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LSG Floor Report for POSTPONED BUSINESS Calendar– Tuesday, April 20, 2021

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 2374 By: Sanford Hull Noble	Relating to efficiency audits of the Department of Family and Protective Services.	Human Services Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent	<p>HB 2374 would require the Department of Family and Protective Services (DFPS) to undergo an efficiency audit every four years, to be conducted by an external third-party auditor. The goal of this audit would be to examine fiscal management, efficiency, outcomes for children and families served by DFPS, and utilization of resources. In collaboration with the Family and Protective Services Council, the DFPS CFO, and the DFPS internal audit director, the DFPS commissioner will select the auditor. However, the Legislative Budget Board would establish the scope and areas of investigation the audit will cover. DFPS would be responsible for covering the costs associated with the audit through money appropriated for administrative and internal audit operations. If DFPS fails to conduct this audit, during the next fiscal biennium the department may not be appropriated funds greater than DFPS's baseline budget.</p> <p>There are concerns that the auditor might recommend outsourcing DFPS functions to private vendors. DFPS functions regarding sensitive privacy matters of families and individuals in crisis should be retained by the state agency. DFPS already creates an annual audit plan to perform internal audit activities that addresses issues of control, risk management, and governance of the agency. To add an additional strain on an already stretched agency raises concerns about how the added audit could affect agency function.</p>	Favorable, with concerns Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

LSG Floor Report for MAJOR STATE Calendar– Tuesday, April 20, 2021

HB 1565 By: Paddie	Relating to the continuation and transfer of the regulation of willed body programs to the Texas Funeral Service Commission and	Public Health 11 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>The Texas Sunset Advisory Commission (TSAC) identified that the Anatomical Board of the State of Texas (SAB) is no longer able to perform its assigned functions and adhere to regulatory best practices. The December 2020 TSAC report recommended abolishing the SAB and transferring its functions to the Texas Funeral Service Commission (TFSC). Alongside this, TSAC recommended TFSC create an advisory committee composed of higher education institutions to provide expert advice to TFSC.</p> <p>HB 1565 follows TSAC's recommendation to abolish the SAB as a standalone agency and have TFSC absorb the functions of the entity. TSFC would then be responsible for regulating the distribution of cadavers and other anatomical specimens for use in medical or forensic science education and research. SAB would be</p>	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
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	<p>to the creation of the State Anatomical Advisory Committee; authorizing a fee.</p>		<p>operational until September 1, 2022 to transfer obligations, property, rights, powers, and duties to TSFC and conclude any pending investigations, authorizations, complaints, or hearings.</p> <p>HB 1565 will change the SAB to become the State Anatomical Advisory Committee and make conforming changes to transfer the regulatory authority to TSFC. HB 1565 will also:</p> <ul style="list-style-type: none"> • create parameters for committee member composition of the committee and term limits • allow for setting and collecting reasonable and necessary fees for inspecting authorized sites or individuals • require TSFC to create rules, procedures, and forms needed to administer and enforce the donation of bodies and other anatomical specimens • prohibit adopting rules relating to standards of practice, ethics, qualifications, or disciplinary sanctions for willed body entities unless the rule is proposed by the advisory committee • prohibit modifying a rule proposed by the advisory committee • require TSFC to provide an explanation of a returned rule proposition to the advisory committee <p>Merging TSFC and SAB will allow for the proper oversight and regulation of willed body programs to follow TSAC recommendations and remove entities no longer able to perform original functions.</p>	
<p>HB 1570 By: Paddie</p>	<p>Relating to the Brazos River Authority, following recommendations of the Sunset Advisory Commission; specifying grounds for the removal of a member of the board of directors.</p>	<p>Natural Resources</p> <p>Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>The Brazos River Authority (BRA) is a special district spanning from the New Mexico border to the Gulf of Mexico. The BRA manages the largest river basin in Texas through water distribution, treatment, quality monitoring, and conservation education. It is entirely self- or grant-funded and does not levy taxes.</p> <p>HB 1570 adopts recommendations from the Sunset Commission and provides for the authority’s next 12-year review in the 2032-33 review cycle. The recommendations adopted include several across-the-board suggestions - those applicable to all reviewed agencies - that were passed out of the House on April 14, including:</p> <ul style="list-style-type: none"> • Establishing uniform grounds for removal of a board member and a process for notifying the appropriate authority of such grounds • Requiring that board members undergo training prior to serving and the general manager to create a training manual • Having the board establish a clear separation of their duties from those of the authority’s staff • Providing the public reasonable opportunity to speak before the board on issues related to the authority • Requiring the board to maintain an efficient system to promptly address complaints filed with the authority <p>These governance standards would provide Texans with more transparency and accountability from the Brazos River Authority, ensuring that the agency is able to develop and manage the water-related needs of a growing population more efficiently.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>

