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LSG Floor Report for MAJOR STATE Calendar– Thursday, April 8, 2021

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 5 By: Ashby Anderson Paddie Price Canales	Relating to the expansion of broadband services to certain areas.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	<p>HB 5 creates the State Broadband Development Office (SBDO) within the comptroller’s office to facilitate the expansion of broadband access and adoption by addressing infrastructure needs and the affordability of service. This bill establishes minimum speeds for broadband service and authorizes the comptroller to adjust them to match or exceed speeds set by the Federal Communications Commission (FCC). In addition to acting as the state’s resource on broadband, coordinating federal broadband programs in the state - including the dollars coming our way for pandemic relief and infrastructure development - and participating in FCC proceedings, the SBDO would establish a statewide broadband plan with long-term goals for greater access and adoption, with special attention paid to public health, safety, and education needs. Texas is one of only 6 states that do not have a broadband plan, leaving 9 million rural and otherwise underserved Texans without the affordable, high-speed broadband connection that has become essential for school, work, healthcare, and economic development. Having a statewide plan puts Texas on par with the 44 other states that, because of their plans, are in a better position to access certain federal broadband development grants.</p> <p>The SBDO would also maintain and annually update a map of broadband availability in Texas, delineating areas where fewer than 80% of households have access to service as eligible for development projects and noting each public school’s level of access. Development projects would be administered through the SBDO’s Broadband Development Program, established to award grants, loans, and other financial incentives to broadband providers and stakeholders for the purpose of expanding access, adoption, and affordability of broadband in eligible areas, with priority given to the most underserved. Applications would be publicly available and open to comment. This program and other SBDO activities would be funded by a Broadband Development Account in the General Revenue Fund, consisting of appropriations, grants, donations, and federal broadband development funds. Additionally, HB 5 adds one appointee of the SBDO and one representative of rural cooperatives that provide broadband services to the governor’s Broadband Development Council, which studies policy solutions related to broadband access, to ensure that remote areas where commercial providers do not operate are represented.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>

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			The pandemic has highlighted existing disparities in broadband access and adoption that impact Texans in both rural and urban areas. This newly developed office and its financial assistance program would coordinate and maximize existing and future broadband expansion efforts to help close the digital divide and ensure Texas is not left behind as the world moves further into a digital landscape.	
HB 1715 By: Buckley	Relating to provision of broadband infrastructure and connectivity by the Lower Colorado River Authority.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	The Lower Colorado River Authority (LCRA) is a political subdivision serving mostly rural Texans in over 70 counties, in part by providing electricity transmission and distribution utility services. This bill authorizes the LCRA to make its existing and planned fiber capacity and facilities, currently built on electric utility infrastructure for internal communication purposes, available to public or private internet service providers (ISPs) for the purpose of facilitating broadband service connectivity. It would not allow the LCRA to sell broadband services to retail customers but would allow it to enter contracts with ISPs to provide those services. The bill additionally requires that, before entering into such a contract with a municipality, the LCRA must provide fair notice and opportunity to commercial retail providers already in the area. The LCRA's role as facilitator would not add any costs to taxpayers but would open the opportunity for broadband expansion in rural and underserved areas, which has become essential for education, healthcare, and economic development in the state.	Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 1239 By: Sanford	Relating to prohibited suspension of laws protecting religious freedom and prohibited closure of places of worship.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 1239 prohibits a government official from issuing an order that would close or have the effect of closing places of worship and authorizes individuals whose religious rights have been substantially burdened by any such prohibited order to assert that violation as a defense in a judicial or administrative proceeding. This legal defense would only apply to claims brought after the effective date of the act. This bill comes as a response to the closure of certain facilities, including places of worship, to protect public health early in the pandemic. While this bill maintains governmental authority to issue emergency orders, such as mask requirements or limits on building capacity, its limitation on closures could limit officials' ability to take necessary action to protect the public in extreme circumstances. Further, existing laws protecting religious freedom already exist to provide individuals with a legal defense should their rights be violated by excessively restrictive or discriminatory actions.	Will of the House Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
LSG Floor Report for GENERAL STATE Calendar– Thursday, April 8, 2021				
HB 788 By: Geren	Relating to the eligibility of emergency service dispatchers to participate in a public safety employees treatment court program.	Homeland Security and Public Safety Vote: 9 Ayes 0 Nays 0 PNV 0 Absent	The 85th legislature provided an option for counties to adopt a specialty court program for certain first responders facing criminal charges while also suffering from mental health challenges. The diversion program is designed to provide an array of services to rehabilitate first responders with mental health challenges resulting from job stress or public safety employees with positive histories who are likely to benefit from rehabilitation efforts. Participants must agree to be represented by a state attorney and successful program participants completing all requirements can have criminal charges dismissed if it is deemed appropriate by the court.	Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org

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			HB 788 expands the definition of “certain public safety employees” to include emergency service dispatchers so they can participate in public safety employees' treatment court programs if they are eligible.	
