Representative **Desk**

LSG Floor Report For POSTPONED BUSINESS UNTIL 10 AM- Thursday, April 29, 2021

Author	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1002 By: Lucio III | Johnson, Jarvis Canales | Anchía	Relating to the use of hypnotically induced testimony in a criminal trial.	Criminal Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Since World War II, hypnosis has been a forensic tool used by law enforcement and intelligence agencies with mixed scientific reviews. Factors such as subject ability to hypnosis and memory gaps being unconsciously filled with fabricated, misinterpreted, or distorted information are often not weighed during testimony. In light of new technological advances, the Texas Department of Public Safety suspended its hypnosis program in the 1980s. The Texas Commission on Law Enforcement allows peace officers to obtain a forensic hypnosis certificate if they can "plant memories" effectively. Since the 1970s, 11 Texans have been executed based on evidence based on hypnosis, out of 54 Texans that have been convicted based on hypnosis. Another5 convictions were reversed and 4 remain on death row. HB 1002 prohibits hypnosis testimony from being used during trials to reduce practices that are not evidence-based forensic science within the state's court systems. While the bill does not apply to previous cases, the hypnosis used in the original trial could be disputed in the interest of justice upon the finding of new evidence.	**Favorable** Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org
HB 3813 By: Harris | Clardy	Relating to the authority of certain municipalities to impose regulations on amplified sound	Culture, Recreation & Tourism Votes: 5 Ayes, 3 Nays,	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. 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	**Unfavorable** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

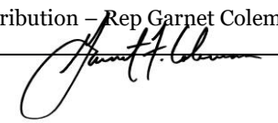
OK for Distribution – Rep Garnet Coleman

	from certain venues.	1 PNV, 0 Absent	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.	
LSG Floor Report For MAJOR STATE CALENDAR- Thursday, April 29, 2021				
HB 1560 By: Goldman	Related to the continuation and functions of the Texas Department of Licensing and Regulation.	Licensing & Administrative Procedure Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	The Texas Department of Licensing and Regulation (TDLR) is the largest umbrella occupational licensing agency in the state and provides regulatory oversight for widely ranging professions. TDLR administers examination processes, performs compliance inspections, and manages professional certifications for 39 different license types. The department is governed by the Texas Commission on Licensing and Regulation (TCLR), that is responsible for rulemaking and implementing powers of the state. TDLR performs licensing, customer service, and enforcement processes for all agency programs in order to maximize efficiency and eliminate duplicative administrative functions. The Sunset Advisory Commission recommends eliminating 31 license types, removing burdensome regulations, and streamlining certain programs, particularly with respect to barbers, cosmetologists, and driver training providers. Additionally, certain department functions do not align with best licensing practices and decisions are often made reactively rather than relying on quantitative data. HB 1560 comprises recommendations from the Sunset Advisory Commission, to continue the Texas Department of Licensing and Regulation (TDLR) and the Texas Commission of Licensing and Regulation (TCLR) until September 1, 2033. **Advisory Board Efficiency** Current law limits TDLR's ability to effectively conduct advisory board meetings. Advisory board meeting requirements are removed from statute and TDLR is authorized to call meetings as needed. , including the use of virtual meetings that comply with the Texas Open Meetings Act. TDLR is authorized to create interdisciplinary advisory boards coordinating industry expertise and input. Board member training and complaints standards are updated. **Eliminated Occupational Licenses**	**<u>Favorable with Concerns</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			15 different license types did not meet Sunset criteria to establish regulatory necessity due to limited enforcement, minimal public exposure, or exemptions that undermine regulation. Sunset recommendations are incorporated in HB 1560 to eliminate following licenses and programs. • Certain Combative Sports Program licenses • The Polygraph Examiners Program **Barbering and Cosmetology Regulation** Texans are protected from unsanitary practices through the licensing and regulation of barbers and cosmetologists. These professions involve similar services but are currently siloed as two separate licensing programs. Combining and simplifying barbers and cosmetologist licensing could reduce the burdens on licensees and improve industry communication while upholding consumer protection standards. HB1560 consolidates the regulatory processes for barbers and cosmetologists to administer the two programs as one. Instructor licenses are eliminated, as well as wig-related licenses and regulation of barber poles. **Driver Training Reform** Driver training schools, course providers, and instructors are licensed within the two categories of driver education and driver improvement. The industry is overregulated by outdated, convoluted statutes and prescriptive rules that are irrelevant to public safety and create a hefty administrative burden for TDLR. Sunset findings conclude that overregulation creates barriers to entry while parent-taught driver education course providers and other businesses maintain an unfair advantage. The recommended deregulation includes lowering barriers for licensees and streamlining the licensure and regulation of driver training businesses. To prevent a disconnect between driver education curricula and the driver's license exam, the bill requires a MOU to provide better communication between TDLR and DPS regarding these programs. Several separate driving course licenses are eliminated, including drug and alcohol awareness, specialized driving safety courses, and courses for drivers under 25 years old. Redundant driving safety school licenses and driving safety instructor licenses are also eliminated. Pre-license and continuing education requirements are eliminated for driving instructors. Minimum fee requirements for consumers are eliminated for driving safety course providers. Changes in driver education requirements include: • TDLR will set minimum hours and rule and prescriptive curriculum hours are eliminated • Course approval fees are eliminated, and driver training curricula is streamlined • Driver Training and Traffic Safety Advisory Committee membership is modified to align with new licensing structures	

OK for Distribution – Rep Garnet Coleman



			Driver education business licenses are modified to establish a separate license for parent-taught driver education (PTDE) providers, and the following definitions are clarified: • PTDE providers - defined as businesses providing driver education courses used by parents or qualified drivers to independently teach students, often in mobile apps and related online platforms • In-person providers - business that offer driver education courses utilizing in-car instruction, observation hours, and/or driver license examinations • Online providers - businesses other than PTDE's offering driver education courses remotely rather than onsite with students physically present PTDE providers would be authorized to offer correspondence and online courses with certain TDLR requirements for minimum course curriculum standards. PTDE providers are exempt from instructor requirements but licensed instructors must be offered. They are also required to validate a student's active participation in the course but are exempt from requirements to validate a student's identity. **Shifting to Risk-Based Regulation** Sunset findings conclude TDLR is prevented from efficiently handling problematic licensee behavior due to inflexible inspection schedules and a lack of clarity about prioritizing complaints. The bill requires TDLR to establish a risk-based approach to inspections, rather than focusing on regulatory procedural compliance. TDLR shall prioritize complaints based on the risk they pose to the public as established by a data-driven strategy must be established for assessing program risk and setting regulatory priorities. The bill authorizes TDLR to conduct inspections by remote methods for as deemed appropriate. -A data-driven approach will direct resources to address complaints, improve repeat violator response, and update rules, and prioritize current risks. **Aligning with Regulatory Best Practices** Changes are made to ensure TDLR rules conform with regulatory standards. TDLR is currently unable to collect information to establish whether license applicants pose a risk to the public or to deny licensure renewal for disciplinary noncompliance. The bill removes subjective licensure provisions and authorizes TDLR to require applicant disclosure of financial and conflict of interest information for certain business licenses and clarifies TDLR's authority to adopt continuing education rules. The department is authorized to deny license renewal for noncompliant licensees, but provisions allowing for license denial based on subjective moral determinations are removed. TDLR will be required to collect, maintain, and make publicly available data-driven information on licensee complaints. Complaint data must include aggregate information regarding number, source, type, and subject matter of complaints received during the preceding year including: • number of license holders	

OK for Distribution – Rep Garnet Coleman

			• number of complaints against license holders number of complaints resolved and how they were resolved, The commission can require a license holder to issue a customer refund based on a settlement, default order, or commission order in addition to or instead of administrative penalties. The refund amount may not exceed what was paid by the consumer for the service regulated by TDLR, and the commission may not require payment of other damages in a refund order. The department staff has the authority to dismiss unfounded or inappropriate complaints. **Recommendation and Concerns** • License renewals and fees comprise 74% of TDLR's annual revenue, meaning eliminating licenses will result in a loss of funds. Some costs can be offset by fewer FTEs and decreases in operational costs. • Polygraph examiners are concerned about their ability to maintain their status as qualified professionals without regulatory standards that affirms their integrity when it comes to performing polygraph functions for courts. • Cosmetologists expressed concerns related to eliminating instructor licenses. And maintaining a core body of knowledge related to the profession. • Auctioneers expressed concerns about interstate reciprocity and lack of regulation regarding auctioneer contract violations. • Parent-Taught Driver Education professionals expressed concerns related to recording attendance online timers and removing the pre-approval process for driver education courses. In response to concerns raised by these respective industries, the bill requires TDLR to consult with the Auctioneer Advisory Board and the Driver Training and Traffic Safety Advisory Committee to study auctioneering and driver training regulation. Any findings and recommendations related to improving public safety and eliminating inefficiencies in TDLR processes must be reported to the legislature by January 1st, 2023.	
HB 1545 By: Cyrier	Relating to the continuation and functions of the Commission on Jail Standards.	County Affairs Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 1545 aims to clarify language regarding jail standards, as well as requiring regular updates to jail requirements as new issues are identified. This bill would update the functions of the Texas Commission of Jail Standards (TCJS) by: • requiring investigation by an outside law enforcement agency—to be appointed by TCJS if a person dies while in jail custody. This also allows the investigating agency to present proof of a conflict-of-interest to excuse themselves from this appointment, and therefore another outside law enforcement agency must be chosen by TCJS.	**Favorable** Evaluated by: Jenny Catchings (925) 628-0628 Jenny.Catchings_HC@house.texas.gov

OK for Distribution – Rep Garnet Coleman

			• requiring a risk-based method of determining jail inspection priority; this is much less preferable from a health and safety standpoint than annual inspections but was determined to be most effective with TCJS's current budgetary constraints. The details of this risk-based assessment will be created by the agency. Jails deemed to be low-risk may be eligible for forms of remote or abbreviated inspection • removing certain annual reporting regarding juveniles detained in county or municipal jail to reflect current practice. • requiring the creation of an updated training manual for commission members. Each member must receive the training manual before any official duties may be performed; receipt must be formally acknowledged through member signature. • charging the commission to adopt rules requiring jail administrators to include information on the complaint investigation and resolution procedure in an inmate handbook and require the information to be displayed throughout the jail. TCJS shall periodically notify parties of the complaint status until final disposition. Notifying the relevant parties may only be skipped if such a notice would jeopardize an investigation. • expanding the categories of required information collected by TCJS to include documentation about complaints for which the agency took no action with a stated reason for that decision. Complaints should be regularly analyzed to identify jail trends and determine which jails may require additional inspection. This expanded complaint data shall be regularly compiled into publicly available reports. Data collection and analysis must also be done for inspections and be regularly reported to identify trends in noncompliance, serious incidents, and other inspection outcomes. • requiring that TCJS consider the needs and risks of different types and sizes of jails under their jurisdiction in establishing minimum jail standards. Tiered or separate standards should be established as met every jail is the same. • allowing TCJS the authority to establish advisory committees to make recommendations on the agency's programs, rules, and policies. • requiring TCJS to establish rules and procedures for re-inspecting a noncompliant jail, and adopt rules establishing a system of graduated, escalating enforcement actions for jails that are in noncompliance; the establishment of appropriate timeframes for a jail's progress toward compliance is key. In addition to facilitating more well-defined jail standards, the bill increases data reporting, transparency, and enforcement in cases of noncompliance for TCJS.	