LSG Floor Report for GENERAL STATE Calendar– Tuesday, April 20, 2021

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<p>HB 4218 By: Craddick</p>	<p>Relating to a cause of action for the bad faith washout of an overriding royalty interest in an oil and gas lease.</p>	<p>Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Over the last decade, a trend has evolved where oil and gas companies have engaged in washing out overriding royalty interests in order to increase profits they receive from an oil and gas lease while decreasing the profits of an overriding royalty interest owner. A washout occurs when an oil and gas company cancels the lease that the individual helped put together, which ends the royalty interest that the individual receives. An overriding royalty interest is an interest carved out of the oil and gas company interest in a lien. This serves as a form of payment to the individuals for their role in helping the oil and gas company put the lease together. After the oil and gas company washes out the overriding royalty interest, the oil and gas company then creates a new lease on the same property. Under this new lease, the oil and gas company is not obligated to pay the overriding royalty.</p> <p>Texas Courts have been dealing with this issue for years but have stated that it is hard to identify and prove when a washout is committed in bad faith without legislative guidance. HB 4218 seeks to address these issues by amending the property code to include a definition for bad faith and washouts. The bill authorizes a person to bring a cause of action for a bad faith washout of overriding royalty interest in an oil and gas lease and stipulates that if a person is going to bring action against the oil and gas company, they must do so within two years of the date that they obtained knowledge that the washout occurred. Under the provisions of HB 4218, the overriding royalty interest owner would be entitled to remedy if they can prove that:</p> <ul style="list-style-type: none"> • They had legal right to the overriding royalty interest • The defendant had control over the oil and gas lease burdened by the overriding royalty interest • The defendant caused a washout of the person's overriding royalty interest • The defendant acted in bad faith by knowingly or intentionally causing the washout <p>HB 4218 states that if the overriding royalty interest owner prevails in their action, they may recover actual damages, enforcement of a constructive trust on the oil and gas lease or mineral estate acquired to accomplish the washout of overriding royalty interest, court costs, and attorneys' fees.</p> <p>HB 4218 would promote efficient oil and gas development and protect the rights of property owners by giving guidance to the courts to implement mechanisms for identifying and prosecuting oil and gas companies that act in bad faith.</p>	<p>Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>HB 270 By: Thompson, Senfronia</p>	<p>Relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.</p>	<p>Human Services Vote: 8 Ayes, 1 Nay, 0 PNV, 0 Absent</p>	<p>Residents of long-term care facilities who receive Medicaid are allowed to keep exactly \$60 as a personal needs allowance. This allowance enables these individuals to acquire items they might otherwise be unable to purchase, such as cell phone minutes and data needed to keep in touch with loved ones. The current allowance amount was last set in 2005 and has not been adjusted for the increase in the cost of living.</p> <p>HB 270 would increase the personal needs allowance to \$75. This increase would provide residents of long-term care facilities with Medicaid benefits the ability to keep up with rising costs of living so they may access items many of us take for granted.</p>	<p>Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>
<p>HB 2957</p>	<p>Relating to inspections and</p>	<p>Energy Resources</p>	<p>State law regulates certain circumstances regarding who may use an unmanned aircraft to capture an image, and for what purpose, in order to protect the privacy of individuals and privately owned property. Currently,</p>	<p>Favorable Evaluated by:</p>

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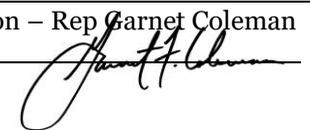


By: Geren	examinations by the Railroad Commission of Texas of certain sites and facilities conducted using unmanned aircraft.	Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	<p>the Railroad Commission (RRC) has this authority for a limited set of purposes, including those related to hazardous waste spills or pipeline safety. However, because of concern regarding the ambiguity of these purposes, HB 2957 grants the RRC authority to use unmanned aircraft to capture images in connection with the inspection and examination of oil and gas pipeline and surface mining facilities. The RRC may examine these sites via unmanned aircraft at any time.</p> <p>This bill provides clarity to the RRC and operators within its jurisdiction, updating the technology that can be used to more efficiently to conduct inspections that ensure workplace safety and environmental protection.</p>	Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3600 By: Hunter	Relating to the establishment of the commercial oyster mariculture advisory board.	Culture, Recreation & Tourism Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>Oyster aquaculture is roughly a \$200 million industry in the United States. Texas was the last coastal state in the nation to allow commercial oyster aquaculture. The 86th legislative session allowed the Parks and Wildlife Commission to develop an off-bottom oyster mariculture program.</p> <p>HB 3600 establishes a Commercial Oyster Mariculture Advisory Board within the governor's office to advise all state agencies with regulatory authority over the commercial oyster mariculture industry. The advisory board will consist of seven members appointed by the governor: four members to represent the commercial oyster mariculture industry, seafood industry, or a related industry, and three members to represent the scientific and conservation community.</p> <p>The advisory board is required to make recommendations regarding the use, consumption, marketing, sustainability, permitting, regulation, and sale of mariculture oysters.</p> <p>HB 3600 would bring sustainable commercial aquaculture to the Texas Gulf Coast, providing jobs and new economic opportunities for many coastal communities.</p>	Favorable Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 3257 By: King, Phil Goldman Parker Moody Hernandez	Relating to the creation of the Texas Commission on Antisemitism.	Culture, Recreation & Tourism Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>In 2019, 1,650 religiously motivated hate crimes were reported in the United States. Of those crimes, 60.3% targeted Jewish people. Texas had the fifth highest number of reported anti-Semitic incidents in 2017. HB 3257 seeks to address anti-Semitism in Texas by establishing a Commission on anti-Semitism as an administrative attachment to the Texas Historical Commission. The bill adopts the International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism.</p> <p>The commission will consist of nine members appointed by the governor. HB 3257 requires the antisemitism commission to:</p> <ul style="list-style-type: none"> • Conduct a study on antisemitism in Texas and submit a biennial report to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislature member • Provide recommendations and assistance regarding combating antisemitism to public and private schools and institutions of higher education in Texas • Meet with private and public organizations as a resource on assisting the organization in creating and implementing antisemitism awareness programs. • Solicit volunteers to participate in commemorative events designed to increase public awareness • Adopt policy and procedures as necessary to conduct its duties 	Favorable Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org



