training.	Licensing & Administrative Procedure Vote: 6 Ayes 2 Nays 0 PNV 2 Absent	Research shows teens who receive more instructional behind-the-wheel hours while learning to drive are less likely to be involved in fatal car accidents after becoming licensed drivers. The nationally recommended hours for teen behind-the-wheel instruction is 50 hours total. HB 962 changes license requirements for drivers under 18 to increase the amount of behind-the-wheel instructional hours from 30 to 50 hours in accordance with national guidelines and most states. The bill maintains current qualifications that the instructor must be 21 years or older, possess a valid license, and have at least one year driving experience. By requiring more practice driving time, driving fatalities for teens and all drivers on the road could potentially be reduced.	**Favorable** Evaluated by: Cassidy Kenyon (760)429-8388 Cassidy@TexasLSG.org
HB 1164 By: Oliverson | Thierry | Howard | Hull | Collier	Relating to the designation of centers of excellence for the management and treatment of placenta accreta spectrum disorder.	Public Health Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	The treatment and care of Placenta Accreta Spectrum Disorder (PASD) considered significant in improving maternal mortality in Texas. While PASD disproportionately impacts Black women, Texas doctors have developed practices to mitigate this racial disparity. To further these practices, HB 1164 will create a center of excellence designation for health care entities or programs best equipped to treat and manage PASD pregnancies. HB 1164 will also: • Allow the Texas Health and Human Services Commission (HHSC), in consultation with the Maternal Mortality and Morbidity Review Committee (MMMRC), to establish eligibility criteria and rules to be considered for the center of excellence designation to treat and manage PASD. • Establish priority designations for health care entities or programs that: ○ Offer specialized care for PASD via a multi-specialty clinical program at an associated hospital that provides advanced neonatal and maternal care. ○ Demonstrate commitment to research and progress in PASD care. ○ Encourage telemedicine, referral, and transport with rural entities. ○ Add PASD care to an appropriate long-term and follow up program. HB 1164 will address a significant health issue that disproportionately impacts Black women and continue the progression of Texas' care for maternal morbidity and mortality.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1903 By: Walle | Bonnen	Relating to the Occupational Therapy Licensure Compact; authorizing fees.	Public Health Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	The Occupational Therapy Licensing Compact is designed to allow reciprocity for Occupational Therapists (OT) to maintain their licensure in multiple states. States wishing to enter the compact must enact their own individual legislation. HB 1903 creates interstate reciprocity for occupational therapy licensure by entering the Occupational Therapy Licensure Compact to improve accessibility to therapeutic services. The bill clarifies individual state participation and sets provisions regarding how individuals currently authorized as an OT or OT assistant may continue practicing under the compact. Provisions include:	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			• obtaining licensure in a new state. • framework for the participation of active duty personnel and their spouses in the compact. • the authority of member states to take adverse actions against an OT or OT assistant. • the establishment of the power and duties of the Occupational Therapy Compact Commission, including the ability to levy annual assessments for states and collect fees imposed on other parties to fund the commission. • oversight, dispute resolution, and enforcement of compact provisions by applicable state governments and courts. • the construction and severability of the compact's provisions and the binding effect of the compact with other state laws. • the process for amending or withdrawing from the compact. The bill designates the Texas Board of Occupational Therapy Examiners as the administrator of the compact in Texas and authorizes the board to adopt rules necessary to implement the bill's provisions.	