OK for Distribution – Rep Garnet Coleman

HB 19 By: Leach | Ashby | Meyer	Relating to civil liability of a commercial motor vehicle owner or operator.	Judiciary and Civil Jurisprudence Vote: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	Texas leads the nation in large trucking accidents, with more than 39,000 commercial vehicles crashes and 613 deaths in 2019 alone. Additionally, the number of deaths increased over 100% since 2009 making Texas the state with the most trucking accident-related deaths. HB 19 would exclude a commercial motor vehicle (CMV) company from liability in all but the most extreme circumstances, putting all fault on the often overworked driver. HB 19 demonstrates a complete disregard for safety, will result in Texas roads being increasingly dangerous, and will create more deaths from CMVs in the state of Texas. HB 19 defines commercial motor vehicle (CMV) as a motor vehicle being used for commercial purposes in interstate or intrastate commerce to transport property, passengers, delivery, or transport goods or provide services. This definition is so broad that it even applies to ride share services and Amazon delivery trucks. HB 19 creates a new judicial structure that would split a case involving a CMV into two separate trials, referred to as a bifurcated trial, and would significantly limit the information and evidence that may be laid out for a jury. In the first phase of a trial, ordinary negligence is determined, and compensatory damages are awarded based solely off of any wrongdoing by the driver without the presentation of any evidence regarding the company's negligence. A corporation may hide their negligence by making the election to admit that the driver was their employee and was acting within the scope of employment, this is known as respondent superior. Through this, the court would not be able to examine the company for negligence in training, hiring, supervision, entrustment, or retention. Any previous evidence of a company's malpractice, infractions, or misconduct would be hidden from the jury. For example, if a driver was found to have fallen asleep at the wheel, this would be laid out for the jury. However, if the company was found to disregard regulations or standards for how long a driver can drive without a break, this would be excluded in this phase of the trial. This type of information is necessary for the jury in order to determine what caused the accident. HB 19 states that evidence pertaining to the defendant's failure to comply with regulations or standards would only be admissible if the evidence proved that the failure was the proximate cause of the bodily injury or death, further demonstrating how HB 19 would limit the information and evidence that is allowed to be laid out for the jury. A company can only be tried in the first phase of the trial for ordinary negligence if there is evidence that the company was negligent in the maintenance of the vehicle. Phase two of the trial, when a CMV company would be tried for gross negligence, can only proceed if the first phase results in the driver being found negligent. Gross negligence is an act or omission	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			involving extreme risks of a degree to which the actor acted with conscious indifference to the safety or welfare of others. This conscious indifference is extremely hard to prove, making it nearly impossible to hold a company accountable for their wrongdoing. Creating a bifurcated trial would hide relevant evidence that a jury needs in order to make an accurate determination of who is at fault and prevents the conduct of both parties being considered at the same time. It is the court's duty to determine the truth, and by having two trials, this will ultimately confuse jurors due to new evidence being presented after one determination of negligence has already been made. Additionally, bifurcated trials waste the court's time and resources, increase expenses, deny, or delay justice and the conclusion of lawsuits. Beyond this new bifurcated system, the bill also rewrites the rules of evidence by prohibiting a court from requiring expert testimony for admission of photo or video evidence. This bill would allow photo or video evidence if it were property authenticated under the Texas Rules of Evidence. This takes away the ability for a judge to decide on whether evidence would be relevant to the case. This bill would protect corporate bad actors by exempting these companies from any liability for wrongdoing that may have contributed to an accident. It would take away any incentives to hire drivers with a clean driving record or to follow regulations and standards that are in place for safety reasons and would prevent access to justice for victims of truck crashes that result in catastrophic injury or death. As is demonstrated from the opposition to this bill expressed by law enforcement, first responders, and advocacy groups, Texans will be the ones who ultimately pay the price because of the preventable accidents that will occur.	
HB 1900 By: Goldman | Metcalf | Bonnen | Raymond | Button	Relating to municipalities that adopt budgets that defund municipal police departments.	State Affairs Vote: 10 Ayes, 3 Nays, 0 PNV, 0 Absent	HB 1900 enacts a series of penalties against municipalities with a population over 250,000 that are determined by the governor's office's criminal justice division to have defunded their local law enforcement agencies, meaning they decreased the agency's budget from the previous year at a larger percentage than any overall city budget decrease, with adjustments for inflation. These penalties include: • the requirement to hold an election allowing annexed areas to vote for disannexation and release from the defunding municipalities - and any municipality's - law enforcement jurisdiction. The city would be prohibited from using public funds towards an informational campaign for this election. • preventing the city from annexing any area until ten years after it is no longer considered "defunding." • decreasing the city's, no-new-revenue maintenance and operations tax rate and capping its overall property tax rate.	**<u>Unfavorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			• forfeiture to the state general revenue fund for exclusive use by the Department of Public Safety a portion of the city's share of collected sales and use taxes equal to the amount the state spent on law enforcement services in the municipality. • a prohibition on issuing new or higher rates or fees by municipally-owned utilities. A city may request prior approval from the governor's criminal justice division to decrease its law enforcement budget for specific reasons related to disasters or capital expenditures. This bill is an example of state overreach in local governments' budgetary decisions and could set the stage for more state overreach if local governments choose to spend money or decrease money on services state leadership disagrees with. The governor's office does not have the same insight into local issues as local leaders do and should not have the power to dictate this one-size-fits-all approach to how local tax dollars are spent. It is not reasonable or accurate to assume that higher police budgets equate to improvements in public safety. This bill fails to consider the improvements to public safety that could be gained from reallocating specific responsibilities like mental health crisis response and forensic lab testing to experts in those fields, or and investing in alternative methods of crime reduction such as community development and support services. Its provisions could harm the very residents it is purporting to protect by allowing for the removal of any law enforcement presence from annexed areas, preventing a city from maintaining high-quality, reliable utility service, and more broadly decreasing funds available for local public safety needs.	
HB 2622 By: Holland | Paddie | Canales | White | Metcalf	Relating to the enforcement of certain federal laws regulating firearms, firearm accessories, and firearm ammunition within the State of Texas.	State Affairs Vote: 11 Ayes, 2 Nays, 0 PNV, 0 Absent	HB 2622 prohibits state agencies and political subdivisions from contracting with or assisting federal officials with respect to enforcing certain firearm or firearm accessory regulations or restrictions that are not in Texas statute. This includes any law related to firearm registration, licenses to own or carry, background checks prior to purchase, and programs requiring the sale or confiscation of certain weapons, likely referring to proposals to "buy back" assault-style weapons should their possession be federally prohibited. This bill would not apply to contracts or agreements to assist in compliance with of federal laws in effect as of January 19, 2021, the first day of the Biden Administration. Residents of a political subdivision would be authorized to file a complaint with the Attorney General (AG) if they believe their local government has adopted policies, entered into a contract, or regularly taken action to require the enforcement of these federal rules. If this is found to be the case, the subdivision will for the next fiscal year be ineligible to receive any state funds, including the appropriations and grants that help support, for example, local law enforcement, public education, community services, or disaster relief. The AG may apply for a court order or other relief to compel	**<u>Unfavorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			compliance with this prohibition and shall defend any state agency the federal government attempts to sue for actions following the directives of this bill. Beyond taking overreaching, punitive measures into the policies of local governments that could deprive cities and counties of essential resources, potentially including federal funding, this bill would restrict the enforcement of common-sense laws. In 2019, an average of ten Texans per day lost their lives to gun violence due to tragedies like suicide, intimate partner violence, mass shootings, or other forms of homicide. Punishing cities and counties for complying with federal laws by withholding money for community services will only make these areas less safe by weakening their capacity to enforce current laws and keep firearms away from individuals who may present a danger to themselves and others.	
LSG Floor Report For GENERAL STATE CALENDAR- Thursday, April 29, 2021				
HB 829 By: Thompson, Senfronia | Reynolds | Collier | Johnson, Jarvis	Relating to a progressive disciplinary matrix for police officer misconduct in certain municipalities.	Urban Affairs Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Texas currently has no standardized model for how law enforcement agencies and cities implement disciplinary action for an officer who has committed an infraction. This patchwork system allows officers to avoid appropriate discipline and consequences for breaking agency rules. HB 829 establishes a progressive disciplinary matrix - a formal schedule for disciplinary actions that may be taken against a police officer for infractions committed by police officers under the firefighters' and police officers' civil service law. The firefighters' and police civil service law is designed to secure efficient fire and police departments composed of capable personnel who are free from political influence and who have permanent employment tenure as public servants. Implemented by a city's Fire Fighters' and Police Officers' Civil Service Commission, the matrix will be applied in a standardized fashion based on the nature of the infraction committed and the officer's prior conduct record, using the following set of progressive disciplinary actions: written reprimand or warning, retraining, deduction of points from a promotional examination grade, demotion, change of duty or assignment, suspension, and removal. HB 829 outlines that the progressive disciplinary matrix must include: • standards for disciplinary actions relating to an officer's use of force against another person, including the failure to de-escalate situations in accordance with department policy. • standards for evaluating the level of discipline appropriate for uncommon infractions; and • presumptive actions to be taken for each type of infraction and any adjustment that will be determined based on an officer's previous disciplinary record.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

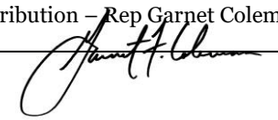
			The head of the police department or agency must issue a letter of disciplinary action following an infraction by an office. HB 829 aims to make certain that certain local agreements between municipalities and law enforcement agencies affecting employment matters of police officers may not conflict with or supersede the disciplinary actions imposed by the matrix on a police officer. It is time for Texas to adopt a standardized model for how disciplinary action should be carried out for police officers who have committed infractions. Too many times officers are able to walk away from breaking department policy with little to no consequence, only to conduct the same violation in the future. Texans do not have time to wait for each department or city to adopt policies that directly address how an agency should conduct officer discipline in the appropriate manner. Requiring a statewide, standardized progress matric model mitigates the chance of repeat officer infractions that hinder communities' trust in the efficiency and integrity of law enforcement.	
HB 323 By: King, Phil | Guillen | White | Bowers | Goodwin	Relating to a law enforcement agency accreditation grant program.	Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Accreditation is a voluntary but effective tool for improving a law enforcement agency's policies and standards to align with best practices related transparency, community relations, and use of force. However, it takes a significant amount of time and financial commitment to receive and maintain accreditation, as an agency must submit to training, evaluation, and regular auditing. HB 323 establishes the Law Enforcement Agency Accreditation grant program to be administered by the governor's criminal justice division. This program would provide law enforcement agencies with grants up to $50,000 to help obtain or maintain accreditation from the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program, the Commission on Accreditation for Law Enforcement Agencies, or other law enforcement accreditation organizations. The criminal justice division shall establish eligibility criteria and procedures for evaluating applications, administering funds, and monitoring for compliance, and must submit a yearly report to the Legislative Budget Board on the program, including awarded amounts and grant recipients. The program would be funded through any revenue made available for that purpose. This bill will incentivize law enforcement agencies to undergo the rigorous but ultimately beneficial accreditation process that benefits the officers, the agency's budget, and the public.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 830 By: Thompson, Senfronia | White |	Relating to law enforcement policies regarding the issuance of citations for misdemeanors	Homeland Security & Public Safety Vote: 7 Ayes,	In 2015, Sandra Bland was pulled over by law enforcement for failing to signal. This simple traffic stop should've resulted in a simple ticket yet ended tragically in her arrest and subsequent death. Across the nation, rampant racial profiling occurs in pretext traffic stops for violations normally subject to fines, and many of these encounters can escalate to life-threatening circumstances.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

Krause | Cain | Bowers	punishable by fine only and to a limitation on the authority to arrest a person for certain fine-only misdemeanors.	2 Nays,
		0 PNV,
		0 Absent
			HB 830 ensures arrests are proportionate with violations by limiting arrests for fine-only traffic misdemeanors and creating a model policy for all law enforcement agencies to implement cite-and-release practices. This legal framework is established by including all fine-only misdemeanors as road violations requiring a mandatory notice to appear in court as an alternative to arrest. The bill creates a conforming exception to the authority of peace officers to arrest without warrant for road violations and people committing one or more fine-only misdemeanors.
			