			<p>The Texas Commission on Anti-Semitism is authorized to accept gifts, grants, and donations from public and private entities to perform commission functions. The bill also allows the commission to establish an affiliated nonprofit organization whose purpose is to raise funds for or provide service or another benefit to the commission. A Sunset Review date is established for September 1, 2023.</p> <p>HB 3257 would promote religious freedom and serve to address rising anti-Semitic violence in Texas.</p>	
<p>HB 2683 By: Canales</p>	<p>Relating to remote and other meetings held under the open meetings law.</p>	<p>State Affairs</p> <p>Vote: 10 Ayes, 0 Nays, 0 PNV, 3 Absent</p>	<p>HB 2683 lays out requirements for open meetings of governmental bodies at which the majority of members are participating remotely by phone or video conference call. These remote open meetings have become increasingly common during the pandemic and as technology has improved, but concerns have arisen around how the public can participate virtually.</p> <p>This bill orders that remote meetings must:</p> <ul style="list-style-type: none"> • Be audible by phone at an established location, and viewable if the meeting is broadcast live on the internet. An audio-only feed must be available. • Provide for public participation by phone or video, if applicable. • Be recorded and promptly made available to the public. <p>Public notices for remote meetings must:</p> <ul style="list-style-type: none"> • List physical locations where methods of observation and participation are available to the public, including the in-person location if applicable or a location otherwise provided by the governmental body for that purpose. • Include a toll-free number, as well as any other virtual or in-person methods of observation and participation, with instructions. <p>Further, the bill stipulates that all open or closed government meetings that require notice must include a specific meeting agenda and requires that all public meetings be broadcast over the internet if the in-person facility is not accessible or is too small to accommodate the public. Open meetings broadcasts must maintain free and open access.</p> <p>These changes provide uniformity and enhance the accessibility of government meetings by allowing for various methods of participation to ensure transparency for all Texans.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>HB 3786 By: Holland</p>	<p>Relating to the authority of the comptroller to send, or to require the submission to the comptroller of, certain ad valorem tax-related items</p>	<p>Ways & Means</p> <p>Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>The tax code requires certain payments, notices, documentation, and other items be mailed to or from the Comptroller. This antiquated process creates a time-consuming administrative burden for Comptroller staff when a large quantity of information must be entered manually from individual pieces of mail.</p> <p>HB 3786 streamlines processes currently restricted to “mail only” by authorizing the Comptroller to allow electronic submission or distribution. The Comptroller must provide notice to taxpayers before requiring or sending documents, payments, notices, reports, or any other item electronically. The bill requires the Comptroller to adopt rules for implementing these provisions, which must specify the format of items submitted or distributed by the Comptroller.</p>	<p>Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>

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	electronically.		Authorizing electronic communication methods will decrease costs and increase efficiency for both the Comptroller and taxpayers.	
HB 3799 By: Metcalf Button	Relating to the exemption from sales and use taxes for items sold by a nonprofit organization at a county fair.	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, county fair associations can receive sales and use tax exemptions but cannot sell products without collecting and remitting this tax. This creates a significant tax compliance burden for nonprofit organizations with limited resources. HB 3799 allows county fairs to sell items without collecting sales and use taxes by exempting items sold at a county fair held by a nonprofit county fair association. HB 3799 defines county fair association to include any 501(c)(3) nonprofit organization that organizes a county fair primarily for the purposes of showcasing local agricultural and horticultural products or livestock. The bill exempts associations with licenses under the Texas Racing Act, vendor associations that plan other events such as art exhibitions and specifies that house pets do not fall under the definition of livestock. Providing these clarifications in statute allows nonprofit county fair associations to receive sales and use tax exemptions for items sold during county fairs.	Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 113 By: Oliverson	Relating to peer-to-peer car sharing programs.	Insurance Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Peer-to-peer car-sharing is a program where authorized vehicle owners use business platforms similar to Uber and Lyft to enable vehicle sharing for short periods outside of the rental company industry. The owner provides the sharing service to a driver based upon a rate determined by the car-sharing program that does not directly pertain to the owner's financial responsibility of payment on the said vehicle outside of the program sharing agreement. Currently, Texans who engage in these services are unaware that their vehicle property and casualty insurance does not cover these circumstances. To resolve this, HB 113 helps auto insurers provide, write, and adequately assign risk to consumers. HB 113 authorizes the Texas Department of Insurance as the entity responsible for assuming liability and insurance requirements. The bill provides rules, such as uninsured motorist coverage, and definitions, such as sharing periods. HB 113 clarifies liability, claims, and minimal requirements for insurance and insurers going forward. By addressing gaps in insurance coverage, Texans will be able to confidently engage in car sharing that allows for additional opportunities in passive income.	Favorable Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org
HB 1371 By: Guerra	Relating to the continuation of the Trade Agriculture Inspection Grant Program.	Agriculture and Livestock Vote: 9 Ayes, 0 Nays,	HB 1371 seeks to extend the Trade Agriculture Inspection Grant Program, which was created by the 84th legislature to reduce the wait times for agricultural product inspections at the Texas-Mexico border. HB 1371 requires the department to evaluate the performance of the program and send the report to the legislature no later than January 15, 2025. This act will take effect immediately if it receives a two-thirds vote by all members of the house. If the act does not receive the two-thirds vote to take effect immediately, the act takes effect September 1, 2021.	Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org