HB 2305 By: Thompson, S Darby Hernandez Guillen Kuempel	Relating to the Texas Real Estate Research Center, the Real Estate Research Advisory Committee, and the Texas Real Estate Commission; increasing a fee.	Licensing & Administrative Procedure Vote: Ayes 8, Nays 0, PNV 0, Absent 3	The Texas Real Estate Research Center funded solely through annual fees paid by over 170,000 Texas real estate licensees. To ensure the Real Estate Research Advisory Committee can continue their valuable work while operating efficiently, HB 2305 follows up on the 2015 Sunset Review of the Texas Real Estate Commission (TREC) by revising outdated terms, updating procedures to modern operational standards, and clarifying the collection of real estate license fees. HB 2305 allows the Real Estate Research Advisory Committee to conduct meetings virtually so long as the public is present and meetings are still conducted in accordance with Texas open meetings law. It clarifies the timeline for when board members can assume office to 15 calendar days. Language is clarified regarding the advisory committee submitting its budget proposal to the Texas A&M Board of Regents and allows per diem and transportation reimbursement rates to be decided by the Research Center as part of their budgetary process rather than under state appropriations. HB 2305 also corrects a mistake made in the 2015 Sunset Review that created a loss in revenue when TREC was unable to collect the full amount of fees authorized by the original legislation due to an annual fee being attached to a two-year license. The word “annual” is added before every fee listed in the Occupational Code to remedy this issue so TREC can collect fees in alignment with the intent of previous legislation and the Texas Real Estate Research Center can remain self-funded.	Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org
HB 2510 By: Noble Meyer Buckley Turner, C Rodriguez	Relating to a sales and use tax exemption for animals adopted from or sold by nonprofit animal welfare organizations.	Ways & Means Vote: 10 Ayes 0 Nays 0 PNV 1 Absent	Texas animal shelters take in over 100,000 pets every year. Without the support of local rescue groups taking on challenging cases, many of these pets would not survive. While fees for animals adopted from nonprofit animal shelters are exempt from sales and use tax, nonprofit animal welfare organizations cannot receive the same exemption under current law. HB 2510 extends this sales tax exemption to nonprofit animal welfare organizations. This bill will not only reduce the tax burden on these organizations but also allow them the focus on the animal's wellbeing and finding a home for the animal.	Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org
HB 739 By: Lopez Raymond Morales, E Hinojosa	Relating to a grant program administered by the Texas Veterans Commission to provide energy industry career training for veterans.	Defense & Veterans' Affairs Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The energy industry is a major employer in Texas and could be a greater job source for veterans looking for economic mobility and employment opportunities. However, monetary and logistical barriers prevent many veterans from gaining employment in this sector. HB 739 would require the Texas Veterans Commission to develop, create rules for, and implement a grant program to provide financial assistance to veterans seeking certification or training to prepare for employment in the energy sector. In collaboration with the General Land Office and Veterans' Land Board, an outreach campaign would be conducted to encourage veterans to participate in the grant program. This grant program would remove barriers veterans face when trying to enter the energy industry workforce and continue to expand the industry across Texas with skilled workers.	Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org



<p>HB 2429</p> <p>By: Meyer Shine</p>	<p>Relating to the alternate provisions for ad valorem tax rate notices when the de minimis rate of a taxing unit exceeds the voter-approval tax rate.</p>	<p>Ways and Means</p> <p>Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>The de minimis tax rate is designed to give smaller taxing units such as cities with populations less than 30,000 relief from the 3.5% voter-approval tax rate. If the de minimis rate exceeds the voter-approval rate and the adopted rate is less than or equal to the de minimis rate, voters can sometimes petition for a tax approval election. Certain taxing units are not required to hold elections and taxpayers do not have the right to petition if the de minimis rate exceeds the voter-approval rate but notice of public hearing must still be provided regarding property tax rate increases.