			The bill requires Texas Southern University (TSU) to collaborate with law enforcement entities, training experts, and community organizations to develop and publish model policy on ending arrests for misdemeanor and fine-only traffic offenses by January 1st, 2022. The policy must do the following:
			• provide a procedure for a peace officer to verify a person's identity and issue a citation.
			• conform with statutory procedures relating to:
			  ○ offenses committed in the presence or view of a peace officer,
			  ○ the general authority for peace officers to make arrests without a warrant in certain circumstances,
			  ○ the requirement to take offenders before a magistrate, and
			  ○ an arrest and notice to appear for certain road violations.
			
			Each Texas law enforcement agency is required to adopt a written policy regarding the issuance of citations for fine-only misdemeanor and traffic offenses by March 1, 2022. The policy must meet the same model policy requirements listed above and law enforcement agencies are permitted to use TSU's policy recommendations.
			
			This legislative body has the ability to prevent another Sandra Bland, Philando Castile, Daunte Wright, Walter Scott, and many others killed in pretext traffic stops. Cite-and-release policy can prevent peace officer encounters from escalating to life or death situations, creating better public safety practices for all Texans.	

HB 3712 By: Thompson, Ed | White | Schaefer	Relating to the hiring and training of and policies for peace officers.	Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV,	Reforming peace officer training is a vital component of police reform and rebuilding the eroded public trust between law enforcement and the communities they serve. Excessive use of force and police brutality issues cannot be tackled from a preventative standpoint without first shifting the frame of information provided to incoming peace officers. HB 3712 intends to implement a 720 hour basic peace officer training course. In consultation with key stakeholders, the Texas Commission of Law Enforcement (TCOLE) will develop and maintain a	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman



		0 Absent	model training policies for law enforcement agencies and peace officers. The training course must include: • prohibiting intentional use of a choke hold, carotid artery hold, or similar neck restraint by an office during the search or arrest of a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or death of the peace officer or other persons. • the duty of an officer to intervene to prevent or stop the use of force on a person if the intervening officer believe the amount of force being used is unnecessary • the duty of an officer in an official capacity to provide aid to an individual unless the officer reasonably believes providing aid is likely to cause serious bodily harm or death to the officer or other persons • programs for field training During pre-employment investigations, HB 3712 requires the model policy to incorporate pre employment investigations in order to ensure hired officers are fit to serve. The bill requires every law enforcement agency in Texas to create policies reflecting or adopting the model provided by TCOLE no later than 180 days after the initial distribution of TCOLE's report. Prior to the first day of each 24-month training unit, TCOLE will specify up to 16 hours of mandated topics to be covered during the 40 hour continuing education programs that must be completed by each officer. These changes to peace officer training and pre-employment investigations are a good starting point for use of force prevention efforts and will help restore public trust in law enforcement.	
HB 385 By: Pacheco | White | Campos | Button | Krause	Relating to conditions of community supervision and procedures applicable to the reduction or termination of a defendant's period of community supervision.	Corrections Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	As Texas continues to improve its justice system, the need for updates in the probation system has come to light. Specifically, reports indicate improvement is needed to strengthen judicial review, alignment of conditions for community supervision (CS) with individual risk assessments, and guidance to judges on a defendant's financial standing that dictates their ability to pay and complete conditions of probation. Currently, judges may authorize a defendant's supervision officer or magistrate appointed by the district court to modify the conditions of CS. HB 385 expands the purposes of this authorization to prioritize the conditions ordered by the court in accordance with a defendant's needs, which is determined by a validated risk and needs assessment, and for the defendant's progress under CS.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

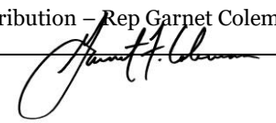
OK for Distribution – Rep Garnet Coleman

			HB 385 removes current CS conditions that prohibit defendants from engaging with persons or places of disreputable or harmful character. Also, the bill specifies that judges may only require counseling sessions or treatment as CS conditions if assessment results determine an appropriate type and level of treatment necessary to address the defendant's substance use. The purpose of these requirements is to protect and restore the community and rehabilitate the defendant. HB 385 expands entities beyond the Department of State Health Services (DSHS), that can develop a continuum of care treatment plan for defendants to community supervision and the supervising corrections departments' 385 removes the ability for a judge to waive or extend the time of an equivalent educational program, requiring that in order to waive such conditions the educational program must be completed while a defendant is in a justice-system approved residential treatment facility. The bill mentions that DSHS must approve any education provided at substance abuse treatment facilities (SATFs). For a judge to waive the educational program, they must find good cause for the waiver or that the defendant completed an alternative to a SATF that is operated by the Texas Department of Criminal Justice, a community corrections facility, or a licensed chemical dependency treatment facility. In addition, HB 385 requires that participation in these programs shall be given to the Department of Public Safety for inclusion on the defendant's driving record. HB 385 adds that before or immediately after placement in CS or during CS before or immediately after payment is required; the court must consider the defendant's resources or income to make any payments related to their participation in CS, other than restitution. If a defendant violates payment-related conditions of CS, the court shall reconsider the defendant's resources or income at the detention hearing. If the court receives a request from a defendant to reconsider their payment abilities, which may be submitted through a form provided by the Office of Court Administration (OCA), the court may delay previous payment conditions in whole, in part, or through alternative methods and notify the defendant and prosecutor. Some of the alternative methods would be payment at a later date, through designated intervals, entirely or partially waived, discharged, or through any combination of these methods. If a defendant who had payments waived has a change in financial standing during the CS period, a court or prosecutor may require repayment at any time. Upon completion of one-half of the original CS period or 2-years of CS, whichever is greater, a judge shall review the defendant's record and consider reducing or terminate the CS period. HB 385 excludes CS costs, fines, and fees from making a defendant ineligible to reduce or terminate CS. The	

OK for Distribution – Rep Garnet Coleman

			bill maintains existing provision exclusions and specifies that supervision officers shall notify the judge as soon as practicable after the date a defendant was delinquent in paying restitution or has or had not completed court-ordered counseling or treatment and is otherwise compliant with CS conditions. HB 385 maintains judicial discretion to or not to reduce or terminate the CS period based upon relevant factors, including delinquency in court-ordered payments. If the judge decides not to terminate the CS period after review, the bill requires them to advise the supervision officer of these reasonings promptly, and the supervision officer shall relay this information to the defendant in writing. HB 385 removes delinquency in paying required costs, fines, or fees as a factor that disqualifies defendants with offenses that equate to state jail or third-degree felonies from time credits for completion of CS conditions. The bill expands the list of programs that entitle a defendant to time credits to include 30-days of credible participation in any other faith-based, volunteer, or community-based program upon court approval. HB 385 improves the state probation system's ability to hold people accountable and reduce recidivism. The decision to remove changes to the frequency of drug and alcohol testing, consider the financial stability of defendants, and secondary considerations for early termination is a bold step towards progress for the Texas justice system	
HB 834 By: Thompson, Senfronia | Toth | Collier | Cason	Relating to requiring the corroboration of certain testimony in a criminal case involving a controlled substance.	Criminal Jurisprudence Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	To convict someone of any offense under the Texas Controlled Substances Act (CSA), corroboration of testimony by covert law enforcement is required, but there are testimonial exceptions for peace officers acting as informants during cases. Corroboration requirements date back to the early 2000s with the Tulia bill, which addressed the wrongful convictions of numerous Texans due to falsified cases, questionable testimony, and evidence from a single decorated and racially prejudiced Panhandle Regional Narcotics Task Force (PRNTF) investigator. However, the Tulia bill permitted testimony by covert peace officers as informants, excluding them from corroboration requirements. HB 834 prohibits convicting defendants of Texas CSA offenses on the sole basis of covert law enforcement testimony. The bill requires that this type of testimony may only be presented if it is corroborated by additional evidence that connects defendants to the offense. Coupling HB 834 with the Tulia bill provides an effective check that strengthens and moves cases throughout the judicial system while avoiding wrongful convictions and exoneration costs. Since PRNFT is one of an estimated 1,000 task forces with minimal oversight or accountability, HB 834 would protect Texans from unlawful incarceration, misrepresentation of investigations, and falsified cases by bad actors without ample evidence to support such claims.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

OK for Distribution – Rep Garnet Coleman



HB 441 By: Zwiener | Collier | White | Dutton | Toth	Relating to the criminal and licensing consequences of certain marihuana possession and drug paraphernalia possession offenses; imposing a fee.	Criminal Jurisprudence Vote: 7 Ayes, 1 Nays, 0 PNV, 1 Absent	Currently, possession of less than two ounces of marihuana is a Class B misdemeanor punishable by imprisonment up to 180-days and up to a $2,000 fine. Individuals facing marijuana convictions, often young adults, face long-lasting consequences that impact their ability to access housing, employment, driving privileges, educational opportunity, financial aid, the naturalization process, and voting rights to name a few. Black Americans are 2.6 times more likely to be arrested than White Americans with marihuana use being reported at nearly equal rates. HB 441, would remedy this by reducing penalties for marihuana possession, authorize expungement of certain marihuana related records, require the issuing of citations, and remove the 180 day drivers' licenses suspension rule. HB 441 would make possession of one ounce or less of marihuana a Class C misdemeanor and possession of two ounces or less but more than one is a Class B misdemeanor. If enacted individuals charged with possession of less than one ounce would face up to $500 with no possible jail time. HB 441 would prohibit a peace officer from arresting a person being charged with marihuana possession under one ounce and instructs for a citation to be provided instead. HB 441 also stipulates peace officers would not be prohibited for arresting a person for an offense other than marihuana possession under one ounce. HB 441 would authorize expungement of a person's criminal record for certain Class C misdemeanors. The bill would allow for possession of marihuana under one ounce to qualify for expungement if the individual was acquitted of the offense or the complaint was dismissed and at least one year from the date of citation or 180 days have elapsed from the dismissal. HB 441 requires the individual to submit a written request under oath and pay $30 to help defray costs. HB 441 would require all records and documents related to the offense expunged if the person qualifies. HB 441 would require a judge to defer further proceedings without entering an adjudication of guilt to place the individual on probation for marihuana possession under one ounce if the individual has not had a deferral within the last 12 months for the same offense. HB 441 would require the court to notify individuals for which the court dismisses a complaint under this amended provision. This bill would reduce the harmful impact of minor possession charges on an individual's life, their family, their community, and the state.	**<u>Favorable</u>** Evaluated by: Audrey Erwin 928-210-4303 Audrey@TexasLSG.org
HB 2366 By: Buckley | Harless |	Relating to criminal conduct that endangers law enforcement;	Homeland Security & Public Safety	During protests over the summer, some peace officers sustained injury after protesters launched fireworks at them, and laser pointers were used on officer's eyes to temporarily blind them. HB 2366 creates a state jail felony offense for exploding or igniting fireworks with intent to interfere with a law enforcement officer performing official duties or fleeing from an officer attempting to	**<u>Will of the House</u>** Evaluated by: Brittany Sharp (210)748-0646

