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LSG Floor Report for GENERAL STATE Calendar– Wednesday, April 7, 2021

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 868 By: Thompson, Senfronia	Relating to the jury charge and jury findings in a suit affecting the parent-child relationship.	Juvenile Justice and Family Issues 7 Ayes, 0 Nays, 0 PNV, 2 Absent	There have been inconsistent rulings across Texas relating to imposing a geographic restriction on a sole managing conservatorship, the delegation of rights of a child to a single party. This is because Texas law allows for geographic restrictions to be imposed on joint managing conservatorships, the delegation of rights of a child to two parties, but says nothing about sole managing conservatorships. HB 868 clarifies that a jury may impose a geographic restriction on a sole managing conservatorship and that the jury may determine the specific area for that restriction.	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1082 By: King, P. Hernandez Harless Deshotel Shaheen	Relating to the availability of personal information of an elected public officer.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	To protect the privacy of government employees, especially those who work in sensitive fields such as law enforcement, the military, and state-level elected office, current law authorizes these employees to withhold certain information from the public. They can choose to withhold information that reveals their home address, home telephone number, emergency contact information, social security number, or whether they have family members. HB 1082 changes the language of this provision to allow all elected public officers, including local officials, to choose to be exempt for this personal information to be publicly available. Previously, only statewide elected officials and members of the legislature could choose to be exempt. Officials can still authorize the release of this information should they so choose but would also have the option to maintain their own and their family's privacy and safety.	Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2343 By: Geren	Relating to the purchase of food and beverages by the Department of Public Safety for certain persons.	Homeland Security and Public Safety Vote: 9 Ayes, 0 Nays,	The Department of Public Safety (DPS) does not currently have explicit authority to purchase food or water for DPS personnel who are activated to provide services in response to an emergency situation, incident, or disaster. During the beginning of the 87th legislative session, the additional officers assigned to Capitol grounds did not have access to water or food and were not allowed to leave their assigned areas. This issue was remedied through fundraising and donations, but changes in statute are necessary to prevent this from occurring in the future.	Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org

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		0 PNV, 0 Absent	HB 2343 would authorize DPS to use already appropriated funds to purchase food and beverages for personnel activated to provide services in response to an emergency situation, incident, or disaster and those who are unable to leave their assignment area due to emergency requirements.	
HB 686 By: Moody Buckley Neave White Ramos	Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility	Juvenile Justice and Family Issues 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>Currently, there are thousands of juveniles between the age of 14-17 that are serving sentences well into adulthood before being considered for parole. Approximately 1,483 people are serving a life or de facto life sentence of at least 40 years for an offense that occurred when they were younger than 18. This would mean that a juvenile could be 54-57 before having their case reviewed for parole. There are no mechanisms for an earlier review of cases to determine if the young person has been rehabilitated and is fit to return to society.</p> <p>HB 686 would create “second look” mechanism for cases to be reviewed and considered for parole. The review and release of eligible individuals would save the state a projected amount of \$3.9-\$12 million after the first two years. HB 686 also provides additional criteria to consider the growth and development for the Board of Pardons and Paroles such as:</p> <ul style="list-style-type: none"> • The diminished culpability of juveniles in comparison to adults • Distinguishing features of youth • Youths being more likely to change <p>The board would also then be responsible for creating a new policy to be used when assessing juvenile cases as opposed to the adult criteria currently used. The policy must create criteria to:</p> <ul style="list-style-type: none"> • Consider the age of the individual at the time of the offense as a mitigating factor in favor of parole. • Permit and consider character testimony by persons who have knowledge of the individual and can speak on the individual’s growth and development while incarcerated. • Consider a mental health diagnosis provided by a trained adolescent mental health professional. <p>Additionally, under this bill, inmates charged as juveniles would be eligible for parole either at half the normal sentence prescribed for adults or 20 years, whichever is sooner. This reduction would apply to individuals charged with certain first-degree felony offenses and certain capital offenses committed under the age of 18. None of the provisions above apply to individuals that were charged with a capital offense involving multiple murders.</p> <p>Juveniles are still in the process of neurological and psychological development; they do not fully understand the consequences of their actions. As such, they should not be held accountable in the same ways as adults are. Rehabilitating these youth and allowing them to reenter society while they are young will allow them to be productive members of society.</p>	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1118 By: Capriglione	Relating to state agency and local government compliance with cybersecurity training	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV,	<p>HB 1118 cleans up legislation passed last session that directed certain government employees to undergo annual cybersecurity training.</p> <p>This bill aligns local government requirements with state level requirements. It clarifies that only employees, including elected and appointed officials, who perform at least 25% of their duties on a computer connected to a government network or database must undergo such training. Certification of</p>	Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org



