



TEXAS LEGISLATIVE STUDY GROUP

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Desk:

| LSG Floor Report For GENERAL STATE CALENDAR- Wednesday, May 12, 2021 | | | | |
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| <p>HB 3925 By: Collier Cain Thompson, Senfronia Krause Leach</p> | <p>Relating to pedestrian use of a sidewalk.</p> | <p>Transportation Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Currently, it is a violation of Texas transportation code for pedestrians to walk on the right side of the road if there is no sidewalk or if the sidewalk is obstructed. The recent winter storm made many sidewalks impassible and at least one arrest was made due to this overly prescriptive mandate.</p> <p>HB 3925 no longer requires a pedestrian walking along and on a highway for which an adjacent sidewalk is not provided to walk on the left side of the roadway or the shoulder of the highway facing oncoming traffic.</p> <p>This bill is an important step to decrease encounters with law enforcement officers that criminalizes average behavior.</p> | <p>Favorable Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org</p> |
| <p>HB 1306 By: Swanson Dominguez Pacheco</p> | <p>Relating to increasing the criminal penalty for assault or aggravated assault of a process server.</p> | <p>Criminal Jurisprudence Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent</p> | <p>Process servers play a vital role in the judicial process. Still, they face risk due to the nature of their job duties, including interactions with an accused person who may have committed prior offenses. Recently, there are instances when process servers are assaulted while carrying out their essential job duties. Although there are codified laws to cover such assaults, HB 1306 seeks to implement further safeguards to deter violence against process servers by aligning penalties with assault of public servant offenses.</p> <p>Currently, assault offenses result in a Class A misdemeanor. HB 1306 will enhance the offenses against process servers to a third-degree felony for knowingly engaging in an assault or retaliating against a process server while conducting judicial business.</p> <p>While HB 1306 could improve the prosecutorial response of assault by increasing penalties, there are concerns around the term knowingly. Given that process servers often dress in plain clothing to prevent an accused person from avoiding interaction, only possess a badge or license to reinforce their job-related identity. The Castle Doctrine allows Texans to protect their homes from intruders,</p> | <p>Will of the House Evaluated by: Audrey Erwin (928)210-4303 Audrey@TexasLSG.org</p> |

OK for Distribution - Rep Garnet Coleman

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| | | | and without requirement of an official uniform or a definitive way to properly identify process servers - the offense is likely to result in litigation because an actor may not know the individual is a process server. | |
| HB 1754 By: Hernandez | Relating to the inclusion of suicide prevention information on certain student identification cards issued by a public school. | Public Education Votes: 10 Ayes, 2 Nays, 0 PNV, 1 Absent | Suicide is the second leading cause of death among high school-aged youths and the 10th leading cause of death overall in the United States. Concerns have been raised that the state must do more to fight against the high suicide rate among Texas youth. In the wake of the global pandemic, suicide attempts and ideation rates have reportedly increased. HB 1754 seeks to address this issue by mandating that public schools include the contact information for the National Suicide Prevention Lifeline on all student identification cards for grades six through twelve. The requirement would take effect in the 2022-23 school year. HB 1754 would increase access to mental health services for students in dire need, potentially saving the lives of our most vulnerable students. | Favorable Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org |
| HB 2001 By: Canales | Relating to procedures and practices governing the appeal of a disciplinary action within the Department of Public Safety. | Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent | Department of Public Safety officers can appeal disciplinary actions in hearings provided by the Public Safety Commission, but they are not guaranteed the right to provide testimony and evidence. Current law also does not allow charges to be modified based on hearing results. HB 2001 codifies the right of law enforcement officers to provide testimony and evidence in a disciplinary appeal and amends current law to allow disciplinary actions to be modified as a result of an appeal hearing. The bill provides a process for discharges to be reinstated and for officers to receive back pay for the period of time before a discharge was modified or set aside based on information from evidence presented in a hearing. | Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org |
| HB 2147 By: Allen | Relating to the punishment for the offense of driving while license invalid. | Homeland Security & Public Safety Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent | The penalty for driving without a valid license enhances from a fine-only Class C misdemeanor to a Class B misdemeanor, which can include up to six months in jail and a \$2,000 fine if the individual has been previously convicted of the same offense or is also driving without insurance. This impacts thousands of individuals each year, and some receive harsher penalties because they could not afford expensive minor driving infractions. HB 2147 would repeal the Class B misdemeanor enhancement for driving without a valid license, as this offense results in unreasonably harsh penalties for a minor infraction. This measure could prevent Texans from accumulating long-lasting debt and criminal penalties, prevent the unnecessary expenditure of taxpayer dollars on incarcerating such individuals, and free up space in the court system to focus on more serious offenses. | Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org |
| HB 2027 | Relating to the allocation of low | Urban Affairs | The Texas Department of Housing and Community Affairs (TDHCA) Housing Tax Credit Program (HTC) is one of the primary means of directing private capital toward the development and | Favorable Evaluated by: |