OK for Distribution – Rep Garnet Coleman

Ellzey | Murr	creating a criminal offense and increasing a criminal penalty.	Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	lawfully arrest or detain for those acts. The bill increases the offense to a second-degree felony if the offense involves a firework that is not a consumer firework as defined by federal law. The penalty is enhanced to a first-degree felony if it causes serious bodily injury or permanently altering damage to a law enforcement officer. These charges can be stacked with other offenses applied to the same conduct, meaning an actor could be charged with endangering a peace officer and unlawful use of fireworks simultaneously. The bill also enhances penalties for using a laser pointer directed at a uniformed peace officer from a Class C misdemeanor to a third-degree felony if the conduct causes bodily injury, including mendable wounds, and a first-degree felony if the conduct causes serious bodily injury to the officer. These charges and their enhancements cannot be stacked with other charges applied to the same conduct. Causing serious bodily injury by shooting fireworks at peace officers and using laser pointers to blind them are serious offenses and should not be taken lightly. However, enhancing a laser pointer charge from a Class C misdemeanor to a 3rd degree felony and other increases in criminal penalties is overly punitive. This could lead to the criminalization of more protestors, often young people, and could drastically alter their life trajectory.	Brittany@TexasLSG.org
HB 1717 By: Thompson, Senfronia | White | Collier | Patterson	Relating to the state's continuing duty to disclose exculpatory, impeachment, or mitigating evidence in a criminal case and prohibited retaliation against local assistant prosecutors for discharging that duty.	Criminal Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	In 2013, the legislature passed the Michael Morton Act aimed to improve transparency and integrity in the justice system through an open-file discovery system. This law ensured that prosecutors would honor their obligation to disclose all exculpatory, mitigating, and impeaching evidence in their possession so the accused can prepare a defense. HB 1717 seeks to further ensure that prosecutors are honoring their obligations. HB 1717 clarifies that prosecutors have a post-conviction obligation to disclose exculpatory evidence to defendants on all cases regardless of the prosecution date. HB 171 also prohibits retaliation against an assistant DA for complying with the current law. A person who is retaliated against for complying with law can bring a civil suit and obtain injunctive relief, compensatory costs, reimbursement for curt costs and attorney fees, and relief for non-pecuniary losses. HB 1717 will further ensure that Texas is not incarcerating innocent people.	**Favorable** Evaluated by: Brittany Sharp 210-748-0646 Brittany@TexasLSG.org
HB 3158 By: Thompson,	Relating to standing for receipt of exemplary	Business & Industry 7 Ayes,	When an employee dies due to gross negligence or an intentional act by omission of their employer, current statute only allows for surviving spouses and heirs to receive compensation. Parents are not allocated the same right even if the individual does not have a spouse or heir.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465

OK for Distribution – Rep Garnet Coleman

Senfronia | Murr | Davis	damages based on a compensable death under the Texas Workers' Compensation Act.	0 Nays, 0 PNV, 2 Absent	HB 3158 amends the Labor Code so that parents of a deceased employee are able to bring an action against the employers to recover exemplary damages. This can only be done if the death of the employee was due to gross negligence or intentional act or omission of the employer. HB 3158 also allows a surviving spouse or heir along with the parents to bring action against the employer, and one party may represent the others for the benefit of all. HB 3158 extends the definition of parents to include adoptive parents and stepparents. HB 3158 will allow parents to be able to receive compensation following the death of their child. Additionally, it will allow a family that survives the employee to be collectively represented when seeking compensation.	Devan@TexasLSG.org
HB 3373 By: Burrows	Relating to the certification of live music venues by and other duties of the Texas Music Office.	Culture, Recreation & Tourism Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The economic effect of the coronavirus pandemic has been devastating for the music industry, with the closure of music venues putting many out of work. Federal legislation will provide some relief to the music industry, but independent live music venues are not currently defined in the government code, raising concern regarding oversight and administrative support in navigating federal programs by the state. HB 3373 sets criteria for certifying an independent live music venue, operator, producer, or promoter and grants oversight responsibilities to the Texas Music Office in the Office of the Governor. HB 3373 requires the Texas Music Office to do the following: • administer and oversee federal programs that support independent live music venues, operators, producers, or promoters, including monitoring programs to ensure efficient implementation. • issue certification for those entities to administer and oversee the federal programs. • maintain requirement compliance for certified entities. HB 3373 defines independent live music venues in the statute, provides state oversight to navigate federal programs that would support this industry, and assists this industry to recover from the devastation COVID-19 has had on their business.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 842 By: Moody	Relating to the disclosure in a criminal case of certain criminal history record information.	Criminal Jurisprudence Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Currently, the Texas Department of Public Safety (DPS) and Federal Bureau of Investigation (FBI) maintains databases that include criminal history record information from the Texas Crime Information Center and National Crime Information Center. To obtain criminal history record information, a person or entity must apply for access from DPS. Once the information is provided, the FBI conducts audits to ensure proper protocols are being followed to distribute such information and that the distribution of this information is permissible by federal standards.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			If the prosecution needs criminal history records, DPS must promptly disclose information upon certain circumstances. State laws dictate that DPS, and State agents may not turn over criminal history record information to simply anyone. To use relevant information in a case or trial, State agents must provide the information, for certain notice requirements, to the defendant and defense before it may be admitted as evidence. This process bans the prosecution from providing original copies that were transmitted from DPS, creating clerical burdens by retyping relevant information from the record in order to distribute the information to approved entities or persons, leaving the opportunity for clerical errors. HB 842 defines "criminal history record information" into the Government Code, referred to as justice history records going forward. Also, the bill authorizes prosecutors to provide certain justice history records or information on a potential case witness to the defendant or defense attorney per existing discovery laws. It establishes that turning over any information at any time for any justice-related purpose may now be considered sufficient notice for all civil and criminal cases, except punishment or offense enhancements. The prosecutor must include a copy of the criminal penalties for unauthorized obtaining, use, or disclosure of criminal history record information along with the disclosure. HB 842 will reduce clerical errors, unnecessary paperwork burdens and help State agents streamline the disclosure of justice history records.	
HB 4103 By: Burrows	Relating to the authority of certain municipalities to receive certain tax revenue derived from certain establishments related to a hotel and convention center project and to pledge certain tax revenue for the payment of	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Certain municipalities are permitted to receive revenue from sales and use and mixed beverage taxes collected from certain hotel and convention center establishments, such as bars, restaurants, and retail shops. However, the city of Lubbock cannot currently access this revenue stream. HB 4103 allows a municipality with a population of 200,000 or more but less than 300,000 that contains a component of the Texas Tech University System to receive revenue derived from certain sales and use and mixed beverage taxes. Restaurants, bars, retail establishments, swimming pools, and swimming facilities owned or operated by a related qualified hotel will generate, collect, and remit taxes for this purpose. The bill extends the deadline for an applicable municipality to start a qualified project to receive tax revenue to August 31, 2027. This change allows the city of Lubbock to generate more revenue from certain sale and use taxes.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

	obligations related to the project.			
HB 4139 By: Coleman | Rose | Johnson, Jarvis | Howard | Thompson, Senfronia	Relating to the Office for Health Equity.	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Research continues to indicate certain groups of people disproportionately experience adverse or harmful impacts in the current healthcare system. Thus, there is a need to further progress in health equity in Texas with the Office of Health Equity. HB 4139 changes the name of the Center for Elimination of Disproportionality and Disparities to the Office of Health Equity. The bill will authorize the Office of Health Equity to collaborate with other entities for the purposes of promoting health equity, collecting, and reporting data related to health disparities in specific populations, pursuing and administering grants for innovative projects, and implementing programs and strategies to eliminate those disparities. HB 4139 will have the Office of Health Equity examine the relationship between social determinants of health and disparities in health access, monitor specific trends in marginalized populations, and develop short and long term strategies to improve health equity for those populations. Additionally, the bill requires the completion of a study that examines the disproportionate impacts the COVID-19 pandemic had on certain populations in Texas. HB 4139 directs the Office of Health equity to monitor the progress of the Health and Human Services Commission (HHSC) and its contractors in eliminating health disparities and promoting health equity. Additionally, the Office will advise and assist the HHSC in implementing targeted programs or funding and selecting contractors that progress towards the goals of eliminating health disparities and promoting health equity. Eliminating health disparities and promoting health equity promotes the direction Texas healthcare needs to be going.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1607 By: Darby | Lucio III | King, P. | Hernandez | Hunter	Relating to certificates of public convenience and necessity for certain transmission projects.	State Affairs Vote: 12 Ayes, 0 Nay, 0 PNV, 1 Absent	It is estimated that Texans have paid over $1 billion a year in grid congestion costs, which are incurred by retail electricity providers when electricity demand exceeds what transmission lines can physically handle without malfunctioning. These costs may directly or indirectly be passed on to customers. During February's winter storm, transmission congestion prevented some generators from sending out available electricity to customers, contributing to the widespread, extended outages that resulted in loss of life. Texas's population and industrial growth will require an expedient expansion of transmission infrastructure to maintain the electric grid's reliability and cost-efficiency.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			HB 1607 attempts to decrease congestion on electric transmission systems by facilitating the expansion of critical transmission infrastructure in the state. It updates the criteria that the Public Utility Commission (PUC) must consider when granting certificates of convenience and necessity to transmission and distribution utilities (TDUs) to include a comparison of levelized costs and economic benefits of a transmission project, including its potential for decreasing congestion and transmission losses and for providing new generation with access to the grid. The bill also directs ERCOT to annually identify transmission projects that are critical to maintaining grid reliability, decreasing congestion, and facilitating market competition as future generation and consumer demands increase. Infrastructure projects designed to address congestion constraints that have cost at least $100 million per year for the last three years shall be deemed critical. ERCOT may also collaborate with stakeholders to identify projects that would promote oil and gas, commercial, and industrial development within the state. When considering CCNs for these critical transmission projects, the PUC would not be required to consider the specific costs and benefits outlined for non-critical CCN deliberations. If granted, a utility would be authorized to recover the costs of investment in such a critical project through customer rates, regardless of the project's actual use. To ensure efforts are not duplicated, HB 1607 also repeals the requirements for the PUC to designate competitive renewable energy zones throughout Texas and to develop a plan to construct the transmission capacity necessary to deliver renewable-generated electricity to customers. By prioritizing reliability and future development in our state's transmission infrastructure, and by expediting the most critical projects, this bill will support economic growth, strengthen the grid's capacity to meet consumer needs, and save Texan's money.	
HB 1068 By: Allen | Guillen	Relating to the use of personal leave during school holidays by school district employees.	Public Education Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, public school employees are entitled to five days of paid leave for any personal reason. Employees are not explicitly authorized to use paid personal leave on unpaid school holidays. Limiting the days on which personal paid leave may be used can cause some employees undue hardship. HB 1068 amends the Education Code to entitle a public school district employee with available personal leave to use the leave for compensation for a day designated as a school holiday. The employee would otherwise not receive compensation. HB 1068 would give public school employees more financial flexibility when taking personal paid leave, alleviating potential financial strain on that employee.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 1301	Relating to the services provided by a colonia self-help center.	Urban Affairs Vote: 8 Ayes,	Colonia's are among the most poverty-stricken communities in Texas, lacking basic services like water, sewage, and paved roads. Colonia self-help centers assist low income individuals and families by providing on-site guidance and counselling regarding home and property issues.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885