</p> <p>There are concerns that public notices do not accurately provide information in circumstances when taxing units exceed the voter-approval rate but not the de minimis rate or the voter-approval rate as calculated for special taxing units. It is especially important that voters understand when they may or may not petition for a tax approval election. HB 2429 creates alternate provisions to clarify public notices in applicable situations:</p> <ul style="list-style-type: none"> • The list of rates must include “the de minimis rate is ___ per \$100” at the end • The definition of “voter-approval tax rate” must be provided rather than simply stating the phrase • A certain definition of “de minimis rate” must be provided • Voters must be informed an election is not required and they may not petition to hold an election in these circumstances <p>Updating the tax code with alternate notice requirements will help taxpayers better understand property tax increases and situations in which they may or may not petition for tax approval elections.</p>	<p>Favorable</p> <p>Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org</p>
<p>HB 135</p> <p>By: Minjarez Canales</p>	<p>Relating to notifying an alleged perpetrator of child abuse or neglect of the person's right to record an investigative interview.</p>	<p>Human Services</p> <p>Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Currently, the Department of Family and Protective Services (DFPS) allows for alleged perpetrators of child abuse and neglect to record interviews with investigators from the department. However, many Texans are unaware of this right and investigators are not required to inform those they are interviewing of this right.</p> <p>HB 135 would require investigators to inform orally and in writing an alleged perpetrators' right to create an audio recording of the interview and that the audio recording may be subject to a subpoena under court order. The interviewee is only allowed to make an audio recording, no other methods are allowed. DFPS would also be required to provide two copies of the written notice to be signed by the interviewee, one for the person to keep and one for the agency to retain.</p> <p>Requiring DFPS to orally and in writing inform individuals of their right to make an audio recording seeks to create more transparency and accountability in DFPS investigations.</p>	<p>Favorable</p> <p>Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>
<p>HB 1386</p> <p>By: Harris Metcalf Allison Howard</p>	<p>Relating to birth records of adopted persons; authorizing a fee.</p>	<p>Public Health</p> <p>10 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Currently in Texas law, an adopted person must petition the court in which their adoption took place to receive a copy of their original birth certificate and the documents used to produce a supplemental birth certificate. Birth certificates serve vital, practical functions such as obtaining a driver's license, registering to vote, or obtaining a passport. There is also the personal desire and practical need of knowing where someone comes from as an adopted person.</p>	<p>Favorable</p> <p>Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>

			<p>HB 1386 resolves this issue by requiring the state registrar, on written request, to provide a non-certified original birth certificate to an adopted person or to certain adult family members of the adopted person if the adopted person is deceased. The birth certificate can be issued if:</p> <ul style="list-style-type: none"> • the adopted person was born in Texas • the request was made on or after the adopted person's 18th birthday • a supplementary birth certificate issued for the adopted person • the person requesting the birth certificate can provide adequate proof of the adopted person's identity <p>HB 1386 will remove a large barrier for adopted persons in receiving important documentation.</p>	
<p>HB 587 By: Cole</p>	<p>Relating to a study on the suitability of unused and underused public facilities for joint use by state and local governmental entities.</p>	<p>State Affairs</p> <p>Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Last session, the Comptroller's Office approximated that there were around 2,500 governmental entities in the state that could benefit from joint-use partnerships, or from sharing unused or underused public facilities. HB 587 calls for the Texas Facilities Commission to study and report on the availability of such facilities and the feasibility of entering joint-use partnerships, including the economic advantages they may create for the state, to be concluded in December 2022.</p> <p>While this study would likely require additional, short-term appropriations related to contracting and staff, it would be the first step in finding long-term, cost-saving opportunities for more efficient facility usage. These savings to the state could be used to provide more services to the public as our population and agency needs continue to grow.