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| <p>By: Cortez</p> | <p>income housing tax credits.</p> | <p>Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent</p> | <p>preservation of affordable rental housing for low-income households. There is a statewide shortage of quality, affordable housing for retirees, veterans, and low-income families that has been compounded by the COVID-19 pandemic.</p> <p>HB 2027 revises governing provisions related to the low income housing tax credit program for private activity bond program by:</p> <ul style="list-style-type: none"> • repeals the requirement that a county or municipality hold a hearing where the public may comment on the application. • requires each applicable governing body to submit a certification that it has been provided the required notice of the intent to file an application and granted sufficient opportunity to obtain a response regarding any questions or concerns. • removes a statement that the governing body does not object to the proposed application from the items documented by the applicable governing body. <p>HB 2027 authorizes the governing board of TDHCA to approve an application without receiving each required certification if after the 60th day since notice the applicant submits to TDHCA a certification stating sufficient opportunity has been given for the governing body to ask any questions or state concerns.</p> <p>These changes to the low income housing tax credit program enable developers to continue on with their projects even if their attempts to reach out to local leaders are being ignored. This does not remove a developer's obligation to notify government officials or the neighborhood they are building in. Simply, it allows low income housing tax credit recipients to be able to build in the same fashion as other developers. Increasing the supply of affordable housing and providing more flexibility for developers creates diverse and vibrant communities where all Texans can have the healthy lives and housing they deserve.</p> | <p>Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p> |
| <p>HB 2081 By: Reynolds Beckley</p> | <p>Relating to motor vehicle accidents involving a pedestrian or other vulnerable road user within the area of a crosswalk; creating a criminal offense.</p> | <p>Transportation Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>In Texas, pedestrian deaths account for 1 out of 5 traffic fatalities. In 2019 5,952 pedestrians were involved in crashes and 656 died, a 5% increase from 2018. Currently, there are no laws in Texas criminalizing injury to a pedestrian. The absence of accountability mechanisms emboldens a culture of reckless driving.</p> <p>HB 2081 creates an offense when a person driving a car negligently through a crosswalk causes bodily injury to a pedestrian or a person operating a bicycle, electric personal assistive mobility device, or golf cart. This offense is a Class A misdemeanor, unless the person hit suffers serious bodily injury, in which case the offense is raised to a state jail felony. A person may be prosecuted under this section or if applicable, any other law, or in combination. This bill allows an affirmative defense to prosecution if the pedestrian involved is not in a crosswalk.</p> | <p>Favorable Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org</p> |



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| | | | HB 2081 will help reduce instances of pedestrian involved crashes by creating serious accountability measures for harming walkers in Texas. | |
| HB 4487 By: Rosenthal | Relating to measures to facilitate the successful completion of degree and certificate programs by certain adult learners at public institutions of higher education. | Higher Education Vote: 6 Ayes, 2 Nays, 0 PNV, 3 Absent | <p>Currently, there are concerns about adult learners successfully completing their degree or certification programs, especially following the loss of jobs resulting from the COVID-19 pandemic. HB 4487 rectifies this by incentivizing adult learners to complete their programs and incentivizing higher institutions to help them.</p> <p>HB 4487 requires the Texas Higher Education Coordinating Board (THECB) to provide a grant to each “adult learner” enrolled in a bachelor’s, associate’s, or certificate program at a public higher education institution. The grant will equal 25% of the statewide average for full time tuition and fees per semester. The bill provides parameters for who is considered an “adult learner” under its provisions. Public higher education institutions will receive incentive funding for the 2023-2025 fiscal biennium based on the number of adult learners that received a bachelor’s, associate’s, or certificate in a target field or completed a specific program in the 2021-2023 biennium. THECB must collaborate with other higher education programs to establish the Grad TX program, providing support for adult learners to acquire profitable skills or complete their degree or certification programs.</p> <p>THECB is required to collaborate with participating Texas WORKS internship program employers to ensure employers prioritize adult learners in the final semester of their program, and that adult learners employed through the program receive an additional \$2,500 stipend. Internship opportunities through Texas WORKS must be certified by THECB to count as course credit applicable to the degree or certificate program.</p> <p>The bill establishes a \$50 million funding cap and authorizes THECB to accept gifts, grants, and donations from private and public sources. If THECB predicts they will go over the cap, they must reduce amounts of grants, incentive awards, or stipends. Implementing a provision in this bill is only mandatory if general revenue funds are appropriated for that provision. THECB is required to compile an annual report about the status and effectiveness of the program to the governor, the lieutenant governor, and the speaker of the House of Representatives.</p> | Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org |
| HB 2339 By: Klick | Relating to the use of information from the lists of noncitizens and nonresidents | Elections Votes: 5 Ayes, 3 Nays, | Racially motivated concerns about noncitizens voting in the 2020 election have been widely disproven and have yet persisted at the state level in Texas. HB 2339 requires a county clerk to send a monthly list of people excused from jury duty related to county of voter registration, citizenship status, or death to the voter registrar, Secretary of State, and either district or county attorney or Attorney General. | Unfavorable Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org |