		0 PNV, 0 Absent	This program allows for an increased number of agriculture inspectors at the Texas-Mexico border, which increases the amount of commerce that enters the U.S. through the state, creates employment opportunities for Texans, and eases congestion at the border.	
HB 559 By: White Guillen	Relating to a fishing license fee waiver for certain residents.	Culture, Recreation & Tourism Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, the Park and Wildlife Code authorizes seniors over the age of 65 years old to qualify for a fishing license for a reduced fee, while most Texas residents 90 years old or over are exempted from needing a permit to fish. In keeping our seniors healthy and active, HB 559 requires the Park and Wildlife Commission to waive the resident fishing license fee for a resident who is 85 years old or over. HB 599 would encourage seniors to enjoy state parks and promote an active lifestyle.	Favorable Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 1993 By: Holland Cain Patterson Talarico Lambert	Relating to seller's disclosures regarding fuel gas piping in residential real property.	Business and Industry 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Currently, the checklist of known property features on a seller's disclosure does not include natural gas piping and the type of piping used. This absence is concerning because certain materials used for piping can pose certain risks. For example, corrugated stainless steel tubing (CSST) is common piping material used for residential, commercial, and industrial properties but this material presents a potential risk if punctured or improperly fitted and the building experiences an electrical event. Buyers must be aware of this information prior to purchasing a property to make the best purchase for their needs. HB 1993 will add gas piping and the specific material used to the checklist of known property features. The listed materials will be "black iron pipe", "copper", and "corrugated stainless-steel tubing". These additions to the property checklist will allow a buyer to be more informed about a prospective purchase and consider all available options.	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1849 By: Sanford Swanson Krause	Relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.	Juvenile Justice and Family Issues 9 Ayes, 0 Nays, 0 PNV, 0 Absent	There is concern about the placement of children with an unfit parent without judicial review following the death of the fit parent. There are also concerns about elements of conservatorship orders, such as drug testing, being unenforceable. Current statute states that the decree is only upheld while both parties are still alive. HB 1849 establishes a process for conservatorship orders following the death of a conservator. HB 1849 requires courts to review conservatorship orders following the death of a child's conservator. The bill dictates that the death of the conservator is sufficient material and substantial change of circumstances to modify the existing conservatorship order. Additionally, before ruling on an amended order, courts must consider all reasons that are presented to limit and restrict the surviving parent and determine the best interest of the child. If the reasons to limit and restrict the surviving parent still exist, the court is required to keep those same elements in the new conservatorship order. HB 1849 provides direction for courts on proceeding with conservatorship orders following the death of a conservator.	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 2390 By: Paul	Relating to the authority of a development corporation	International Relations & Economic Development	The Gulf Coast Authority (GCA) provides regional wastewater and water services and has the authority to issue conduit private activity bonds and tax-exempt bonds for qualified projects that support economic development. GCA has raised concerns that changing geographical boundaries of the state's water regions are negatively affecting GCA projects when boundaries sometimes expand outside of the state lines.	Favorable Evaluated by: Maddox Hilgers (512) 739-4885