OK for Distribution – Rep Garnet Coleman

By: Guillen | Morales, Eddie		0 Nays, 0 PNV, 1 Absent	HB 1301 aims to broaden the scope of the services centers offer, to include improving living conditions of individuals and families within the colonias' designated service area. This additional range allows for colonias to provide services that were not originally under their jurisdiction. The bill seeks to include help developing professional skills and achieving financial literacy in the services the self-help centers should be providing to the residents they serve. Colonia self-help centers serve individuals and families in some of the most economically distressed areas in the state. Allowing the expansion of services these centers can provide encourages socio-economic growth within the community.	Maddox@TexasLSG.org
HB 542 By: White	Relating to foster care placement in and the licensing of certain residential child-care facilities.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Residential child-care facilities provide around-the-clock care for youth 17 years or younger whose parents/guardians are unable to care for them on a temporary or permanent basis. Concerns have been raised that certain residential child-care facilities where a preventable child fatality has occurred often provide little to no transparency regarding prior incidents. Many of these facilities close following a preventable child fatality only to reopen under a new name and continue to operate in their previous manner. HB 542 seeks to require the Department of Family and Protective Services (DFPS) to by rule establish guidelines for placing a child in the care of a facility where a preventable death has occurred. The Health and Human Services Commission (HHSC) would be required to deny the application for a license to operate a residential child-care facility if the applicant operated a facility where a preventable death of a child in their care occurred. HHSC would also deny an applicant's contract if the commission terminated a previous contract with the facility due to a preventable death occurring under their care. Children already undergo traumatic experiences when they are removed from their homes by DFPS, due to both the removal process and the abuse or neglect that led to the removal. Residential child-care facilities should provide children under their care a safe environment where the youth may be able to access various treatment services or therapeutic care. For a child to die due to the negligence of a facility is inexcusable and unforgivable. Facilities that close due to these incidents should not be allowed to reopen under a different name and continue operating. Stronger rules must be implemented to protect the state's most vulnerable youth while in the conservatorship of these state licensed facilities.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 1092	Relating to the verification of the veteran status of	Defense & Veterans' Affairs	A number of the 1.5 million veterans living in Texas suffer from mental illness and psychiatric disorders related to traumatic experiences they had during their service. As a result, some find difficulty adjusting back into civilian life which can lead to involvement with the criminal justice system. Veteran benefits exist to connect these individuals to essential support they are entitled to	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885

OK for Distribution – Rep Garnet Coleman

By: Romero, Jr. | White	inmates and prisoners.	Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	while incarcerated and current law requires Texas jails to check the veteran status of inmates. However, the current statute does not specify when veteran status should be checked, and most jails subsequently do not take the time to verify the veteran status of inmates. HB 1092 intends to require law enforcement agencies to mail any paperwork, applications, or other correspondence related to federal veteran benefits at no charge on behalf of the veteran. Existing statute requires the department to assist veterans in applying for such benefits - this language clarifies that the applicable paperwork must be included in that assistance. HB 1092 requires the county sheriff to investigate and verify the veteran status of each incarcerated individual during the intake process. The bill also requires the sheriff to: • provide a prepaid postcard supplied by the Texas Veterans Commission (TVC) for the purpose of requesting assistance in applying for veteran benefits • submit a daily report to the TVC, Veterans County Service Officer, and the applicable court at law of each veteran whose status was verified the previous day • allow verified veterans in the jails to have an in-person or video visitation with the veteran's county service officer or a peer support coordinator at no cost to the veteran. Our veterans have already provided a great service to our county, often at the cost of their physical and mental wellbeing. It is important that those who get caught up in the criminal justice system are connected with the providers and benefits already provided to them in a timely fashion. The sooner veterans are connected to the services they earned, the sooner they can receive the services they need.	Maddox@TexasLSG.org
HB 1791 By: Button | Guillen	Relating to eligibility for job-training programs provided under the self-sufficiency fund.	International Relations & Economic Development Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The Self-Sufficiency Fund provides grants to Community and Technical colleges and community-based organizations who deliver customized job training in partnership with employers to provide opportunities to certain individuals who receive Temporary Assistance for Needy Families (TANF) benefits. HB 1791 intends to expand eligibility for the job-training program under the Self-Sufficiency Fund, for certain recipients of the TANF program to include those not receiving TANF benefits. Eligibility would be expanded to include individuals identified by the Texas Workforce Commission who meet unemployment and low wage requirements for the program but are not a recipient of TANF. Expanding the eligibility requirement for the job-training program to include individuals who would otherwise not qualify provides a direct path to develop occupational skills. The training received	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			through this program must lead to an acceptable industry recognized certification that the individual can then use to acquire a job and lead to upward socio-economic mobility.	
HB 21 By: Neave | Button | Hunter | Swanson | Minjarez	Relating to the statute of limitations applicable to a sexual harassment complaint filed with the Texas Workforce Commission.	International Relations & Economic Development Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	In recent years more individuals have bravely stepped forward to speak out and share their experiences with workplace sexual harassment. Current local regulation states that a victim of workplace sexual harassment only has 180 days to file a complaint with their employer or the Texas Workforce Commission. However, many may not know about the statute of limitations for filing a complaint and cause them to miss the deadline to report. HB 21 extends the deadline to 300 days and allows the same timeline for reporting workplace sexual harassment as Federal regulation. This would provide victims with more time to come forward. If the alleged harassment lasted longer than the 180 days, then complainants could file all instances under the same inquiry. As momentum increases with advocates demanding safer and healthier working environments, it is important for workspaces in Texas to support by providing a longer period to report.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 4383 By: Murphy	Relating to providing information to undergraduate students regarding certain fixed or flat tuition rates provided by certain institutions of higher education.	Higher Education 8 Ayes, 0 Nays, 0 PNV, 3 Absent	Colleges and universities offer various tuition plans, including fixed rates where the cost per semester hour remains fixed over a number of semesters, and flat rate, where the entire cost of a semester remains flat regardless of a student's course load. There are concerns that students may not be adequately informed regarding the benefits and costs of different types of plans. HB 4383 addresses this concern by requiring public institutions of higher education to inform students of the effect of a tuition plan on the calculation of a student's cost per credit hour and to clearly describe the cost of varying course loads under the plan. An institution must make this information available to all undergraduate students, including transfer students, when registering for a semester, on the student's billing statement, on the school's website, and on any financial aid communications. This transparency measure will help students compare costs between schools and ensure that they are fully informed on the costs of their education.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 3621 By: Cortez | Martinez Fischer	Relating to the creation of a mental health jail diversion pilot program in Bexar County.	Corrections Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	HB 3621 will direct the Health and Human Services Commission to collaborate with the Bexar County local mental health authority (LMHA) to establish a 2 year mental health jail diversion pilot program in hopes of expanding statewide. Although our state has made investments into our mental health system, with the limited capacity of state hospitals, previously available treatment may no longer be available, largely leaving people with nowhere to get these services. This program is aimed at reducing the number of people cycling in and out of emergency rooms, jails, and psychiatric facilities. This program will use evidence- based practices that include psychiatric services, substance use disorders, medical detoxification services, medication- assisted treatment and wrap around	**Favorable** Evaluated by: Brittany Sharp (210)748-0646 Brittany@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			services. The program will ensure that there are enough resources for at least 10 inpatient beds and allows stays for 60- 90 days, increasing the average time spent in care. To design this program the LMHA will collaborate with the University of the Incarnate Word, Southwest General Hospital and Texas Institute of Graduate Medical Education and Research to provide services. The LMHA will also collaborate with the South Texas Crisis Collaborative to collect and analyze rates of recidivism, frequency of arrest, incarceration, and emergency detentions of those served through the program. HHSC will pay a case rate at which services are funded for program services. Appropriations for the program will not reduce the amount already made to the LMHA in Bexar County. HHSC can inspect the operations and the provisions of diversion services on behalf of the state. The HHSC commissioner will submit a report about program effectiveness and will include a description of the service model and the tested program, after reviewing this report the HHSC commissioner will recommend whether to expand the use of the program statewide.	
HB 3915 By: Goldman	Relating to the designation of certain premises as critical load premises for electric service.	Energy Resources Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	February's winter storm demonstrated a significant lack of coordination and communication between the interrelated industries that facilitate electricity generation. For example, electricity was unwittingly curtailed at some natural gas production facilities, which prevented power plants from receiving the fuel they needed to stay online, which further curtailed electricity across the state and prevented quicker service restoration. HB 3915 directs the Public Utility Commission (PUC), in coordination with relevant agencies, to establish eligibility requirements and a process for transmission and distribution utilities (TDUs) to designate a premise as critical load, particularly for facilities that are needed to maintain energy generation. Eligibility criteria must allow facilities related to natural gas production and transportation, fuel production, nitrogen, hydrogen, water supply, and telecommunications to be designated as critical. The PUC is also directed to make an annual report to the legislature regarding the implementation of the critical load designation and prioritization process. TDUs are ultimately responsible for deciding where power is shut off during outages, such as those experienced during the recent winter storm. It is essential that they be able to determine what facilities are critical for the maintenance and restoration of electricity services so as to avoid the cyclical problems experienced during the winter storm.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2706 By: Howard | Neave | Hernandez	Relating to the reporting of sexual assault and other sex offenses, to the emergency	Homeland Security & Public Safety Vote:	A 2015 study found that one-third of all adult Texans have experienced sexual assault at some point in their lives. Survivors of sexual assault are more likely to misuse alcohol or drugs, contemplate suicide, and possibly experience major economic issues. The Sexual Assault Survivors Task Force (SASTF) was created last session to promote interagency efforts regarding the prevention,	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