HB 3041 By: Frank | Hull	Relating to the procedures and grounds for taking possession of a child and authorizing a family preservation services pilot program as an alternative to removal in suits affecting the parent-child relationship.	Human Services Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The Department of Family and Protective Services (DFPS) is tasked with protecting Texas children from maltreatment and neglect, which can result in the removal of a child from their home if deemed unsafe. In 2018, Congress passed the Family First Prevention Services Act, which restructured federal child welfare funding. Texas uses this funding to pay for services for children in foster care and their families. Specifically, Title IV-E funds could be used to pay a portion of family preservation services which would allow children to remain in the home. HB 3041 aims to implement a pilot program for family preservation services as an alternative to an investigation of a child who is a candidate for foster care, allowing the child to remain in the home while the family undergoes services. Services may also be provided to a child who is pregnant or is a parent. The pilot program will be implemented in two child protective services (CPS) regions in Texas, one urban region and the other one rural, at least one of the regions must implement community-based care. Prior to the implementation of services, DFPS must obtain a court order compelling the family of a child who is a candidate for foster care, or a child who is pregnant, to complete the family preservation service plan. The court must appoint attorney's ad litem to represent both the child's and parent's rights, respectively, after the suit is filed but before the hearing to ensure adequate representation of both. Prior to the hearing the court shall inform each parent of their right to be represented by an attorney. If a parent is opposed to the motion and cannot afford one, the court shall inform the parent of their right to a court-appointed attorney. At the conclusion of the	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			hearing, the court shall order DFPS to provide family preservation services through a plan developed in collaboration with the family of the child in question. HB 3041 seeks to have DFPS collaborate with the family to develop a service plan that is narrowly tailored to the specific needs the family must address for the child's safety. The plan must be written in a way that is clear and understandable to the guardian(s) of the child and in a language they understand. Both the family and DFPS must sign the service plan and DFPS will submit a copy of the signed plan to the court. A person subject to the service plan may file a motion with the court at any time to request a modification or revocation of the original or any amended plan. The court has authorization to omit any service prescribed under the plan that it finds not appropriate or is not narrowly tailored to address the specific needs of the family. The bill aims to allow guardians to participate in services from a qualified or licensed provider of their choosing. The services provider must be similar in scope and duration with the same stated goal adopted under the plan. The guardian(s) is responsible for the cost of those services and must obtain verification from the provider of completion of services. No later than the 90th day after the date the court orders family preservation services, a hearing to review the status of those required to participate in services must be held and again every 90 days after that to review continued need for the order. The court may only order one time that services be extended for no more than 180 days to ensure the safety of the child was found by the court or requested by the person required to participate in services. HB 3041 intends that no later than the first anniversary of the date DFPS begins the pilot program, and every two year after that, a report assessing the program be submitted to the appropriate standing committees of the legislature. The assessment must be completed by an entity based in Texas, independent of DFPS, and contracted by the department for the purpose of conducting such an assessment. Children should not be removed from their homes for circumstances that are outside of the guardian's control, such as a systemic failure of services for low income families or minor substance use concerns. Preserving the family unit should be the ultimate goal of DFPS. Establishing a pilot program to assess and learn the most successful ways of conducting family preservation services will provide necessary information on how DFPS should conduct themselves.	

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HB 1468 By: Bell, Keith | Huberty | Toth | González, Mary | Dutton	Relating to a local remote learning program offered by a public school.	Public Education Votes: 12 Ayes, 1 Nays, 0 PNV, 0 Absent	The impact of the COVID-19 pandemic required local schools to hastily develop a virtual learning environment for all students as educators hastened to design and implement a curriculum in an online setting. While some students struggle with online learning, some students have found success. For those students, their school districts have developed successful virtual programs that meet their needs. For state funding purposes, current statute requires that a student must be in enrolled in at least four hours of virtual learning instruction to count for a whole day of attendance. Students may only receive average daily attendance (ADA) funding for three courses taken through the Texas Virtual School Network (TxVSN), a network of virtual classes approved by the TEA. As demand for online instruction continues post-pandemic, school districts would like to expand and revise online learning requirements to allow school districts to provide curriculum outside of the TxVSN. HB 1468 would provide provisions to allow school districts to develop virtual courses that can receive ADA funding from the state. HB 1468 would authorize a public school district or open-enrollment charter to establish a local remote learning program to offer a virtual course to qualifying students in grade three and above that: • must be instruction where instructors and students are engaged with the ability to interact. • can be provided in conjunction with in-person instruction to meet the needs of the students • is eligible to students enrolled in a public school in Texas in the preceding school year • offers the student reasonable access to in-person services for the course In addition, HB 1468 provides further provisions to: • require periodic assessment of students' performance and removal of the student to return to in-person instruction if the district finds the student does not meet the established criteria. • authorize a district or charter school to contract with another district or charter school to allow students course offerings from another district. In this situation, the student is considered enrolled in the sending district for ADA and public school system accountability. • require a statewide standardized test or end-of-course exam to be administered in the same manner the test is administered to other districts or charter school students. • meet the needs of students receiving special education services consistent with state and federal laws. • prohibit teachers from being required to provide both virtual and in-person instruction for the course during the same class period. • allow students enrolled in remote learning programs to participate in an extracurricular activity sponsored by University Interscholastic League (UIL). • ensure that students enrolled in courses offered under the local remote learning program be counted towards a district's or charter school's ADA.	**<u>Favorable with Concerns</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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			• authorize a district or charter school to adopt a policy to exempt these students from statutory requirements relating to minimal class attendance for class credit or a final grade for courses offered under a local remote learning program. HB 1468 establishes that the virtual courses offered under a local remote learning program are not subjected to statutory provisions related to the TxVSN. While all educators agree that virtual schools have been necessary during the coronavirus pandemic and are necessary to address other emergencies, experts agree there is no substitution for in-person learning. Students have suffered considerable learning loss and emotional trauma resulting from school disruption that is best served with in-person instruction. To fully meet academic, social, and behavioral needs, this bill must ensure that remote learning is available in public schools to supplement individual student needs and does not fully supplant needed in-person learning.	