	requirements.	1 Absent	<p>training completion would be required for local governments, many of which find themselves susceptible to cyberattacks, to apply for or maintain state criminal justice grants. HB 1118 also adds the requirement for state agencies to include cybersecurity training verification in their biennial strategic plans, and it repeals the authorization for some local governments to offer their own training instead of one certified by the Department of Information Resources (DIR), which oversees the state’s cybersecurity training requirements.</p> <p>These provisions ensure that local governments and state agencies are treated uniformly and use public resources to only train those who need it, in addition to encouraging government entities to prepare for cyberattacks, thousands of which occur every minute and place public data and networks at risk.</p>	
<p>HB 785 By: Allen Reynolds</p>	<p>Relating to behavior improvement plans and behavioral intervention plans for certain public school students and notification and documentation requirements regarding certain behavior management techniques.</p>	<p>Public Education</p> <p>Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Currently, before a child is enrolled in a special education program (SPED), the district shall establish an Admission, Review, and Dismissal (ARD) committee to develop the child’s individual education program (IEP). The committee may determine that a behavior improvement plan /behavior intervention plan (BIP) is appropriate. Before the creation of a BIP, a Functional Behavior Assessment (FBA) is conducted. FBA is carried out every three years. Subsequently, it has become common practice for a BIP to be evaluated at the same time. Reviewing a BIP every three years is ineffective or developmentally inappropriate.</p> <p>Students receiving special education services have higher rates of disciplinary actions. HB 785 looks to change this by requiring that the FBA be conducted before creating a BIP and requires an annual review and additional review as needed.</p> <p>When disciplinary action taken towards a student with these services constitutes a change in placement, HB 785 adds that no later than the 10th school day after the change in placement, the school district shall:</p> <ul style="list-style-type: none"> • obtain consent from the student’s parent to conduct an FBA. • review any previously conducted FBA of students and any BIP, as necessary. • develop or revise the student's BIP. <p>HB 785 also addresses the documentation requirement regarding behavior management techniques that require the restraint of a student. HB 785 amends the code to require:</p> <ul style="list-style-type: none"> • The district to provide written notification to the student’s parent or guardian if a restraint was used on a student. • Details of the written notification requirement including whether a student has a BIP or whether the plan may need to be revised. • A copy of the written notice, the method by which the notice was sent, and contact information for parents to be kept in the student’s special education eligibility school record. • If the student has a BIP, documentation of each behavior that prompts a “time-out” per the student’s behavior specified plan. <p>HB 785 ensures that students are appropriately supported with a behavior intervention plan that is data-driven and effective at helping the student’s success.</p>	<p>Favorable Evaluated by: Phuong Nguyen (832) 302-9940 Phuong@TexasLSG.org</p>