| Button | White	services and care provided to victims of those offenses, and to the processes associated with preserving and analyzing the evidence of those offenses.	9 Ayes, 0 Nays, 0 PNV, 0 Absent	investigation, or prosecution of sexual assault and other sex offenses, as well as to provide services to survivors. HB 2706 consolidates 11 of SASTF's policy recommendations to better serve survivors of sexual assault in regard to forensic medical exams and evidence collection and tracking. HB 2706 would amend law enforcement's procedures for requesting a forensic medical exam by extending the period in which an exam may be requested to 120-hours for use in an investigation or prosecution, requiring adequate documentation, and removing the current authorization for law enforcement to in some circumstances decline to make a request outside of the extended period. HB 2706 would require the statewide electronic tracking system, the means by which evidence collected during the investigation of a sexual assault or other sex offense, to include all evidence collected in relation to a sexual assault or other sex offense, regardless of whether evidence of the offense is collected in relation to an individual who is alive or deceased. HB 2706 would require identification numbers to be entered in the system in under 24 hours for medical evidence requiring signed consent for the evidence's release. HB 2706 would authorize failure by an entity to comply with requirements for evidence from sexual assault or other sex offenses regarding analysis, collection, preservation, and tracking to be used in addition to the level of non-compliance in determining eligibility to receive grant funding. HB 2706 would require the Department of Public Safety (DPS) to submit an annual report to the governor stating the number of evidence collection kits not yet submitted for laboratory analysis or for which the laboratory analysis is not completed. The report must be posted to the department's public website. To avoid redundancy, HB 2706 would remove the requirement for each law enforcement agency and public accredited crime laboratory to submit a quarterly report to DPS with the same information. HB 2706 would amend the process and requirements for payment of examinations for victims, whether within the 120 hour window or not. Healthcare providers would need to apply to the attorney general to receive fixed rate payment for conducting forensic medical examinations. A healthcare provider would not be entitled to reimbursement unless the forensic medical examination occurs on the provider's premises by a sexual assault examiner or sexual assault nurse examiner. HB 2706 would amend Sexual Assault Forensic Examination (SAFE) programs by setting standards for program operation including the following requirements:	

OK for Distribution – Rep Garnet Coleman

			• Programs are under oversight by a medical director who is a licensed physician in good standing with the Texas Medical Board. • Medical treatment is provided under a physician's order, standing medical order, standing delegation order, or other order or protocol as defined by the Texas Medical Board. • Programs must implement a trauma-informed approach to prioritize a survivor's safety and well-being. They must provide survivors with resources, appropriate mental and physical health care, and access to specialized advocates and medical staff. Programs are encouraged to collaborate with relevant community members and agencies. HB 2706 would add requirements and standards for forensic medical examination by SAFE programs as follows: • SAFE programs must be provided under the care of a forensic medical examiner, and examinations must be performed by specialized sexual assault examiners or nurses. • Written consent must be obtained by a sexual assault examiner or sexual assault nurse examiner before performing a forensic medical examination or providing medical treatment to the survivor. • Sexual assault survivors who receive a forensic medical examination by a sexual assault examiner or sexual assault nurse examiner with a SAFE program are not required to participate in the investigation or prosecution of an offense as a prerequisite to receiving the forensic medical examination or medical treatment or to pay for costs related to the forensic portion of the forensic medical examination or for the evidence collection kit.	
HB 1097 By: Lozano	Relating to the processing and sale of kratom and kratom products; providing civil penalties; creating a criminal offense.	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Kratom, its properties, and uses are still a relatively unfounded area of research. Recent self-report studies have identified that individuals who use the substance do not have significant adverse effects but instead use it to manage a myriad of conditions. Most commonly, it is used in the mitigation of opiate use alongside other chronic conditions. However, it is still a poorly understood substance, and having legislation in place to oversee it would promote public health and further research. HB 1097 will: • permit the manufacture, distribution, and sale of kratom as well as to classify kratom as food. • establish parameters for labeling including instructions for safe consumption or use of the product and prohibit the sale of mislabeled kratom products. • create a class C misdemeanor offense for a person that distributes, sells, or exposes for sale kratom to an individual under the age of 18. • establish a civil penalty for violations of the provisions of the bill as well as exemptions from the civil penalty. Each day a violation occurs or continues is considered a separate violation.	**Favorable with Concerns** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			• give the attorney general, a district or county attorney, or a municipal attorney the authority to enforce the civil penalty. The district, county, or municipal attorney has jurisdiction if it occurred in their county or municipality. There is benefit for legislative oversight for a substance for which research is underdeveloped. However, there is still the concern that this could expose Texans to unintended harm due to the substance's unknown impacts.	
HB 1110 By: Johnson, Julie | Morrison | González, Jessica | Hunter	Relating to payment of the replacement cost of damaged property under a homeowner's, renter's, or condominium owner's insurance policy.	Insurance Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Some insurance providers require a residential property owner to make a portion of the necessary repairs or replacements on a damaged property before issuing full reimbursement costs. While payment may still be received on the back end, delayed reimbursement - which can take months or even years - can discourage property owners who do not have the funds available to make upfront payments from utilizing their insurance or seeking repairs at all. HB 1110 addresses this problem by requiring insurers that offer residential property insurance, including homeowner's, renter's, or condominium owner's policies, to, upon receipt of a valid claim, make an initial payment of at least 80% of the estimated cost to repair or replace damaged property minus the applicable deductible. The insurer shall make the remaining payment once the policyholder pays the deductible and demonstrates that repairs or replacements are complete. HB 1110 would apply only to policies that include replacement cost coverage and are delivered, issued for delivery, or renewed on or after February 13, 2021. It would not require the insurer to pay more than the total cost to replace lost or damaged personal property. HB 1110 is a particularly timely bill that could help property owners more quickly recover from damages caused by February's winter storm and could benefit other low- or middle-income policyholders whose property repairs or replacements might otherwise cause a more considerable financial burden or go unaddressed.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3557 By: King, Ken | Pacheco	Relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade.	Public Education Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	Research suggests that students have suffered learning loss because of the global pandemic. HB 3557 seeks to bring parents into the decision-making process to best address student learning loss. Currently, a school district has the sole authority to decide whether a student is retained or not. HB 3557 amends the code to grant parents the power to determine whether or not their child should be retained. HB 3557 creates a parental option by which students may repeat or retake a course or grade at home-rule school districts, campus or campus program charters, and open-enrollment charter schools. The bill authorizes a parent to select the following options:	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org

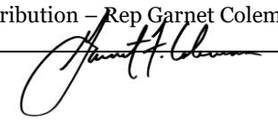
OK for Distribution – Rep Garnet Coleman

			• repeat pre-kindergarten or kindergarten, if the student would have been eligible to enroll in free pre-kindergarten or kindergarten during the previous school year and the student has not yet enrolled in kindergarten or first grade to enroll in the previous grade. • for grades one through eight, repeat the grade in which the student was enrolled during the previous school year • for high school credit, repeat any course in which the student was enrolled in the last school year HB 3557 requires parents to elect, in writing, to inform a district or charter school their request. If the district or charter school disagrees, the district or charter school must convene a retention committee and meet with the parent or guardian to discuss retention. After the retention meeting, the district or charter school must abide by the decision of the parent or guardian. HB 3557 requires the Texas Education Agency to study whether students retained under the bill's provisions should be considered at-risk. The commissioner may adopt a rule excluding students retained by a parent or guardian from being considered a "student at risk of dropping out of school." This law only applies to the 2021-22 school year. HB 3557 solidifies the importance of parent participation in a child's education. It addresses the impact that the COVID-19 pandemic has on students by allowing parents to decide how best to support their child.	
HB 1706 By: Neave | Leach | Button | Howard | Swanson	Relating to a specialty court program to provide victim services in sexual assault cases.	Judiciary & Civil Jurisprudence Vote: 5 Ayes, 1 Nays, 0 PNV, 3 Absent	There are an overwhelming number of sexual assault cases that go unreported each year. Many sexual assault survivors are reluctant to participate in the criminal justice system due to the fear of being re-traumatized in the process. HB 1706 would allow counties to establish a specialty court for sexual assault cases. Services would be made available to survivors as well as judges and prosecutors who specialize in these types of cases. Survivors' participation in the program is voluntary and they would be able to withdraw from the program at any time. Research shows that these types of specialty courts would enhance victim safety and justice for sexual assault survivors.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 652 By: Paul | Guerra | Price	Relating to notice of an animal's exposure or possible exposure in an animal shelter to certain	Public Health 8 Ayes, 0 Nays, 0 PNV, 3 Absent	There is a need for transparency regarding the health of an adopted animal prior to or immediately following adoption. Being unaware of an animal's health needs could lead to severe impacts on the animal as well as negative fiscal impacts on those that adopt pets. HB 652 will rectify this need by ensuring that outbreaks of certain illnesses are brought to the attention of prospective and recent adoption cases.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

	infectious diseases.		HB 652 will require animal shelters to provide written, electronic, or telephone notices to individuals that adopt a shelter animal that was exposed to bodily fluids of another shelter animal that was diagnosed with an illness, including Bordetella, distemper, kennel cough, leptospirosis, parvovirus, and rabies. HB 652 also establishes that a shelter must notify individuals about a discovered exposure within the period of 15 days before or after a pet is adopted. Animal shelters are not held civilly liable for violations of the provisions in this bill.	
HB 2094 By: Martinez	Relating to the right to remove property encroaching on areas owned or controlled by the Hidalgo County Drainage District Number 1.	Natural Resources Vote: 7 Ayes, 0 Nays, 0 PNV, 4 Absent	HB 2094 grants the Hidalgo County Drainage District Number 1 permission to remove property placed on land owned by the district or land subject to an easement held by the district without the property owner's consent, regardless of the landowner's consent to the property's placement. The district must send notice two times by certified mail and may use existing civil processes to recover the costs of moving the property from the property's owner. This drainage district contends with the problem of encroachment from neighboring properties, which can delay or add expenses to the maintenance and inspection of flood control infrastructure especially if the removal requires an injunction. Permitting the timely removal of encroachments, such as a fence or storage shed set up in the land adjacent to a drainage ditch or retention pond, will allow the district to manage the county's growing flood risk more efficiently by maintaining its mitigation infrastructure. This permission has been granted to other Texas drainage districts in the past.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2885 By: Clardy	Relating to continuing education programs for fire detection and alarm device installation	Insurance Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	National and State regulations require fire alarms, detection, and sprinkler systems with proper wiring and components to receive insurance coverage for properties. The Texas Department of Insurance (TDI) requires licensure to install and test fire alarms in residential or business places. A technician must receive licensure through their Alarm Certificate Registered employer. To maintain property coverage, regular inspections to monitor and service such devices as required by law. Under HB 2885, the TDI Commissioner is authorized to certify continuing education (CE) courses to install fire alarms. Currently, TDI allows participation voluntarily. HB 2885 adds provisions to the Insurance Code that does not allow the Commissioner to adopt rules that exclude or devalue CE course certificates, under 8-hours, for the proper installation of fire alarms. Although the Commissioner is given discretion on such courses, the bill also requires that participation in certification is no longer voluntary. HB 2885 will guarantee that all areas of work authorized for installation must have proper license and certification issued by a National or State-recognized entity.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