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| | excused or disqualified from jury service. | 0 PNV, 1 Absent | <p>HB 2339 also requires the Secretary of State to submit to the Attorney General of Texas a quarterly review of the list of jurors who are ineligible because of citizenship, residency outside of the county they are registered to vote in, or because they are deceased. On this review the AG will check for potential offences of a person inaccurately applying to be a registered voter and may remove individuals from voter rolls.</p> <p>This bill has the potential to disenfranchise voters with common names and those who are recently naturalized citizens, who are overwhelmingly people of color. Texas has a shameful history of voter purges based on weak matches to voter rolls that have ended in the state losing hundreds of thousands of dollars in court costs and decreasing trust from voters.</p> | |
| HB 2179 By: Moody | Relating to trusts. | Judiciary & Civil Jurisprudence Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent | <p>The Real Estate, Probate, and Trust Law section of the State Bar of Texas has made suggestions to remedy confusing standards and procedures regarding trusts and the gap in law on homestead exemption qualifications.</p> <p>HB 2179 amends the Property Code by providing revisions to the definition of qualifying trust to conform qualifying language for both homestead protection and homestead exemption. HB 2179 amends the Trust Code regarding the power of appointment someone may have in a testimony document to provide clarifying language ensuring Texas is following the Restatement 2nd of Property. The bill also clarifies that when decanting a trust, or turning one trust into another trust, it is permissible to use the same name and tax identification number for identification purposes. Additionally, the bill provides guidance as to when a judge should appoint an attorney ad litem to represent the interest of a minor or incapacitated person in a trust.</p> <p>These changes represent needed technical revisions, clarification, and updates for applicable statutes.</p> | Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org |
| HB 2384 By: Sherman, Sr. | Relating to measures to improve community supervision outcomes. | Corrections Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent | <p>Current community supervision (CS) measures are outdated and need to be updated to include best practices and ensure the best outcomes for the defendant. HB 2384 states that the community justice assistance division (CJAD) shall allow the community supervision and corrections department (CSCD) to implement reporting intervals for defendants, determined by risk. The CJAD shall also prepare and make available documents that provide guidance and assistant departments and judges in determining the best practices for the use of progressive sanctions and implement an online technical assistance library.</p> <p>HB 2384 includes that the CJAD provides and receives training or prioritizes the implementation of innovative methods. Additionally, CJAD may provide grants to departments to employ specialists. The bill adds that CJAD must submit an annual report that includes CS outcomes, revocation rates, the</p> | Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org |