<p>HB 690 By: Metcalf</p>	<p>Relating to training requirements for a member of the board of trustees of an independent school district.</p>	<p>Public Education Votes: 13 Ayes 0 Nays 0 PNV 0 Absent</p>	<p>Currently, newly elected school board members are required to complete training from the State Board of Education. The trainings include 3 hours on evaluating student academic performance and one hour on identifying and reporting potential victims of sexual abuse, human trafficking, and other forms of maltreatment of children. Training related to school safety is currently not included.</p> <p>HB 690 would require board members to complete training on school safety. The school safety training course curriculum and materials would be developed by the Texas State School Safety Center in collaboration with the State Board of Education. Board members are charged with the task of ensuring the safety of our students while they are at school; HB 690 will ensure all school board members in Texas acquire the knowledge needed to make important decisions about school safety.</p>	<p>Favorable Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org</p>
<p>HB 738 By: Paul</p>	<p>Relating to the residential and commercial building codes of municipalities.</p>	<p>Land & Resource Management Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>In the aftermath of Hurricane Harvey, reports were released by the General Land Office (GLO) and the Federal Emergency Management Agency (FEMA) with information stating that newer homes using more modern standards of code tend to withstand storms and storm damage better. Currently, the state of Texas only requires buildings to follow standards of 2001 International Residence Code (IRC) and International Building Code (IBC), which are outdated and missing necessary provisions.</p> <p>HB 738 would change the state minimum standards to align with the 2012 version of the IRC and IBC. It would allow municipalities to adopt local amendments that may add, modify, or remove requirements. To adopt these amendments, municipalities must hold a public hearing and adopt the local amendments by ordinance. HB 738 does not affect provisions regarding the installation of a fire sprinkler system.</p> <p>HB 738 promotes resilience against natural disasters by adopting higher standards, transparency, and community engagement. It places protection on life, public health, public safety, welfare, and property during hard times caused by natural disasters.</p>	<p>Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>HB 315 By: VanDeaver</p>	<p>Relating to the purchasing of a uniform by certain honorably retired peace officers.</p>	<p>State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>HB 315 authorizes honorably retired state peace officers to purchase their uniform from the state agency for which they worked and allows them the opportunity to be buried in that uniform – a privilege that members of the U.S. military already enjoy. It includes a range of officers commissioned by state agencies, such as the Department of Public Safety, the Attorney General’s Office, or the Alcohol and Beverage Commission, who might not previously have been able to have the honor of being buried in uniform.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>HB 167 By: Ortega</p>	<p>Relating to common and public nuisances.</p>	<p>Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>A common nuisance violation is defined as a place where habitual criminal activity – such as prostitution, sale or use of narcotics, illegal gambling, and aggravated offenses – occur. Under current Texas law, courts do not have the ability to seek a temporary restraining order to restrain a business with common nuisance violation from operation while seeking a temporary injunction. Currently, when a party seeks a temporary injunction of the property, there is a 14-day waiting period until the case can be heard in front of a judge. While that hearing is pending, criminal activity could continue to occur.</p> <p>Under HB 167, the courts would have the ability to issue temporary restraining orders, temporary injunctions, or permanent injunctions. Violating the previously mentioned forms of injunctive relief is</p>	<p>Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>

			<p>punishable by civil contempt penalties. A temporary restraining order can be granted without a formal hearing when the party seeking the temporary restraining order can show that the property or business is violating or about to violate provisions of the Civil Practice and Remedies Code. If granted, the temporary restraining order would go into effect immediately. The temporary restraining order would last up to 14-days, during which a judge can restrain the business from operation. After that, a temporary injunction is held, with a permanent injunction hearing within 90 days.</p> <p>The implementation of this bill provides a more effective and efficient solution for addressing habitual criminal activity that occur on properties and businesses.</p>	
<p>HB 1033 By: Oliverson</p>	<p>Relating to prescription drug price disclosure; authorizing a fee; providing an administrative penalty.</p>	<p>Insurance Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>In 2019, the Legislature passed transparency requirements for drug costs onto the estimated 3,000 pharmaceutical drug manufacturers. Based upon 2021 estimates, 6 in 10 Americans depend upon at least one prescription drug.</p> <p>HB 1033 is aimed at reducing manufacturing tactics that are used to avoid transparency and accountability that might reveal unnecessary cost increases. While Texas cannot control price increases of prescription drugs, this bill could enable the ability to address pay-related delays on generics to the drug market, price gouging, and regulate billing to protect 100% of Texans through the Office of the Attorney General (OAG).</p> <p>HB 1033 amends the Health and Safety Code to improve previous pharmacy bills' implementation to prevent price increases. The bill furthers transparency of prescription drug manufacturers and streamlines disclosure requirements by moving oversight from the Health and Human Services Commission to the Department of State Health Services (DSHS).</p> <p>To foster drug cost transparency, this bill updates reporting requirements to annually. Reports will include information on the wholesale acquisition costs (WAC), date of the WAC cost increase, name of the prescription drug, the specific brand name or generic, aggregate research and developmental costs, name of each FDA approved prescription drug, and names of products that lost patent exclusivity.</p> <p>These reports must publish reports on the Texas Department of Insurance website disclosing prescription drug pricing and increases. HB 1033 will allow Texans to make informed decisions pertinent to their finances and overall health.</p> <p>The bill authorizes a capped fee attached to reporting requirements. If the reports or fees are not submitted after an initial written notice of failure to comply and failure to adhere to written notice, administrative penalties will occur.</p> <p>While the bill caps penalties at \$1,000 per day for each daily violation in breach, each new day is considered a separate violation. Penalty fees may be paused during a judicial review and, in cases of financial hardships, the fees could be recollected through a lawsuit for noncompliance by the OAG to reimburse DSHS through the State Treasury.</p>	<p>Favorable Evaluated by: Chelsea Dalton Pederson (512) 661-9708 Chelsea@TexasLSG.org</p>