OK for Distribution – Rep Garnet Coleman



			HB 2885 ensures that those who install such devices are licensed and have received CE courses necessary for proper installation. These provisions provide safer conditions beyond minimum state regulations, which will warn and likely save many Texans from potential fire outbreaks in their homes and workplaces.	
HB 1433 By: Capriglione | Oliverson	Relating to the payment of insurance deductibles for property insurance claims.	Insurance Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent	HB 1433 builds on legislation passed during the 86th session that attempted to fight anti-competitive practices among property insurance companies and contractors by allowing insurance companies not to pay out a full insurance claim if a contractor has helped a policy holder reduce or eliminate deductible payments. However, gaps remain in preventing this fraud. Recently there has been an influx of managed repair programs in Texas where preferred contractor agreements between a contractor recommended by an insurance provider will agree to waive a deductible for a homeowner when they hire the contractor. These agreements lower the quality of repairs and replacements because insurance companies may not increase the payout to account for the lost funds of the deduction, so contractors may make up the cost by using lower quality materials or reusing weathered materials. HB 1433 creates a requirement for an insurer to receive a receipt of the paid deductible for insurance policy payouts to contractors or homeowners, depending on the policy type. It also will change language from "may" to "shall" prohibit insurance providers from waiving or reducing deductibles as part of a managed repair program. A vast majority of contract roofing companies are small businesses where the contractor is the sole proprietor with less than ten employees. These changes are encouraging for small and medium roofing companies who operate on a smaller scale and may not have the capacity to keep up with larger corporate contracting companies working in conjunction with insurers.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 1588 By: Leach | Neave | Holland | King, Ken	Relating to health benefit plan coverage for scalp cooling systems, applications, and procedures for certain cancer patients.	Insurance Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	In 2015 the Food and Drug Administration (FDA) approved the use of scalp cooling devices (SCD) for hair preservation in patients undergoing chemotherapy and expanded to all solid tumors by 2017. SCDs lower the temperature to constrict blood vessels and hair follicles, limiting chemo drugs from reaching the hair follicles. As of now, there are two SCDs on the market to offset such side effects. SCDs only guarantee 50% hair preservation, with some at a retention rate of 100%. While hair preservation is currently considered cosmetic, SCDs provide positive treatment outcomes while undergoing chemo. Currently, basic insurance coverage for cancer is over $5,000 in premiums annually. Patient use of SCDs depends on the ability to pay with sporadic insurance coverage that requires many patients to decline due to high cost. HB 1588 requires health benefit plans (HBPs) to provide an FDA-approved SCD coverage, application, or procedure for beneficiaries who are or have undergone treatment upon physician	**Favorable** Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			recommendation. The bill prohibits insurance coverage from being subject to additional premium or annual dollar limits, but it can be subject to annual deductibles, copays, and coinsurance required for other coverage under the insurer's plan. Under HB 1588, insurers may require prior authorization for SCDs as needed for any other health benefit but states that coverage must be provided appropriately as determined by the beneficiary and physician. HB 1588 specifies that the provisions do not apply to qualified HBPs if a determination is made that the provisions require the plan to offer benefits in addition to the federally mandated essential HPBs, requiring the State to defray the cost of additional benefits. If this determination is made, the bill's provisions do not apply to non-qualified HBPs offered in the same market. Like the Women's Beast and Cancer Act, which requires coverage for reconstruction, HB 1588 will adjust the reimbursement codes for health care and eliminate spotty coverage for SCD hair preservation. This bill provides the opportunity for patients to maintain their psychosocial well-being while fighting cancer as well as preserve their anonymity and identity.	
HB 1758 By: Krause	Relating to law enforcement's use of force by means of a drone.	Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	As drone technology advances, concerns have been raised regarding possible misuse and lethal consequences. HB 1758 creates a legal framework regarding circumstances that would entail law enforcement exerting force through using drones. HB 1758 defines a drone as an unmanned aircraft, watercraft or ground vehicle robot controlled by a human operator and an autonomous drone as a drone operated by computer software or programming. Every law enforcement agency in the state is required to adopt policy outlining use of force by means of a drone, which must be updated as needed and submitted to the Texas Commission on Law Enforcement (TCOLE) by January 1st of every even numbered year. The following would supersede any other law justifying the use of force, including deadly force, involving a drone: • When using force, the drone was deployed by a law enforcement agency. • Justification for use of force is covered by another penal code provision on law enforcement and did not involve the deadly force through an autonomous drone. • Prior to a law enforcement agency using force by drone, the agency submitted their drone use by force policy to TCOLE.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			By requiring agencies to adopt a use of force policy for drones, HB 1758 ensures these important conversations and restrictions are discussed in the best interest of public safety.	
HB 1910 By: Schofield	Relating to cemeteries in certain municipalities.	Land & Resource Management Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Under current state law, municipalities are not authorized to create additional cemeteries within a certain distance of their prescribed boundaries. This has prevented many municipalities from establishing new cemeteries, and given the rapid population growth of Texas, this has caused many issues and left many families to bury their loved ones in locations that are not near their homes or places of worship. Nonprofit organizations already have the ability to file an application to a municipality to establish a cemetery within the municipal boundaries. HB 1910 simply extends the date that a nonprofit organization has to file such an application from September 1, 2021, to September 1, 2024. HB 1910 would only apply to a municipality that is wholly or partially located within a county that has a population of more than 3.3 million, this is a population size that would only make Harris County eligible. The municipality's governing body could authorize the creation of the new cemetery so long as it does not adversely affect public health, safety, or welfare. Additionally, the municipality that this bill applies to (Katy, Texas), has land picked out; they just need legislative permission to apply for the second cemetery so that more burial plots can be available to these stakeholders.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2627 By: Thierry	Relating to the clarification of certain provisions regarding taxes imposed on the sale, rental, and use of motor vehicles.	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Current law allows a fair market tax deduction for motor vehicle dealers, lessors, and rental companies when purchasing a replacement vehicle if they obtain a certificate of title, the replacement is used for business or personal reasons, and the retired vehicle is offered for sale. Though comptroller policy requires retired and replacement vehicles to be titled and used in Texas, state law does not reflect this practice. HB 2627 clarifies that the fair market value tax deduction available for a replacement vehicle obtained by businesses selling, renting, or leasing motor vehicles only applies to vehicles titled and used in Texas. This clarification aligns comptroller policy with state law.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 2929 By: Bonnen | Frank	Relating to conduct of insurers providing preferred provider benefit plans with respect to physician and health care	Insurance Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Even with provisions addressing audits and providing remedies for physicians and providers to claim payments and ensure delivery of essential healthcare, significant gaps in statute have left providers vulnerable in audit processes with insurers. HB 2929 expands prohibited actions taken by insurers that are categorized as retaliation against preferred providers. Retaliatory action includes: • termination of a provider's participation in the preferred benefit plan, • refusal to renew a provider's contract,	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

	provider contracts and claims.		• implementation of measurable penalties in the contract negotiation process, • engagement in unfair or deceptive practices, • arbitrarily reducing the provider's fees on the insurer's fee schedule, and • making changes to material contractual terms that are adverse to the provider. After receiving a clean claim from a provider, and insurer may complete an audit on disputed claims within a certain timeframe. HB 2929 stipulates that an insurer may not recover any overpayment until the final audit is complete. If the provider fails to complete an audit within the required timeframe, the insurer shall provide notice to the provider within 15 days of the date on which the insurer was required to complete the audit. HB 2929 also adds language clarifying that an insurer must provide a preferred provider with electronic notice for certain audit-related communications if the provider themselves communicated electronically, whereas written notice is currently required. HB 2929 specifies that an insurer shall provide a reasonable mechanism for the provider to request an appeal of any refund decision based on an audit's findings, and the insurer may not attempt to recover until all appeal rights have been exhausted. The review mechanism must incorporate an advisory review panel made up of three preferred provider representatives of the same or similar specialty as the provider who is appealing the audit. The bill states that the Texas Department of Insurance (TDI) Commissioner by rule shall establish procedures for a preferred provider to submit a request for departmental review of an audit conducted by an insurer. If TDI determines that an audit requested for review resulted in unreasonable costs for the provider, unnecessary delay or prevented payment of a claim, TDI shall award compensatory damages to the provider and order the insurer to pay the department the costs incurred by TDI reviewing the audit. HB 2929 allows providers to band together and collaborate with TDI to resolve fraud, waste, and abuse appeals and provides accountability for an insurer's audit process.	
HB 2626 By: Noble	Relating to the imposition of the use tax on tangible personal property purchased in another state and transferred to an affiliate of the purchaser before	Ways & Means Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	Use tax is imposed on tangible personal property stored, used, or consumed in Texas. The use tax ensures purchasers cannot avoid taxes by purchasing taxable property from outside the state while Texas retailers are required to collect sales tax. Currently, the use tax is only applied to property purchased from a retailer: this specificity creates a tax loophole when a purchaser transfers property without substantially changing the ownership, for example transferring property to business affiliates, to avoid the imposition of use tax. HB 2626 addresses this issue by removing the use tax retailer stipulation. The bill imposes a use tax on sales prices paid by a purchaser of tangible personal property shipped or brought into Texas by a	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

	being brought into this state for storage, use, or other consumption.		purchaser affiliate. The statutory definition of "affiliate" used for franchise tax purposes, which is an entity classified as a purchaser's group member, is applied to the use tax. This change ensures an even imposition of use tax on goods imported from outside Texas.	
HB 903 By: Oliverson	Relating to the settlement of certain claims on behalf of a minor.	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Concerns have been raised about small settlements involving a minor and the excess time and money that is allocated and wasted due to an unnecessarily long court process. These small cases only add to the backlog in court dockets and create more congestion. HB 903 addresses these concerns by permitting someone who has legal custody over a minor to enter into a settlement agreement against a 3rd party without having to go through a court process under 4 conditions: • A guardian or guardian ad litem has not been appointed for the minor • The total amount of the claim settlement is $25,000 or less • The settlement funds are deposited directly into a federally insured savings account that earns interest and is in the sole name of the minor • The person entering into the settlement agreements on behalf of the minor completes an affidavit or verified statement that states that the minor will be fully compensated by the settlement or that there is no practical way to obtain additional amounts from the defendant. HB 903 also includes that money payable to the minor must be deposited into the registry of the court. Money deposited into the court register may not be withdrawn, except by court order, until the minor's 18th birthday, or the death of the minor. If a settlement agreement is entered into, the signature of the person entering the agreement is considered binding on the minor and would remove the need for further court approval. HB 903 would create a more efficient process for smaller claims, clear court dockets, and provide benefits to insurers that would legally remove the insurer's continuing obligation or liability for the claim.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 769 By: Middleton | Hunter |	Relating to the administration of the Texas Windstorm Insurance Association.	Insurance Vote: 8 Ayes, 1 Nays, 0 PNV,	HB 769 has the intention of lowering rates for TWIA policyholders and with increased 100 and 500-year storms due to warming oceans, Texas should be prepared to make smart investments that provide for this shift. However, HB 769 requires the Texas Windstorm Insurance Association (TWIA) headquarters be located within a Tier I or Tier II coastal county. This would move the agency from Austin to an area affected by significant weather events. While this relocation may inform the day-to-day employees' perspective, it also creates a vulnerability should the headquarters	**Will of the House** Evaluated by: Brittany Sharp (210)748-0646 Brittany@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