HB 2106 By: Perez | Thompson, Senfronia | Parker | Leman | Moody	Relating to the prevention, identification, investigation, and enforcement of payment card fraud; providing a civil penalty.	Pensions, Investments, & Financial Services Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	It is estimated the United States suffered $11 billion in losses due to credit card fraud in 2020. Credit card skimming is a type of card theft where perpetrators use a small device to steal credit card information in otherwise legitimate credit or debit card transactions. These skimming devices are often placed at gas stations and present a growing problem. In fact, 2019 reports indicate 42% of all credit card skimming losses incurred in Texas. The 86th legislature passed HB 2945 to give the Attorney General rulemaking authority to prevent skimmer installations on fuel pumps. However, structural, and statutory issues complicated the implementation of this legislation. HB 2106 would transfer rulemaking authority regarding card skimmers at gas stations to the Texas Department of Licensing and Regulation. The Payment Fraud Fusion Center would be re-established as the Financial Crimes Intelligence Center. HB 2106 would ensure the coordination between law enforcement and relevant stakeholders to assist with identifying, tracking, and preventing this criminal enterprise. These changes protect unknowing citizens from credit card fraud and prevent economic loss to the state.	**<u>Favorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 2268 By: Paul	Relating to disconnection notices for water and sewer service.	Natural Resources Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	HB 2268 lays out specific procedures that utilities must follow when issuing a disconnection notice for water or sewer services. A utility must contact the customer by mail and hand delivered statement 14 days before disconnection unless a shorter time is authorized by the Public Utility Commission. Current rules require notice within 10 days and through only one point of contact, without guaranteeing that a customer will receive the notice in person. This bill clarifies and universalizes the disconnection process, allowing customers to know what to expect from their utility providers. It ensures that customers actually receive the disconnection notice and gives them time to address or prepare for it.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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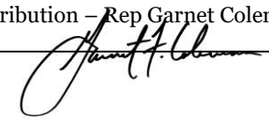

HB 2144 By: Harris	Relating to the tort of public nuisance.	Judiciary & Civil Jurisprudence Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent	A public nuisance is defined as conduct that unreasonably interferes with a public right or public interest. Unreasonable interference means that the conduct significantly interferes with the public's safety or health and must adversely affect all or a considerable part of the community. Public nuisance suits are a critical tool that allow Texans to hold those responsible for man-made epidemics. Public nuisance suits have been used to bring money to local and state governments for the money they had to spend to help fight public health crises. Public nuisances can also apply to situations such as odor pollution, opioid epidemics , and chemical waste dumping. By limiting the ability for private citizens and local governments to bring a public nuisance suit, it would protect corporate wrongdoers and polluters. HB 2144 narrows the scope of public nuisance action . The bill states that a person may be held liable for a public nuisance only if they cause an unlawful condition, if they had control over that unlawful condition, and at the time, violated an established public right. The bill states that the list of conditions is not exhaustive, and a person may be held liable for a public nuisance arising from conduct or conditions not listed. Under this bill a private nuisance would not constitute violations of an established public right, for the purposes of a public nuisance action. Through the bill, only a state or a political subdivision may bring a public nuisance action and may do so only by a governmental attorney of the relevant jurisdiction. In order to bring the suit, the state or the political subdivision must have a substantial ownership interest in or authority over the real property. HB 2144 states that financial expenditure of an unlawful condition would not be sufficient standing to file a public nuisance action under this bill. A private citizen would only be able to maintain