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<p>HB 1689 By: Oliverson</p>	<p>Relating to credit for reinsurance governed by certain covered agreements and ceded to certain assuming insurers.</p>	<p>Insurance Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>HB 1689 reflects statutory changes to meet 2017-2018 U.S. Treasury covered agreements, under the Federal Dodd-Frank Wall Street Reform and Consumer Protection Act, with the E.U. and U.K. States were required to comply with terms within 5-years, and the federal government began state evaluations of laws in the spring of 2021. Texas must eliminate collateral requirements imposed on foreign reinsurers to avoid federal preemption. Preemption could impair the state's ability to effectively regulate the insurance industry.</p> <p>The bill allows U.S. insurers that are state-authorized accredited and maintained U.S. financial institutions to operate competitively abroad. It also provides ceding insurers, of reciprocal jurisdictions, with credit for reinsurance ceded as an asset or deduction from liability. HB 1689 updates collateral requirements of reinsurance to be aligned with federal minimum capital and surplus and central funding for reciprocal jurisdictions from within the state to the outside of the country. The bill assumes insurers' supervisory authority to annually confirm to the Texas commissioner that the insurer complies with qualifications and financial compliance requirements.</p> <p>HB 1689 could provide more competitive capital for our large domestic insurers in Texas and bring down the cost of insurance premiums. The bill would protect and allow for competitive insurance to expand, provide the opportunity to bring direct insurance to Texans, and create and maintain job opportunities.</p>	<p>Favorable Evaluated by: Chelsea Dalton Pederson (512) 661-9708 Chelsea@TexasLSG.org</p>
<p>HB 1514 By: Landgraf</p>	<p>Relating to the administration of unclaimed property.</p>	<p>Business & Industry Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>HB 1514 would update various provisions relating to the unclaimed property program and clarify authority and processes that are currently unclear. The state's unclaimed property program is administered by the Comptroller of Public Accounts and requires institutions, businesses, and governmental entities to report to the state any property that has been unclaimed for up to five years.</p> <p>HB 1514 changes various provisions of the Estates, Insurance, and Property Codes regarding the administration of unclaimed property. These changes include:</p> <ul style="list-style-type: none"> • Easing the administrative burden placed on counties by permitting district clerks to serve the Comptroller's office via mail or email rather than a personal citation in probate cases involving unclaimed estate distributions. • Aligning the reporting and remittance due date for an unclaimed insurance-related property with that of all other unclaimed property types. (Currently, insurance companies must file two annual unclaimed property reports annually depending on the type of property being reported and the amended provision allows insurance companies to file a single report.) • Clarifying that certain types of property that are difficult or uneconomical to manage should not be reportable as unclaimed property. • Granting the Comptroller greater flexibility to change or waive reporting deadlines and waive all penalty and interest for late reported property for good cause, which could be beneficial when responding to emergencies or natural disasters. • Allowing the comptroller to dispose of property and maximize value for a property that cannot be auctioned. 	<p>Favorable Evaluated by: Maya Ali (469) 662-4762 Maya@TexasLSG.org</p>

			<ul style="list-style-type: none">• Allowing the Comptroller to automatically return unclaimed property to rightful owners without the need to file a claim if it meets certain requirements.• Clarifying the Comptroller’s authority to use proceeds from the sale of securities to make or sell investments. <p>This bill will assist the Comptroller’s office in administering the unclaimed property program in an efficient and consistent manner.</p>	
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