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| | | | proportion of terminations, the number of motions to adjudicate or revoked CS, and a detailed summary of efforts to reduce the county's revocation rate. These updates will provide better CS outcomes which better-equipped defendants with the resources they need for success. | |
| HB 2409 By: Dean Guillen Howard Klick | Relating to the waiver of requirements for removing a person's license from inactive status during a state of disaster. | Public Health Vote: 8 Ayes, 2 Nays, 0 PNV, 1 Absent | <p>During the COVID-19 pandemic, Governor Abbott waived certain licensing regulations permitting inactive and retired nurses to help overwhelmed hospitals. Even as Texas continues to recover from the pandemic, there is still a shortage of nurses available in the state. HB 2409 establishes an effective tool to be used in times of crisis.</p> <p>HB 2409 requires the Texas Board of Nursing (BON) to waive the required fee and continued education for inactive licenses to become active. This waiver is restricted to the specific circumstances of preventing a nursing shortage during a disaster, and only for licenses that have been inactive for 4 years</p> | Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org |
| HB 2416 By: Gervin-Hawkins Patterson | Relating to the recovery of attorney's fees as compensatory damages for certain claims. | Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent | <p>In the 2013 In Re Nalle case, the Texas Supreme Court held that attorney's fees awarded to a prevailing party are "costs" not "damages" under a Commercial-General-Liability (CGL) insurance policy, meaning that insurance would no longer cover them. This ruling causes confusion and potentially exposes contractors due to uncertainty on how fees would be recovered by the prevailing party. This uncertainty also impacts cases being settled and cases being tried for breach of construction contracts.</p> <p>HB 2416 allows a party to recover reasonable attorney's fees from an individual, corporation, or other entity from as compensatory damages for breach of construction contracts but would not create or imply a new separate cause of action or independent basis to recover attorney's fees. HB 2416 provides certainty about whether breach of contract claims for construction are covered by general liability insurance, which has always been the case.</p> | Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org |
| HB 2710 By: Bowers | Relating to an exemption to the cancellation of a water right for nonuse. | Natural Resources Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent | <p>Because much of the state's surface waters are diverted for private use, conservation must be incentivized to maintain natural habitats and the state's water supply. To retain water for public use, water rights permits may be wholly or partially canceled when the permit-holder does not use the entire permitted amount after ten years, with some exceptions - typically for nonuse related to long-term public water supply or electric generation needs.</p> <p>HB 2710 adds an exception for when nonuse results from a voluntary forbearance agreement to promote instream flow restoration, preservation, or enhancement. Such an agreement, typically entered by agricultural interests, allows another entity to lease or temporarily purchase water rights for another use and can increase the water right's value. The bill allows permit-holders to participate in conservation practices to support the state's natural resources without losing their right to use their permitted water in the future.</p> | Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org |



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| <p>HB 2696</p> <p>By: Morrison Harless</p> | <p>Relating to eligibility for a loan under the disaster recovery loan program.</p> | <p>Homeland Security & Public Safety</p> <p>Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>The disaster recovery loan account was created to provide short-term relief loans to eligible political subdivisions, administered by the Texas Division of Emergency Management (TDEM). The COVID-19 pandemic and Winter storm Uri made apparent that overly burdensome eligibility requirements are barriers to political subdivisions in need, particularly damaged infrastructure being a prerequisite to receiving a loan.</p> <p>HB 2696 removes the requirement for a political subdivision to submit a loan application with the Federal Emergency Management Agency (FEMA) prior to applying with TDEM. The bill also removes the 15-day deadline for a political subdivision to submit its most recently adopted operating budget.</p> <p>HB 2692 expands the types of qualifying estimated disaster and recovery response costs for loan eligibility by requiring TDEM to determine eligibility based on the estimated cost of appropriate disaster response. In the wake of two declared statewide disasters, many cities, towns, and counties need relief to properly recover, but do not qualify for the TDEM program. New eligibility requirements will allow these entities to receive much needed aid.</p> | <p>Favorable</p> <p>Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p> |
| <p>HB 2182</p> <p>By: Moody</p> | <p>Relating to decedents' estates and the delivery of certain notices or other communications in connection with those estates or multiple-party accounts.</p> | <p>Judiciary & civil Jurisprudence</p> <p>Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent</p> | <p>The Real Estate, Probate, and Trust Law section of the State Bar of Texas suggests that changes are needed to clarify procedures surrounding the disposition of decedents' estates, and HB 2182 serves as a cleanup bill. In response to the COVID-19 pandemic, attorneys started using unsworn declarations in lieu of affidavits, but many county clerks were not recognizing these declarations. HB 2182 addresses this by allowing the use of unsworn declarations to be filed in lieu of a sworn oath.</p> <p>HB 2182 expands on acceptable means of providing notice to allow certified mail, hand delivery by courier, or private delivery service designated by the U.S Secretary of Treasury. The bill provides clarity on which community property assets of a married couple are subject to a creditor claim if a spouse dies, and that the requirement for listing estate property is only applicable to property subject to the court's jurisdiction. HB 2182 includes a provision allowing the parents of anyone under the age of 16 to waive citation requirements on their behalf, and if an individual is over the age of 16, they may waive their own citation rights in proceedings to probate a copy of a written will not produce in court. This change increases the current legal age of 12 years old to waive citation requirements. HB 2182 would remove the requirement for an applicant to provide the last three digits of their social security number and their driver's license number for probate will application and clarifies an affidavit of heirship can serve as testimony in a proceeding to declare heirship.</p> | <p>Favorable</p> <p>Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p> |
| <p>HB 2776</p> <p>By: Deshotel</p> | <p>Relating to municipal release of extraterritorial</p> | <p>Land & Resource Management</p> | <p>West Rim is a small subdivision near lake Austin with about 95 homeowners. Most of the homes in this community are located in Austin's extraterritorial jurisdiction (ETJ) outside the city limit,</p> | <p>Will of the House</p> <p>Evaluated by: Victoria McDonough</p> |