an action in their own capacity to join a public nuisance if they can show a special injury to be clear and convincing. Additionally, this bill would supersede any other statute that is currently in place. Under this bill, in order for a private citizen to bring forth a public nuisance claim they would have to convince a governmental entity to act, which significantly limits the ability of a private citizen to bring forth a public nuisance suit. This bill would harm local governments, landowners, and taxpayers by restricting access to courts. This bill also prevents governmental entities from retaining outside council to bring forth public nuisance claims, forcing local governments to take on these suits on their own. This bill is an attempt to reduce the ability for public nuisance action to be brought for violations against environmental regulations. Texans have the right to enjoy their land without substantial interference from and unreasonable discomfort caused by corporate bad actors.	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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HB 1427 By: Shaheen	Relating to the disclosure of negotiated rates requested by members of the legislature from certain health care vendors that contract with this state.	State Affairs Vote: 12 Ayes, 0 Nay, 0 PNV, 1 Absent	HB 1427 clarifies that a healthcare vendor that contracts with the state to provide benefits to state employees, public school and state university employees, or Texas Medicaid recipients is required to provide information regarding any negotiated rates between the vendor and this state, if requested by a member of the legislature. This applies even to information that is considered confidential or exempt from public disclosure, though the legislator must keep such information confidential when received and is required of all new or renewed contracts between a healthcare vendor and the state of Texas. This bill comes after Pfizer brought an unsuccessful lawsuit against the state, alleging a breach of confidentiality because Texas's Health and Human Services Commission provided a negotiated price schedule to several legislators for budget purposes. HB 1427 codifies that such disclosures are lawful, ensuring that lawmakers have access to information needed to provide meaningful oversight over state health care vendors and to guarantee that Texans are receiving fairly priced care.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 1434 By: Oliverson | Hull | Howard | Collier | Johnson, Julie	Relating to limitations on pelvic examinations; authorizing disciplinary action, including an administrative penalty.	Public Health Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Pelvic exams are a typical element of doctor visits for people with uteruses. However, these examinations can be a triggering or traumatic experience. HB 1434 addresses a particularly concerning practice of administering pelvic examinations while the person is unconscious or under anesthesia without direct consent from the patient. HB 1434 prohibits a health care provider from conducting a pelvic exam on an individual who is under anesthesia or is unconscious. The health care provider is also prohibited from allowing another individual, even if they are a student, to conduct the pelvic exam while unconscious or under anesthesia. There are exceptions in which one could conduct the exam if: • the exam is standard for the procedure or diagnostic examination that a patient is present for. • the patient or a patient's legally authorized representative gives informed consent for the exam. • the exam is medically necessary for diagnosis or treatment of a patient's condition. • the exam is needed to collect evidence. Informed consent can be in written or electronic form and the section to consent to the pelvic exam must be separate and obviously titled. This section must explain the nature and purpose of the pelvic exam as well as that a medical student or resident may be present. The section will also include that the student may observe or conduct the exam. The patient or a patient's representative may elect or refuse the exam as well as if a student is allowed to observe or conduct the exam. HB 1434 will allow the appropriate licensing authority to take disciplinary actions as well as an administrative penalty if an individual violates the provisions of the bill.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			HB 1434 will allot more autonomy to the patient and ensure security that an unwanted exam will not be done while they are unconscious.	