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	created by the Gulf Coast Authority to finance certain projects.	Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 2390 aims to modernize GCA’s current authority as a financier for projects both inside and outside the state. This would be accomplished by allowing GCA to accept projects inside or outside the state, authorized under the Development Corporation Act, which gives cities the ability to finance new and expanded business enterprises in their local communities through economic development corporations. GCA would also be allowed to utilize the existing Property Assessed Clean Energy (PACE) programs, an innovative mechanism for financing energy efficiency and renewable energy improvements on private property.	Maddox@TexasLSG.org
HB 2350 By: Zwiener Walle Harris	Relating to financial assistance provided to political subdivisions by the Texas Water Development Board for nature-based water quality enhancement projects.	Natural Resources Vote: 8 Ayes, 1 Nay, 0 PNV, 2 Absent	<p>HB 2350 directs the Texas Water Development Board (TWDB) to establish and administer the Water Resource Restoration Program (WRRP) to fund locally directed nature-based infrastructure and water treatment projects, with rules providing for its implementation adopted by September 2022. Nature-based projects, which consist of man-made systems that mimic natural processes, effectively enhance water quality through natural filtration, diversion, and retention, thus preventing pollutants from reaching a community’s water sources and mitigating erosion and flood risks. These projects come at a lower cost than traditional infrastructure like stormwater pipes, retention ponds, and water treatment plants and have the ancillary benefits of enhancing aquifer recharge and scenic beauty.</p> <p>This bill authorizes political subdivisions to “bundle” projects in the WRRP with those funded through a state revolving fund (SRF), which is used to provide loans and financial assistance for the planning, acquisition, and construction of related water quality projects using federal, state, and other available dollars that are replaced upon use. This incentive provides the opportunity to fund both projects for the price of the one SRF project to encourage cost-effective, environmentally friendly public works, including but not limited to the preservation or restoration of floodplains and wetlands; urban forestry and green streets; reducing nonpermeable cover, like concrete parking lots over a watershed; and soil quality enhancement. A political subdivision’s application to fund an eligible nature-based project must include accountability measures like proof of the ability to manage and finance the project long-term.</p> <p>HB 2350 further defines WRRP projects as water enhancement projects to ensure eligibility for relevant funding and directs the TWDB to establish rules giving these projects, particularly those that would benefit disadvantaged communities, a measure of priority. WRRP projects would also be eligible for any additional revolving fund established by the TWDB relating to water pollution control.</p> <p>Encouraging nature-based solutions to water quality issues will provide for more cost-effective, attractive, and sustainable infrastructure that will benefit the environment, local governments, and taxpayers in myriad ways, particularly by reducing costs associated with traditional water treatment and pollution control activities and decreasing the flood risks caused by an absence of permeable surfaces.</p>	Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2483 By: King, P. Harless Slawson	Relating to utility facilities for restoring electric service after a widespread power outage.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV,	<p>Transmission and distribution utilities (TDUs) are regulated “lines and poles” companies that transport electricity from a power plant to individual customers. When there are energy shortages and service curtailment is required, TDUs must decide where electricity is shut off.</p> <p>HB 2483 authorizes TDUs to lease and operate facilities and equipment that can temporarily provide electricity to aid in service restoration during a widespread outage that risks public safety. These are to be</p>	Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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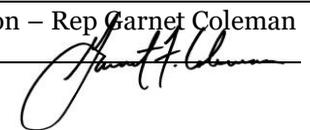


<p>Hernandez Darby</p>		<p>1 Absent</p>	<p>used in emergency situations, and TDUs may not sell energy produced from these sources. The bill does not specify what type of equipment may be leased, but it could include things like batteries, storage, or backup generators that can provide electricity when commercial generators are unable to, as was the case during the recent winter storm. The bill also allows TDUs to procure, own, and operate long lead time equipment, or major equipment such as transformers and transmission towers that can take months to receive from a manufacturer, so that it may be readily available to replace damaged equipment and restore power after a widespread outage, individually or jointly.</p> <p>TDUs must detail in their emergency operations plan filed with the Public Utility Commission (PUC), how they intend to use the aforementioned equipment, if procured. The PUC, which regulates the rates TDUs can charge to customers, shall authorize in a ratemaking proceeding the recovery of these investment costs through higher rates so long as the costs are deemed reasonable and necessary.</p> <p>This bill is meant to provide TDUs with extra tools to strengthen electric reliability and restore power in the event of a widespread disaster and mitigate the damage felt by their customers. While it does authorize raising customer utility rates to cover these investments, it promotes essential energy storage and reliability measures that could prevent future widespread outages which will end up being more costly to the state, utility companies, and customers.</p>	
<p>HB 2519 By: Darby Huberty Murr Dutton Talarico</p>	<p>Relating to matters regarding educators, including the composition of the State Board for Educator Certification, the issuance of certain sanctions by the board, and a public-school teacher's notification of resignation from employment.</p>	<p>Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>The 1995 Legislature established the State Board of Educator Certification (SBEC) as the official agency overseeing all aspects of preparation, certification, and standards of conduct for public school educators. There are concerns that SBEC policies for disciplinary actions are outdated and disproportionately punitive, resulting in suspending or revoking teacher certifications based on minor administrative issues such as resignation. SBEC sanctions in these cases have resulted in the loss of talented teachers during a statewide teacher shortage. Furthermore, with rural communities accounting for over half the number of public-school districts in Texas, representation for these communities on the SBEC board is needed to understand their unique challenges.</p> <p>HB 2519 seeks to ensure rural school districts are represented on the SBEC by updating SBEC policies for disciplinary proceedings to ensure Texas does not lose qualified, talented teachers over minor administrative mistakes. The bill requires that at least two of the seven SBEC members to be teachers, administrators, or counselors from districts with fewer than 999 students in membership.</p> <p>When districts submit complaints to SBEC regarding a teacher resigning, without district consent, outside the permitted statutory period under a probationary, continuing, or term contract, they will be required to notify the teacher promptly. The notice must include:</p> <ul style="list-style-type: none"> • The basis for the complaint • Contact information for SBEC • Reminders to verify the teacher's current mailing address on the SBEC file. <p>Before imposing sanction-based complaints, SBEC must consider any mitigating factors relevant to the teachers' conduct and alternatives to sanctions. The bill also changes the period for resigning without penalty</p>	<p>Favorable Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org</p>