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| | <p>jurisdiction and disannexation involving certain areas.</p> | <p>Vote: 6 Ayes, 2 Nays, 0 PNV, 1 Absent</p> | <p>whereas a few are within Austin city limits. Some West Rim community members claim they are not being provided city services and want to deannex from the City of Austin.</p> <p>HB 2776 authorizes registered voters in a municipality’s ETJ to petition for release from the municipality if the area is subject to legal determination that the municipality failed to provide adequate services. Once the petition is filed, it authorizes a majority of the registered voters in an adjacent area to petition the municipality to release the or de-annex the area from the ETJ. Once the petition is validated, the governing body of the municipality shall order the area to be released. The bill allows the same procedures for when an area is seeking disannexation.</p> <p>HB 2776 is based partially on claims that the Austin Police Department (APD) does not provide full or adequate services to the area of West Rim, but these claims were disputed to reveal the opposite is true based on APD data. This would also place barriers on Austin Fire Department’s ability to plan for long-term growth and investment.</p> | <p>(251)422-0558 Victoria@TexasLSG.org</p> |
| <p>HB 2438 By: Meyer</p> | <p>Relating to a limitation on property tax rates for municipalities that adopt budgets that defund municipal police departments.</p> | <p>Ways & Means Vote: 8 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>HB 2438 seeks to penalize cities that reallocate or reduce their police budgets, likely in response to widespread yet controversial calls for police reform to address systemic racism and reimagine more equitable and effective methods of promoting public safety.</p> <p>To do so, the bill classifies a municipality with a population greater than 250,000 that adopts a budget reducing appropriations to their police department in comparison with the previous one or two years as a defunding municipality, upon which the governor’s office must issue a written determination of the finding. Municipalities are not considered defunded if the percentage reduction does not exceed that of the total budget. Municipalities are also not considered defunded if they apply for and receive approval from the governor’s office regarding police department budgetary reductions for reasons related to capital expenditures, disaster response, or other approved justifications. The determination will continue until a written determination is issued by the division stating the municipality has undone the reductions and adjusted for inflation. The governor’s office division must publish the applicable inflation rate for each fiscal year.</p> <p>HB 2438 prohibits a defunding municipality from adopting a tax rate exceeding their no-new-revenue rate or voter-approval rate for that tax year. If a municipality is identified as defunding their budget on or after September 1st, 2021, they may not adopt a tax rate exceeding the least of their no-new-revenue rate or voter approval rate for that tax year or one or two years prior. To calculate a municipality’s unused increment rate in a defunding year, the difference between their actual tax rate and voter-approval rate are considered zero and will no longer be considered defunded after the governor’s office issues the previously mentioned written determination.</p> | <p>Unfavorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p> |