HB 3271 By: Ordaz Perez | Button	Relating to establishing loan programs to assist certain micro-businesses by increasing access to capital; authorizing fees.	International Relations & Economic Development Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	The COVID-19 pandemic and winter storm Uri hit Texas businesses hard, and many need financial assistance to make a full recovery. 2018 federal data estimates Texas has nearly 3 million sole proprietorships and micro-businesses, or businesses with 20 or fewer employees, that were excluded from the federal Paycheck Protection Program. This bill seeks to support small Texas businesses by giving them access to capital to recover from the COVID-19 pandemic and winter storm Uri. HB 3271 intends to establish a micro-business recovery fund as a dedicated general revenue account. Fund appropriations will be restricted to the Texas Economic Development Bank and financial transactions of the fund are subject to state audit. The bank is authorized to make, execute, and deliver contracts and other instruments, as necessary. At the bank's discretion it may invest money in obligations, as well as employ and pay personnel from money in the fund legally available for that purpose. The bank may also impose and collect transaction fees and charges, and reasonable penalties may be imposed for delinquent payment. HB 3271 seeks to establish two micro-business loan programs administered through the Texas Economic Development Bank through eligible community development financial institutions (CDFIs). CDFIs are private financial institutions that deliver affordable lending to communities or businesses with barriers to accessing necessary capital for development and growth The Micro-Business Disaster Recovery Program would require banks to provide zero interest loans to eligible CDFIs for the purpose of making interest-bearing loans to qualifying micro-business with barriers to accessing capital following a declared disaster. The participating CDFI would be required to repay the zero interest loan to the bank, prepare a detailed financial statement, allow the bank to inspect its financial records on request every quarter. Annually, the bank would issue a program status report delivered to the governor, the lieutenant governor, the speaker of the house, and the applicable standing legislative committee. The Micro-Business Access to Capital Program would assist a participating CDFI in making loans to eligible micro-businesses suffering economic injury as a result of a declared disaster. Any participating CDFI must enter an agreement with the bank that includes terms and conditions for bank contributions to the CDFI's reserve account and qualification criteria for Micro-Business	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			Access to Capital loans. The borrower is required to pay the CDFI a fee no less than 2% but no more than 3% of the principal loan amount. The CDFI would then deposit an additional amount equal to the borrower's fee in the reserve account. Verification of the loan and the amount deposited in the reserve account must be sent to the bank, who must deposit 200% of the total amount deposited in the reserves account by the CDFI. A cap of $150,000 for any single loan recipient during a three-year period limits how much can be deposited in a participating CDFI's reserve account. The amount a bank may deposit into a reserve account for each loan would be capped at less than $35,000 or 8% of the loan. The bill establishes that the state has rights to money and interest on contributions in a CDFI reserve account under the program and authorizes the bank to withdraw certain amounts or the balance of the account under certain conditions. The state is exempt from liability to a participating CDFI for payment of the principal, interest, or any late charges on a program loan. Texas has a strong entrepreneurial spirit and typically stable business climate. Micro businesses are often the backbone of economic development in rural and small communities. It is imperative the state takes necessary steps to help small business owners achieve financial solvency following COVID-19 and winter storm Uri.	
HB 2557 By: Rogers | Darby | Frullo | Guillen	Relating to school Security Volunteer programs in certain counties.	Public Education Votes: 9 Ayes, 2 Nays, 1 PNV, 1 Absent	In some school districts, and especially rural districts, concerns have been raised about the lack of school security personnel causing delayed emergency responses. Within those communities, there are many retired veterans and law enforcement willing to volunteer their time to keep schools safe. HB 2557 seeks to address the need for extra security personnel in schools by authorizing school boards to adopt a volunteer program where "honorably" retired law enforcement officers and veterans could volunteer as additional school security personnel. The board of trustees for public or open-enrollment charter schools is authorized to approve a school security volunteer program by which written regulation for eligible persons would serve as security volunteers. The volunteers would be allowed to carry a handgun while providing security services: • on school grounds, including any location which school-sponsored activity is conducted • in school vehicles The bill applies only to a school district or open-enrollment charter schools located in a county with a population of 150,000 or less. HB 2557 defines an eligible volunteer as a veteran, or a qualified retired law enforcement officer defined by certain federal and state laws for the purpose of carrying a firearm and can pass any	**<u>Unfavorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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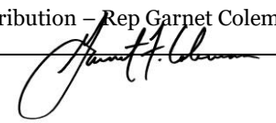

			criminal history background checks obtained by the district or school. An employee, a contractor providing services under a contract, or a person who otherwise receives compensation from a district or charter school are deemed ineligible as a security volunteer in this program. HB 2557 grants a school security volunteer immunity from civil liability to the same as a professional employee of the district. HB 2557 also requires that participating districts must include the program in their multi-hazard emergency operations plan and provide each security volunteer with an instructional course on that multi hazard plan and safety and security policies. Charter schools approving a volunteer security program must adopt and implement measures to coordinate with the Department of State Health Services, local emergency management, law enforcement, health department and fire department agencies in an emergency. The charter school will provide each volunteer with an instructional course on charter school's safety and security policies. Adding volunteer services for the purpose of security in schools could have unintentional consequences that would potentially do more harm than good. Granting civil liability immunity to volunteers carrying firearms would prevent parents from suing for damages in the event of a tragic accident. To the extent these volunteers have little or no experience or training about the school campus environment as it pertains to school safety and the use of handguns on campus, they may be ill-equipped to understand and manage the developmental needs and behaviors of school children.	