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>HB 2398 By: Meyer</p>	<p>Relating to the administration and collection of sales and use taxes and certain fees applicable to sales involving marketplace providers.</p>	<p>Ways and Means</p> <p>Vote: 10 Ayes 0 Nays 0 PNV 1 Absent</p>	<p>The 86th Legislature amended the tax code to require marketplace providers such as Amazon or Walmart to collect and remit state and local sales tax on all applicable items sold in Texas. HB 2398 clarifies the tax liability of parties involved in marketplace provider transactions by making the following changes to statute:</p> <ul style="list-style-type: none"> • Taxable items sold using a marketplace are considered consummated where the sale is made for the purpose of collecting municipal and county sales and use taxes, in the same manner as items not sold through a marketplace. • The state sales and use tax exemption for occasional sales, originally designed for garage sales and other similar events, does not apply to sellers offering taxable items through a marketplace. <p>Industry-specific sales and use tax provisions are clarified regarding marketplace providers:</p> <ul style="list-style-type: none"> • Sellers must certify collecting state sales and use tax for tickets or other admission documents sold through a marketplace, and marketplace providers accepting a seller's certification shall deduct the adjusted value of the resold ticket or admission document. • Marketplace providers processing payments or sales of lead-acid batteries are required to collect fees for nonexempt battery sales in the same manner as wholesale or retail battery dealers. • Marketplace providers must collect the wireless 9-1-1 emergency services fee on phone sales made through a marketplace on the seller's behalf - the provider must remit the fee but can still deduct and retain two percent of the fee as already in place under current law. 	<p>Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org</p>



			HB 2398 provides online marketplace participants with needed clarity regarding exemptions and industry-specific fees so that each party understands their responsibility to collect and remit sales and use taxes.	
HB 723 By: Patterson Button Johnson, Julie Turner, J Shaheen	Relating to a notice of a modification to the medical certification information on certain death certificates.	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	In current Texas law, next of kin do not have to be informed when a change is made to an individual's death certificate. This has led to some families learning upsetting information regarding the death of a loved one as well as insecurity about changes being made without their knowledge. In response, HB 723 will require that next of kin be informed by the Department of State Health Services when a person requests an amendment be made to a non- pending death certificate. This bill furthers transparency and will ensure that families are kept aware of any changes surrounding a loved one's cause of death.	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 39 By: Neave Cook Moody Morales Shaw	Relating to protective orders; making conforming changes.	Juvenile Justice and Family Issues 9 Ayes, 0 Nays, 0PNV, 0 Absent	Domestic violence (DV) has been an issue Texas has attempted to address as an important matter of public safety. However, during the COVID-19 pandemic, there has been a noticeable increase in DV cases. A UT Dallas study found that stay-at-home precautions left children and adults who are experiencing DV stuck in a cycle of violence with their abuser. In response, HB 39 will ease the process of obtaining a protective order as well as expand who can seek a protective order by: <ul style="list-style-type: none"> • Clarifying that protective orders are civilly and criminally enforceable regardless of court findings of abuse or likely abuse. • Allowing judges to issue default orders if an individual is served an application for a protective order along with a notice of a hearing and they do not appear if there has been a proof of service received. • Adding additional items that a person may cite as grounds for seeking an application for a protective order. Specifically, survivors of human trafficking and individuals compelled into prostitution are now grounds to seek a protective order. • Denying a parent or legal guardian the ability to petition the court to rescind a protective order if they are the alleged offender, subject to that order. • By request of the survivor, authorizing any adult to file for a protection order if they are acting on or on behalf