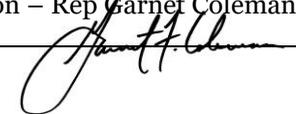
			<p>for a teacher employed under the probationary, continuing, or term contract from the 45th to 30th day before the following school year's first day of instruction.</p> <p>HB 2519 updates SBEC policies to ensure fair treatment for teaching professionals and more small school district representation to better serve Texas teachers and students.</p>	
<p>HB 2658 By: Frank</p>	<p>Relating to the operation and administration of the Medicaid managed care program, including requirements for and reimbursement of managed care organizations.</p>	<p>Human Services</p> <p>Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>A managed care organization (MCO) is a single organization that manages the financing, insurance, delivery, and payment for health care services. STAR+ PLUS is a Texas Medicaid managed care program for people who have disabilities or are 65 years or older, and STAR Kids is a Texas Medicaid managed care program that provides Medicaid benefits to children and adults 20 years and younger who have disabilities.</p> <p>Currently, Medicaid contracts only include the capitation rates, rates developed using local costs, and average utilization of services, to ensure the cost-effective provision of quality health care. Concerns have been raised that the state's Medicaid system struggles with complex and sometimes unnecessary administrative procedures that cause financial uncertainty for some Medicaid providers.</p> <p>HB 2658 seeks to require Medicaid managed care contracts to include acuity and risk adjustment methodologies that consider the costs of providing acute care services, long-term services, and supports provided under the plan, including private duty nursing services. HHSC would be required to amend contracts that had been implemented before the bill's effective date to comply.</p> <p>HB 2658 requires changes to how MCOs handle the distribution of paper from network directories to recipients. It removes the requirement for MCOs to issue a provider network directory for the STAR + PLUS and STAR Kids Medicaid programs through an opt-out basis. Instead, any Medicaid MCO would mail a recipient the most recent paper network directory no later than the fifth business day after the date the MCO received their request. This would still be an opt-out service option for Medicaid recipients. At least annually, MCOs would include in their outreach efforts and education materials sent to recipients enrolled in a managed care plan through the MCO, a written or verbal offer allowing every recipient to choose to receive the paper form directory, with any updates from that year.</p> <p>The changes sought in this bill would cut down on some of the administrative complexities and allow MCOs to focus more resources on the recipients receiving services. Requiring managed care contracts to include the acuity and risk adjustment methodologies, the bill would improve transparency between the Medicaid system and MCOs on what the regional capitation rates for these services.</p>	<p>Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>
<p>HB 2680 By: Hull Noble</p>	<p>Relating to certain procedures relating to children placed under a parental child safety placement.</p>	<p>Human Services</p> <p>Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent</p>	<p>A Parental Child Safety Placement (PCSP) is a short-term out-of-home placement a parent can make when the Department of Family and Protective Services (DFPS) determines that the child cannot safely stay with a parent. These placements offer the parent/guardian the option of temporarily placing the child out of the home, usually with relatives or a close family friend, while the parent/guardian is receiving services. It is recommended that these arrangements last no more than 60 days. However, the average stay in a PCSP is 4 months.</p>	<p>Unfavorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>

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			<p>HB 2680 aims to place an automatic termination of a PCSP on the 30th day after the date that either the PCSP agreement was signed or that the child was placed with the caregiver. The bill also requires DFPS to include the number of children placed in PCSPs in any report in which DFPS is required to report the number of children removed from their home by CPS. HB 2680 requires, prior to an order to a parent, managing conservator, guardian, or other member of the household of a child subject to a placement, to participate in the services DFPS provides the bill also requires a court to advise any parent/guardian of the right to be represented by a court appointed attorney if the person cannot afford an attorney otherwise and opposes the order to participate in services.</p> <p>There are serious concerns that the 30-day limit is not a viable time limit for families to complete the services DFPS requests because placements with service providers are often limited. Furthermore, behavioral changes that cause concern for the child often take significant time to occur, and parents/guardians are oftentimes asked to complete multiple service programs in order to address the concerns found at the home.</p> <p>The specific language of that bill that addresses the requirement to inform parents/guardians of their right to a court-appointed attorney is also concerning. As the bill currently states, a court is only required to inform a parent/guardian of their right to a court-appointed attorney when the person cannot afford their own attorney and refuses to participate in services. Many times, families are not aware of their ability to challenge a court's decision or that the court may provide them with an attorney. Families with less means of challenging a court order may decide to agree with an order because they could believe they have no other option other than to comply.</p>	
<p>HB 2116 By: Krause</p>	<p>Relating to certain agreements by architects and engineers in or in connection with certain construction contracts.</p>	<p>Judiciary & Civil Jurisprudence Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent</p>	<p>Concerns have been raised about the duty of engineers and architects to defend clauses in construction contracts that that are, in some instances, uninsurable, unreasonable, and unfair. This puts engineers and architects in a position where they may be asked to defend the owner of a building and pay for the owner's legal bills, even before a determination of liability has been made. In some cases, the architect or engineer may not have had anything to do with the defect, which may have even been caused by the owner themselves. Texas already prohibits governmental entities from holding an engineer or architect accountable for government agencies' negligence, but nothing protects these professionals under private contracts.</p> <p>HB 2116 addresses these issues by amending the Civil Practice and Remedies Code to state that a contract would be considered void and unenforceable if a licensed engineer or registered architect must defend a third party against a claim based on the negligence of the owner. The bill still protects the owners if liability towards the engineers or architects is found by allowing the courts to issue a payment of attorney fees. HB 2116 includes a section regarding the standards of care that states that the engineer or architect must perform their services with professional skill and care ordinarily provided by competent licensed architects or engineers practicing under the same or similar circumstances. If a contract that an architect or engineer signed contains a different standard of care, then the contract would be rendered as void and unenforceable.</p>	<p>Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>HB 872 By: Bernal Howard </p>	<p>Relating to the disclosure of certain utility customer</p>	<p>State Affairs Vote: 12 Ayes,</p>	<p>Certain alarming trends have become apparent related to the public availability of customer information maintained by government-operated utilities. These utilities, whose records are subject to public information requests, often receive requests for information on customers that are eligible for service disconnection, which can be used for predatory purposes against those who appear to be struggling financially. Additionally,</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224</p>