HB 2315 By: Turner, John | Rose | Meyer	Relating to the forfeiture of contraband relating to the criminal offense of racing on a highway.	Criminal Jurisprudence Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Currently, racing on a highway is a Class B misdemeanor in Texas. This offense is enhanced when the actor: • is intoxicated or in possession of prohibited substances • is receiving a second offense, which enhances charges to a Class A misdemeanor • is receiving a third offense, which enhances charges to a state jail felony • causes bodily injury - the offense is enhanced to a third-degree felony • causes serious bodily injury or death, the offense is enhanced to a second-degree felony HB 2315 adds that Class A misdemeanors and any felony for racing on a highway will result in asset forfeiture of the vehicle driven or any property used or intended to be used when the alleged offense occurred. HB 2315 provides an additional tool for the judiciary to curb these offenses and is an opportunity to seize assets to prevent the justification of racing on highways.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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HB 2120 By: Bell, Keith | Tinderholt | VanDeaver | Buckley	Relating to school district hearings regarding complaints.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, district personnel, students or parents of students, and members of the public are entitled to a hearing from district administrators and the board of trustees regarding grievances. The code requires a school board to adopt a process to address complaints. However, current law does not enumerate the process or express the length of time a grievance should be resolved, leaving the complainant at the mercy of the school board administration. HB 2120 seeks to delineate a uniform process for school board administrators to approach complaints and grievances. HB 2120 requires: • an initial administrative hearing • an opportunity to appeal the administrative decision following the initial hearing • provide for a resolution of the complaint within 120 days after the complaint was filed unless otherwise agreed to by the parties involved. HB 2120 codifies the process of addressing grievances by a school board, alleviating administrative frustrations caused by an undefined approach, encouraging an open relationship between administrators of a school board and the community they serve.	**Favorable** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 2309 By: Dominguez	Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities; increasing criminal fines.	Transportation Votes: 12 Ayes, 1 Nays, 0 PNV, 0 Absent	The current Texas transportation code requires specialty license plates or disability placards to use a disability parking spot. Only people who are disabled with a placard should be using the handicap accessible parking spaces. It is also a violation to block parking spaces or ramps reserved for persons with disabilities. This bill would give additional local traffic law enforcement authorities the ability to investigate a person accused of violating handicapped parking rules and then issue a training course on disabled parking or pay a fine starting at $1,000. The course will educate the public on driving with disabilities. If a person chooses not to take the course they will opt into a tiered fine instead. A first offense is currently $750, but as amended by this bill the fine will be $1,000 and each additional violation will increase the penalty by $250 for the first three offenses and then increase by $350 for a fine of $1,450 increase to the fee is meant to deter from illegal use of handicapped spaces.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 2787 By: Middleton | Raney	Relating to repeal of certain Employee Retirement Income Security Act of 1974 exemption provisions	Insurance Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Employee Retirement Insurance Security Act of 1974 (ERISA) preempts most state healthcare laws that regulate health benefits, such as prescription drug benefits. Initially, self-funded plans were excluded from audit provisions to comply with previous ERISA case law. HB 2787 creates one system for pharmacy audits conducted by health benefit plans (HBPs) or pharmacy benefit managers (PBMs) by removing self-funded commercial health insurance plans from the exemption. This bill aligns the insurance code with the most recent supreme court ruling so PBMs and HBPs can ensure compliance with networking pharmacy and contract requirements.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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	relating to pharmacy benefits.		HB 2787 would create uniformity in audit procedures for commercial health insurance plans and provide regulatory certainty for pharmacies to expect one set of regulations	
HB 2132 By: Ellzey | Harris | Clardy	Relating to the eligibility of the National Hot Rod Association Fall Nationals at the Texas Motorplex for funding under the Major Events Reimbursement Program.	Culture, Recreation & Tourism Votes: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	The National Hot Rod Association (NHRA) Fall Nationals is the fastest race in Texas, drawing in drag racing fans worldwide and generating significant revenue for state and local economies every year. The Major Events Reimbursement Program (MERP) allows local governments and local organized committees to be reimbursed for certain eligible costs associated with significant events. HB 2132 seeks to add the NHRA Fall Nationals to the list of eligible events under the MERP, allowing for the planning and implementation of the NHRA Fall Nationals competition. Entertainment venues are an essential part of the quality of life in cities and states. This change would enhance the quality of life for local communities and generate jobs, income, and economic activities in the area.	**Favorable** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 3381 By: Leman | Goldman | Landgraf | Darby | King, T.	Relating to the authority of the Railroad Commission of Texas to contract for the treatment of and sell drill cuttings.	