Lozano | Dominguez		0 Absent	facility be damaged in a catastrophic storm. Moving an entire agency would create administrative issues, could have a negative fiscal impact to TWIA and cause large employment turnover. This bill also prohibits the TWIA board of directors from voting on a proposed rate filing if there is a vacancy on the board. There have been concerns about rising reinsurance costs and how rate increases are passed. Hurricane modeling has been identified as increasing costs onto ratepayers. Included in those premiums, it is asserted that 20% of the premiums go towards reinsurance coverage. To respond to this as well as the reported fact that reinsurance has not been drawn from for TWIA in over 10 years, adjustments should be made to cut money spent on reinsurance and rectify gaps in the current code. HB 769 will prohibit TWIA from purchasing reinsurance or using alternative risk financing to maintain minimum funding levels. The responsibility of purchasing reinsurance to maintain minimum funding levels is passed on to member insurers. The intent is for the insurers to bear the cost of reinsurance and not the ratepayers. Due to conflicts of interest, insurers are prohibited from purchasing reinsurance from entities involved with the preparation and execution of the risk assessment models to determine the probable maximum loss (PML). To determine PML under this bill's provisions, TWIA must use a disinterested third party (DTP) to conduct the necessary risk modeling. TWIA is prohibited from using a combination of risk simulations to determine PML. TWIA may not consider the cost of loss adjustments and is restricted to using a model that produces the lowest PML. Lastly, TWIA is required to share any information necessary to the DTP and make the information publicly accessible on the TWIA website.	
HB 2579 By: Leach	Relating to shorthand reporting and depositions.	Judiciary & Civil Jurisprudence Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	In response to the pandemic, court reporters were authorized by the Texas Supreme Court (TSC) and the Office of Court Administration (OCA) to work remotely on an emergency basis. Due to the efficiency of court reporters, they have been able to work virtually, there have been calls for changes to the current law in ways that would continue to create effective technology changes even after the TSC emergency authorization expires. HB 2579 adds a court reporter to the list of individuals that can take testimony for a deposition. The court reporter must complete and sign the deposition certificate and may electronically file the deposition with the trial court clerk. Included in this bill is the list of items that must be included when completing a deposition certificate.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			HB 2579 will allow a shorthand reporter to administer oaths to a witness. The bill also includes methods for identifying witnesses who are testifying remotely, to ensure that the person is who they say they are. This bill could result in court reporters being more accessible by allowing them to report depositions without having to be face-to-face. Additionally, this bill expands virtual options for the courts making it easier for an expert witness to testify from a different city or state.	
HB 2733 By: Tinderholt | King, P. | White | Bowers	Relating to defendants restricted to the operation of a vehicle equipped with an ignition interlock device or required to submit to alcohol monitoring and establishing a central database of those defendants.	Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	For individuals charged with certain offenses related to driving, boating, flying, or operating an amusement park ride while intoxicated, Texas law authorizes and sometimes requires judges, magistrates, or courts to order alcohol monitoring via an ignition interlock device (IID) or other device as a condition of release upon bond, community supervision, or deferred adjudication. However, there is no formal reporting system to share IID and alcohol monitoring orders from the court system to law enforcement agencies. HB 2733 aims to create a statewide, electronic database that could notify officers of a person's standing IID or alcohol monitoring orders through their mobile data terminals. The database would allow officers to know whether to check for an IID, if the individual has a history of drunk driving, or if they are violating their conditions of release. Magistrates, judges, and court officials would be required to submit a person's information and their alcohol monitoring order to the database following the order, receipt of an indictment, or conviction, including any modifications and the order's expiration date. DPS would be required to regularly update the database and to remove a person's information once their order expires or is otherwise terminated. Additionally, this bill directs law enforcement officers to report to DPS if they have reasonable cause to believe that a person has violated an IID or alcohol monitoring order. If DPS finds that the person is in the database and that a violation has occurred, it must notify the court that imposed the order so that proper measures can be taken, such as the revocation of a person's bond. To avoid unnecessary reporting duplication, HB 2733 removes the requirement for the Community Justice Assistance Division to require that community supervision and corrections departments report this same information to DPS.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 2781 By: Johnson, Ann |	Relating to the prosecution of and punishment for an aggravated assault occurring as part	Criminal Jurisprudence Vote: 8 Ayes,	If a victim is killed in a mass shooting, prosecutors and the court can hold the actor criminally liable for such violence. Concerns have been raised around State laws that negatively impact the courts from appropriately punishing an actor who engages in the mass shooting of four or more victims that only result in serious bodily injury.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

Bonnen | Ordaz Perez | Landgraf | Kuempel	of a mass shooting; increasing a criminal penalty.	0 Nays, 0 PNV, 1 Absent	Currently, actors are charged with assault with a deadly weapon on separate individual offenses, based on the number of victims. Each account of these offenses is categorized as second-degree felonies with a sentence ranging from 2- to 20-years that are ineligible for consecutive sentencing for the same criminal episode. • HB 2781 adds the definition of "mass shooting." And adds it to the list of first-degree felony enhancements for an aggravated assault. If the accused is found guilty of a single criminal action that arises from the same criminal episode, the sentences run consecutively and increase to a first-degree felony. • The bill adds that if individual offenses qualify together, a mass shooting cannot be tried separately under the severance clause unless a court determines that doing so would unfairly prejudice the defendant or the state. HB 2781 will ensure that an actor involved in mass shootings that result in serious bodily injury will be appropriately liable with sentencing that reflects the seriousness of the offenses.	
HB 1202 By: Jetton	Relating to the amendment of a dedicatory instrument to remove a discriminatory provision.	Business & Industry 6 Ayes. 0 Nays, 0 PNV, 3 Absent	Currently, it is difficult to amend any deed restrictions within the state of Texas. It often requires the consent of a supermajority, or 75% of the voting body, for a change to take place. Thus, inhibiting the ability to remove harmful provisions that perpetuate discriminatory practices. HB 1202 will address this issue by establishing procedures to amend a dedicatory instrument - a governing document of a planned development - for the purpose of removing a discriminatory provision. For property under a property owners' association, HB 1202: • a property owners' association can remove a discriminatory provision from a dedicatory instrument by a simple majority vote of the governing body on its own motion or by a motion from an association member. • requires a property owners' association to amend a dedicatory instrument to remove a discriminatory provision if they receive a petition per provisions in their own dedicatory instrument or a petition approved by 10% of the total number of units or lots, if there is no approval threshold. For property not under a property owners' association, HB 1202: • allows for the creation of an amendment committee to solely remove a discriminatory provision if three or more owners agree. • requires the committee to file a written notice of formation to the county clerk. • establishes procedures for informing the owners, allowing the owners to object to the amendment, the adoption of an amendment if not objected, and voiding an amendment if the committee does not complete it within a specific timeframe.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

HB 3338 By: Bowers	Relating to activities the tolerance of which may constitute maintenance of common nuisance.	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	There are increasingly more reports of car burglaries in certain locations around the state of Texas. Currently, there is no preventative effort required for property owners where car theft frequently occurs. HB 3338 amends the Civil Practice and Remedies Code by adding burglary of vehicles as a common nuisance violation. This would place certain responsibility on property owners to make reasonable attempts to prevent car theft from occurring and is knowingly tolerated. This bill would help ensure the safety of constituents and discourage burglary that is taking place in these areas.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 4172 By: Middleton	Relating to the burden of proof in a suit or administrative proceeding to establish that an area is subject to the public beach easement.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	The Texas Open Beaches Act sets the boundaries of what is considered a public beach. When catastrophic storms hit the Gulf Coast, it can sometimes alter the boundaries of public beaches. Current law states that when boundary lines between public beaches and private property are called into question, the burden of proof is on the private property owner. Under common law for all other matters pertaining to easement and right of ways, the burden of proof is placed on the party claiming the right of way on a property. HB 4172 addresses this issue by amending the Natural Resource Code to place the burden of proof on the party seeking to establish that the title of the owner does not include the right to prevent the public from using the area. If there were challenges to the boundary, the presumption would now be on the private property owners' favor and leave The Texas General Land Office (GLO) to prove otherwise. This bill would grant private property owners with the rights that they are due. Additionally, this bill would not change or harm access to public beaches.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 3315 By: Crockett | Morales Shaw	Relating to the creation of a pretrial intervention program for certain youth offenders; authorizing a fee.	Juvenile Justice & Family Issues 9 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 3315 creates a pretrial intervention program for youth. HB 3315 requires the Commissioner's Court of a county to establish an optional youth pretrial program as a specialty court for individuals that commit certain offenses, including Class B misdemeanor or higher unless the charges are specifically ineligible for judge-ordered community supervision. Individuals electing to participate in the program must have been younger than 18 at the time of the offense and have no prior convictions or placements on deferred supervision. The bill dictates the amount of community service hours and years to be in the program based on the type of charge and establishes the process following the completion of the pretrial program for the court to dismiss the charges against the participant. Several counties may cooperatively establish a regional program to serve their needs.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

OK for Distribution – Rep Garnet Coleman

			A youth pretrial intervention program must: • ensure the participant has legal counsel prior to entering the program. • allow a participant to withdraw from the program any time prior to a trial on the merits. • provide a participant with an individualized treatment plan that outlines services. • ensure participant supervision by the county community supervision and corrections department. HB 3315 establishes the procedure for a court to dismiss a case and order for record expunction following the successful completion of the pretrial program. It permits the expunction of all records and files relating to the arrest for a felony or misdemeanor if: • the charges were dismissed and voided following the successful completion of the pretrial program. • the person was released. • the charge, if any, did not have a final conviction, is no longer pending, and no court-ordered community supervision is required. Diversion mechanisms in the criminal justice system is essential in keeping children out of the prison system and to provide opportunities for wrap around services.	
HB 1554 By: Rogers | Lambert	Relating to use of project funds of municipal development districts.	Urban Affairs Vote: 7 Ayes, 1 Nay, 0 PNV, 1 Absent	Municipal development districts (MDDs) undertake a variety of economic development projects paid for by a project development fund funded through an adopted sales tax. Currently, only MDDs within a county of a population of 3.3 million or more, which currently applies to Harris county, may use the project development fund to cover the cost of a project that is outside the limits of the MDD. HB 1554 intends to authorize all MDDs to use money from project development funds to cover the cost of development projects that are outside of the district. This would only pertain to projects that the district's board of directors has determined will provide an economic benefit to the district. Before the project can begin, the municipality which created the district, the municipality that has jurisdiction over where the project would be located, and the commissioners court of the county must all give final approval. Specific MDDs already have jurisdiction to use their project development fund for projects outside of the district's boundaries. Expanding that privilege to all MDDs enables counties with smaller populations to reap the benefits these projects would provide for both the MDD and the county as a whole.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

OK for Distribution – Rep Garnet Coleman