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Lopez Minjarez Hernandez	information.	0 Nays, 1 PNV, 0 Absent	<p>advanced metering systems generate a significant amount of personal usage and billing data that could be used for nefarious purposes.</p> <p>HB 872 aims to protect sensitive information from bad actors by exempting from public information laws information maintained by a government-operated utility that discloses whether a customer's services have been or are eligible to be discontinued or is collected as part of an advanced metering system for usage, storage, and billing. Currently, this information is public unless the customer requests its confidentiality. With this bill, it would be considered confidential, only available to the customer or their designated representative, unless disclosure was requested by the customer. The bill additionally removes the authorization for relevant utilities whose primary source of water is a sole-source designated aquifer to disclose customers' billing amounts, though volume of usage data can still be disclosed for water management purposes.</p> <p>HB 872 additionally requires a government-operated utility to include information about the right to request disclosure on both customers' bills and the utility's website, as well as a form for rescinding disclosure requests. Current law authorizes a government-owned utility to request a fee for confidentiality requests - this bill repeals that authorization and does not provide for any fee to request disclosure.</p>	Hannah@TexasLSG.org
HB 1315 By: Johnson, Jarvis Neave Leach	Relating to the duration of an appointment of a guardian ad litem or an attorney ad litem for a child in the conservatorship of the Department of Family and Protective Services.	Juvenile Justice and Family Issues 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>As of 2020, about 24,600 children are in conservatorship with the Department of Family and Protective Services (DFPS), a 105% increase from the 12,000 or so children in 2016. Currently, around 10,000 cases are in permanent managing conservatorship (PMC) with DFPS. These cases can last for a significant amount of time. For example, around 3,300 of the cases are three years or older and 290 cases are older than 10 years. These are all kids waiting for adoption or waiting for placement with kin but live in the uncertain space of state care.</p> <p>In 2007, the National Conference of State Legislators determined that youth's involvement in their court hearings related to shorter placements with DFPS. Travis County created a framework that allowed attorneys or guardians ad litem to be assigned for the entirety of a youth's conservatorship with DFPS to advocate for the child's best interest. This led to a 57% decrease in PMC cases in Travis county.</p> <p>HB 1315 replicates this design at the state level by requiring DFPS to appoint an attorney or guardian ad litem during a child's conservatorship with DFPS. HB 1315 would reduce the time children spend in the foster care system and expedite the placement of children with other family members or fit adoptive families.</p>	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1380 By: Longoria	Relating to information technology purchased through the Department of Information Resources.	State Affairs Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	The Department of Information Resources (DIR) is authorized to purchase certain technology-related commodity items in bulk at a pre-negotiated, discounted rate for the benefit of state agencies, so long as those items are in high demand from more than one state agency. HB 1380 expands this authorization by redefining commodity items to include those items in demand by more than one customer, whether that be a Texas state agency, a governmental entity of another state, or another entity like a city, school, hospital, or public safety agency. These entities are already authorized to purchase commodity items from the DIR, but the bill expands the types of items eligible for purchase under this program.	Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org