Energy Resources Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	Under current law, the Railroad Commission (RRC) is required to clean up abandoned or otherwise unused and unremediated oil and gas sites using Oil & Gas Regulation and Cleanup (OGRC) funds. Should the responsible party fail or refuse to remediate the site, clean up becomes the responsibility of the state, as well as the disposal of any equipment or oil and gas hydrocarbons stored at the site. HB 3381 explicitly includes the disposal of drill cuttings, or solid waste produced by oil and gas drilling, in the state's site remediation responsibilities. It grants the RRC authority to contract with a third party to treat the drill cuttings at the site for beneficial reuse, typically as a fill material or an aggregate for concrete or asphalt, and to sell the treated drill cuttings to benefit the OGRC fund. This authority will significantly decrease the cost of treatment and disposal, since the majority of costs incurred by the RRC related to site remediation involve the transportation of waste to an off-site treatment or disposal facility, thus allowing for the maximal use of OGRC funds to clean up sites that pose the greatest risk to public health and safety.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3262 By: Smith	Relating to causes of action for withholding payments of the proceeds from the sale of oil and gas production.	Judiciary and Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Texas oil and gas companies frequently face situations where two or more persons claim ownership of royalty interest. In response to competing claims to a title, the oil and gas company will sometimes suspend payments until the claim is resolved. This has been standard practice for oil and gas companies since the 1990's. However, a 2018 Texas Supreme Court decision held that despite obligations set by statute that established the statutory cause of action for non-payment, the law can be interpreted in many ways and would not prevent competing owners of a title to file a claim for breach of contract. HB 3262 provides clarity by amending the Natural Resource Code by stating that a payee (royalty	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			owner) would not meet standards to file a common law cause of action against an oil or gas company for withholding payments unless the contract specifies otherwise. The law also provides that if the oil or gas company holds onto payments wrongfully, the payee has a cause of action for the funds they are owed, the interest, and attorney fees related to the cause of action suit. This bill would reinstate prior legislation that allows oil and gas companies to stop payments in good faith, when there are competing claims to a title. This bill allows for freedom of contract and serves as a safe harbor for oil and gas companies. This would help avoid unnecessary disputes that would create an even larger backlog in Texas courts.	
HB 1818 By: Patterson | Reynolds | Shaheen | Holland | Jetton	Relating to the source of dogs and cats sold by pet stores, providing a civil penalty.	Business & Industry Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Frequent issues arise from commercial pet stores, such as puppy shops in malls, engaging in unethical practices and selling unhealthy animals to consumers. Millions of pets are purchased from these stores while an even greater number of animals reside in shelters waiting for homes, many of which are eventually euthanized. HB 1818 prohibits commercial pet stores from selling dogs or cats in a county with a population of 200,000 or more if the pet was not obtained from an animal shelter, animal control agency, or a nonprofit rescue organization. The Attorney General is authorized to bring action by imposing and collecting a state civil penalty of $500 maximum for each animal sold by a violating pet store. The bill requires pet stores to document the sourcing for each pet within a year of obtaining the animal and records must be made available for inspection. Pet stores must also provide this sourcing information in a visible location on or near the pet's enclosure. This bill does not apply to licensed pet breeders. These changes will help find homes for pets in shelters, reduce the use of puppy mills and other unethical pet shop practices, and protect consumers from purchasing pets with undisclosed health problems.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 2766 By: Rogers | Morrison | Lambert | Ashby | Fierro	Relating to the creation of a rural dual credit grant program by the Texas Higher Education Coordinating Board.	Higher Education 10 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 2766 establishes a pilot program for awarding dual credit grants to public junior colleges for providing financial assistance to educationally disadvantaged high school students to cover part or all of dual credit course costs. Students are eligible to participate if they are considered economically disadvantaged, enrolled in a participating school, and have completed less than 60 semester credit hours at a higher education institution. The program will be implemented by Texas Higher Education Coordinating Board (THECB), who will be required to select up to 10 small and medium public junior colleges to participate in the grant program, with at least one college from each region of the state if possible. Junior college participants must partner with high schools to provide program assistance to students, and collect	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			data reported to THECB. High schools partnering with participating junior colleges must offer dual credit courses to provide students in grade nine or the equivalent information regarding dual credit opportunities and the funding available for dual credit courses under the program. The bill expires September 1st, 2023 and requires THECB to provide the legislature with a report evaluating program effectiveness, including recommendations for program expansion to all junior colleges, by December 1st, 2022. This pilot program will provide more students the opportunity to participate in dual credit programs, which is vital to reducing the financial burden of higher education. Economically disadvantaged students having the opportunity to receive free dual credit courses will reduce the long-term concerns of paying for higher education courses.	