of a child or an adult ward who is a survivor of the offense of trafficking of persons, continuous trafficking of persons, continuous sexual abuse of a young child or children, indecency with a child, sexual assault, aggravated sexual assault, stalking, or compelling prostitution. It also authorizes a prosecuting attorney acting on behalf of a person to file for a protection order. • Dictating that under the Texas Disciplinary Rules of Professional Conduct (TDRPC) that the survivor has the right to be informed that the attorney representing the state is generally required to file an application for a protective order if the offender is convicted of or placed on deferred supervision for the offense. Also, under the TDRPC, the survivor has the right to be informed when the attorney representing the state files for a protective order on the behalf of the survivor of certain offenses. <p>This bill addresses barriers that make it difficult for survivors to gain proper protections. It will further ensure the safety of adults and children across Texas who are survivors of DV.</p>	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org



<p>HB 780</p> <p>By: Oliverson Zwiener Howard</p>	<p>Relating to the establishment of a bone marrow donor recruitment program.</p>	<p>Public Health</p> <p>9 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>Bone marrow is a lifesaving element in the treatment of cancers and serious diseases. There is an increasing awareness of the significant struggle to find a bone marrow match, especially for racial and ethnic minorities.</p> <p>HB 780 will require the Department of State Health Services (DSHS) to create the Bone Marrow Recruitment Program, which will serve as an educational and advocacy resource for Texans about the Be the Match Registry,” the national bone marrow registry. HB 780 also requires DSHS, in consultation with the Be the Match Registry, to create written educational resources and electronic resources. HB 780 permits the electronic resources to be available on the DSHS website as well as the Department of Public Safety’s website. These resources will be made available to health care facilities, blood banks, and driver’s license offices to spread awareness about the program.</p> <p>HB 780 will improve the process of finding viable bone marrow matches as well as increase the awareness of Texans regarding the need for bone marrow donations.</p>	<p><u>Favorable</u></p> <p>Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>
<p>HB 2586</p> <p>By: Thierry</p>	<p>Relating to an annual audit of the independent organization certified for the ERCOT power region.</p>	<p>State Affairs</p> <p>Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>HB 2586 orders the Public Utility Commission to conduct an annual and independent audit made of the state’s independent grid operator, known as ERCOT. The audit must consider the operator’s financial condition and its assets’ compliance with PUC standards. The PUC must submit the audit’s results to the legislature and the public.</p> <p>ERCOT’s operations are ultimately funded by everyday Texan’s electricity bills. Annual audits would promote the organization’s accountability to its funders, especially as its mismanagement has become evident following the grid failure during the recent winter storm.</p>	<p><u>Favorable</u></p> <p>Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>HB 1264</p> <p>By: Bell, Keith Cain Harless</p>	<p>Relating to the time for making required reports of deceased residents of this state to a voter registrar and to the secretary of state.</p>	<p>Elections</p> <p>9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Currently, county death officials create a monthly abstract of recently deceased residents to report to the Secretary of State (SOS) and the county voter registrar to provide them a list for their removal of the deceased from voter rolls once every month within ten days of the following month. Additionally, the SOS’s office currently maintains and syncs voter registration rolls with county elections offices. This system has demonstrated success in keeping voter registration rolls timely and accurate with no evidence of fraud committed.</p> <p>HB 1264 would expedite removing deceased Texans on voter rolls by shortening the time frame for reporting the abstract of deaths to be within seven days after the abstract is compiled monthly. This new timeline could be burdensome for counties during the busy period right before elections due to insufficient staff capacity. Inevitably, until we have online voter registration, such situations will continue to pose challenges for diligent local election officials.</p>	<p><u>Will of the House with Concerns</u></p> <p>Evaluated by: Joy Fairchild (713) 817-3842 Joy@TexasLSG.org</p>