			<p>The bill additionally expands the DIR's ability to renegotiate pre-approved terms in contracts for all purchases. Current statute prescribes renegotiation within 2 years after the initial contract, but this bill allows for renegotiation to occur at any time during the contract if desired to respond to fluctuating prices and demands.</p> <p>Improving and expanding the DIR bulk purchasing program and renegotiation procedures will increase efficiency and cost savings for all involved entities, allowing them to focus their resources on providing services to Texans.</p>	
<p>HB 1387 By: Harris Noble</p>	<p>Relating to the storage of firearms and ammunition in the same locked location in certain foster homes.</p>	<p>Human Services</p> <p>Vote: 5 Ayes, 4 Nays, 0 PNV, 0 Absent</p>	<p>Currently, lawfully permitted firearms and ammunition are allowed to be kept in the Department of Family and Protective Services (DFPS) agency foster homes. Gun safety experts and manufacturers recommend that the firearm be stored with a locking mechanism on it and that ammunition be stored separately. Currently, state law allows for firearms and ammunition in a DFPS foster home to be stored together in a locked location, as long as the firearm is stored with a trigger locking device attached.</p> <p>HB 1387 would remove the trigger locking requirement when storing a firearm with ammunition in a foster home. This legislation would, without any public purpose, allow an obviously unsafe practice that threatens child safety by not taking into consideration that a child or youth may be able to break into a lock box without difficulty. An additional lock on the trigger would add an extra layer of security to the firearm and help prevent children and youth from being able to utilize it.</p>	<p>Unfavorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>
<p>HB 999 By: Bernal Patterson</p>	<p>Relating to the use of individual graduation committees for certain high school students.</p>	<p>Public Education</p> <p>Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Recognizing the impact of the COVID-19 pandemic and anticipating the future implications for students and families, the commissioner of education and TEA waived the Student Success Initiative, which allows students in the fifth and eighth grades to advance for the 2020-21 school year without having to pass the STAAR reading and writing exams. Currently, the commissioner does not have the authority to waive statutory graduation requirements for high school students. For these students, graduation is contingent upon satisfying credit requirements under the Foundation High School Program and the passage of five end-of-course (EOC) exams. Those exams include Algebra I, English I and II, Biology, and US History.</p> <p>Due to the commissioner's lack of authority to waive graduation requirements for high school students, HB 999 seeks to extend the waiver given by the commissioner to fifth and eighth graders to certain high school students impacted by the challenges of COVID-19. HB 999 applies to all 12th-grade students for the 2020-21, 2021-22, and 2022-23 school years and grants the authority for an individual graduation committee (IGC) to determine and award a high school diploma to a high school senior without considering the performance on any EOC assessments. IGCs consist of the school principal or designee, the teacher of the course, the teacher's supervisor or department chair, and the parent or designee or student. They review the student's academic records to determine graduation eligibility.</p> <p>No student should be kept from graduating for doing poorly on a test because of extraordinary circumstances. HB 999 would eliminate the reliance on a single measure to determine graduation for students affected by the pandemic as schools adjust to meet the needs of all students at this time.</p>	<p>Favorable Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org</p>



<p>HB 1694</p> <p>By: Raney Guillen Leach Guerra Johnson, Jarvis</p>	<p>Relating to a defense to prosecution for certain offenses involving possession of small amounts of controlled substances, marihuana, dangerous drugs, or abusable volatile chemicals, or possession of drug paraphernalia for defendants seeking assistance for a suspected overdose.</p>	<p>Public Health</p> <p>11 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Substance use critically impacts the wellbeing of many Texans and their loved ones, including people struggling with use and those recovering. Too often, lives are lost because individuals are not able to receive emergency care when overdosing due to the fear of facing legal recourse or penal punishment. In 2018, approximately 3,000 Texan overdoses resulted in fatalities. During the COVID-19 pandemic, this escalated by a 25.8% increase in overdose deaths from July 2019 to July 2020. As of August 2020, first responder reports indicated an increase of 48.5% in overdose-related cardiac arrests.</p> <p>HB 1694 is a “Good Samaritan” law for Texas. The bill protects a person requesting an emergency response and the person overdosing from legal recourse under the following conditions:</p> <ul style="list-style-type: none"> • The request for emergency services was made while the overdose was occurring either by a bystander or the person who is overdosing • Involved parties remain on scene and cooperate with all emergency responders <p>The defense is applicable for certain first offense paraphernalia charges, certain first offense “dangerous drug” or “abusable volatile chemical” possession charges, and certain drug possession charges. Outside those parameters, individuals can still be charged with criminal charges discovered at the time. Additionally, all evidence collected at the time will still be entered even if the evidence pertains to defensible charges.</p> <p>HB 1694 will provide protection and save lives for people who experience an overdose by diverting Texans that experience overdose from entering the criminal justice system to receive the treatment needed.</p>	<p>Favorable</p> <p>Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>
<p>HB 851</p> <p>By: Cook</p>	<p>Relating to the admission by a party of a material and substantial change of circumstances in a motion to modify an order in certain family law cases.</p>	<p>Juvenile Justice and Family Issues</p> <p>9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Currently, there is no law that protects a person seeking to make a change on spousal support or child support from a counter file of the other party to prevent the use of this admission as evidence to make a change to possession or conservatorship of a child. Currently, if a person wanted to adjust their payment of child support due to an adjustment in income, the other party may seek to reduce their access to a child on the same grounds.</p> <p>HB 851 would enact a provision to protect a party filing for spousal maintenance modification. This bill would clarify that evidence sufficient to prove a need for a change in spousal maintenance would not be used as evidence to determine a change in another area such as child possession or access.</p>	<p>Favorable</p> <p>Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>