HB 3938 By: Bell, Keith | Button | Bell, Cecil	Relating to the establishment of the industry-based certification advisory council and the transfer of certain duties to that advisory council.	International Relations & Economic Development Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Industry-based certificates represent real-world industry skills and experience that helps students become more competitive in the job market. The 85th Legislature adopted a set of indicators for school districts to measure and evaluate skills and learning to ensure students achieve appropriate preparedness for the workforce. HB 3938 intends to establish the industry-based certification (IBC) council to advise the Texas Workforce Commission (TWC) regarding the alignment of public high school career and technology education (CTE) programs with current and future workforce needs. The council would be composed of employers, high school CTE teachers, and representatives from 2-year higher education institutions each serving staggered 4 year terms. The bill aims to remove the Texas Education Agency, Texas Higher Education Coordinating Board (THECB), and the TWC from their current advisory positions regarding IBCs. However, the council is authorized to consult with local workforce boards, the Texas Workforce Investment Council, the Texas Economic Development and Tourism Office, and the THECB during inventory development. The council will establish a process for developing the inventory of IBC courses, be required to annually review the inventory and revise where necessary. Establishing a council of qualified professionals who regularly interact with IBC courses and the process surrounding them strengthens program quality. The council would be able to react to emerging workforce gaps and plan accordingly for preparing the future workforce of Texas.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 3813 By: Harris | Clardy	Relating to the authority of certain municipalities to	Culture, Recreation & Tourism	The Texas music industry, which contributes roughly $27 billion to the country's gross domestic product and supports more than 210,000 jobs, has been heavily impacted by the coronavirus pandemic. Some cities have city ordinances limiting the playing of music outside due to noise levels that impact nearby residents.	**<u>Unfavorable</u>** Evaluated by: Phuong Nguyen (832)302-9940

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	impose regulations on amplified sound from certain venues.	Votes: 5 Ayes, 3 Nays, 1 PNV, 0 Absent	HB 3813 would amend the Local Government Code to prohibit a city located in a county with a population of 1.5 million or less to adopt and enforce an ordinance that allows businesses and venues to produce amplified sounds between the hours of 10 am to 2 am at a level that does not exceed 85 decibels. HB 3813 is a form of state overreach into municipal ordinances. Municipalities know what is best for their communities. Neighborhoods close to these businesses have the right to a quiet environment during these nighttime hours.	Phuong@TexasLSG.org
HB 3961 By: Spiller | Frank	Relating to required posting of information regarding the office of the state long-term care ombudsman on certain long-term care facilities' Internet websites.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	The office of long-term care ombudsman within the Health and Human Services Commission assists long-term care residents who file complaints regarding their facility. When a resident moves in, facilities are required to provide printed information regarding the ombudsman office and their role in resident advocacy to the resident or their family. Moving in is often a stressful time that overwhelms the family and resident with information, which can lead to printed resources being overlooked or discarded. HB 3961 seeks to require licensed nursing facilities, licensed assisted living facilities, and other long-term facilities to post ombudsman office information on the facility's website, specifically the office's role as an advocate for residents and contact information Posting the information for the office of ombudsman on a facility's website could help save time and stress if a resident needs help facing a serious problem. While facilities are required to provide information on the office to residents upon request, having a readily available tab online would be beneficial for residents who may not feel safe making such a request from their facility staff.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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