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| | | | <p>This bill exemplifies state overreach in local governments’ budgetary decisions. The governor’s office does not have the same insight to local issues like policing and budget decisions as local leaders and should not have the power to dictate this one-size-fits-all approach to spending local dollars. It is not fair to assume that higher police budgets equate to improvements in public safety, especially for overpoliced communities actively harmed by the increased presence and militarization of law enforcement. This bill fails to consider public safety improvements that could be gained from reallocating mental health crisis response and forensic lab testing to more suitable parties and investing in alternative methods of crime reduction such as community development and support services. Its provisions could harm the very residents it is purporting to protect by decreasing funds available for local needs.</p> | |
| <p>HB 2675 By: Guillen Morales, Eddie Toth</p> | <p>Relating to a license to carry a handgun for a person who is at increased risk of becoming a victim of violence.</p> | <p>Homeland Security & Public Safety Vote: 7 Ayes, 1 Nay, 0 PNV, 1 Absent</p> | <p>HB 2675 establishes an at-risk designation on a handgun license for people at increased risk of experiencing violence, allowing them to obtain an expedited handgun license through a process administered by the Department of Public Safety. Eligible participants include those with protection orders and their family and household members, or participants in the attorney general’s address confidentiality program. People would apply for the designation by applying with DPS including evidence of increased risk and any other information they may require. Current license holders can submit a renewal request alongside a designation application, and non-license holders must also apply for a license to carry alongside the designation request.</p> <p>People with the at-risk designation must annually certify their qualifications for the designation, including any information needed for verification. Those who no longer qualify are required to inform DPS immediately and DPS must also notify a person who is determined to be no longer eligible for the designation. DPS must then issue that person a duplicate license to carry, and the inapplicable designated license must be turned over. The agency is prohibited from charging a fee for issuing a duplicate license with the designation or for issuing a non-designated duplicate license if someone no longer qualifies and may only charge a license fee for new applications.</p> <p>The bill sets out provisions for DPS to expedite the license-issuing process for at-risk designation applicants with their completed application materials and prohibits the agency from charging any associated extra fees. DPS failing to issue or deny a license for more than 30 days equates to an application denial, regardless of whether the applicant was eligible for expedited processing associated with the at-risk designation. DPS is prohibited from accepting an at-risk designation application before January 1st, 2022, and the bill only applies for completed license application materials received on or after that date.</p> | <p><u>Favorable with Concerns</u> Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p> |



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| | | | Concerns are related to introducing guns into highly stressful and intense situations. Additionally, DPS is currently backlogged with existing License to Carry applications and introducing this new process without being able to charge any fees seems likely to cause an expensive administrative burden. | |
| HB 2740 By: Lopez Morales, Eddie | Relating to the posting of certain business and occupational licensing information on state agency websites and the Texas Veterans Portal. | Defense & Veteran Affairs Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent | Concerns have been raised that military service members, their spouses, and veterans have difficulty locating information relating to occupational licensing provisions provided to them. The information is often fragmented across several state agency websites. HB 2740 requires any state agency that issues an occupational license to post on its website a list of licenses the agency issues either prominently on its homepage or on a single page of the website with a prominent link on the homepage. A description must be provided of the type of business or occupation covered by each license, along with a description of licensing provisions applicable to recipients of military service and veteran benefits. The agency must provide a direct link to the information on the Texas Veterans Commission (TVC). The TVC must then post the links on a single page of the Texas Veterans Portal for members to use. The Texas Veterans Portal is a centralized website that connects veterans to benefits and services available to them. Including occupation licensing provisions would centralize all the various options for veterans from across websites, making the process of locating a specific provision more efficient. | Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org |
| HB 1467 By: Jetton | Relating to property owners' association annual meetings held electronically. | Business & Industry Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent | Property owners' associations (POAs), commonly known as homeowners' associations, are sometimes required to register with the Secretary of State and implement procedural bylaws for things like board meetings, board elections, and rule enforcement. HB 1467 seeks to update statutes related to POA's required annual meetings of association members to provide for remote participation, which has become essential for accessibility to open meetings across public and private entities during the COVID-19 pandemic. This bill clarifies that a POA's annual meeting may be held by any method of communication, including electronic or telephonic means, so long as all members are provided notice and instruction and all attendees can hear and be heard. It clarifies that an owner must be allowed to vote for board members or association initiatives by one of three methods, which must now include electronic ballots along with currently authorized absentee or proxy voting. These provisions will modernize POA annual meeting guidelines to align with those of other POA meetings and provide for more accessible participation. | Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org |
| HB 2889 By: Meyer Burrows | Relating to the calculation, collection, and remittance of state | Ways & Means Vote: | Under current law, hotel occupancy taxes (HOT) are collected based on the price of a hotel room, and all travel services (online or brick-and-mortar) calculate, assess, collect, and remit the taxes in the same way. Some have argued the room price should include additional elements not currently assessed for HOT collection, such as charges for cleaning, readying the room, furniture rental charges, and charges for reserving or booking the room. However, multiple Texas court cases have | Unfavorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org |



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| | hotel occupancy taxes. | 11 Ayes, 0 Nays, 0 PNV, 0 Absent | <p>recently reviewed the current HOT calculation and concluded that taxes are already assessed, collected, and remitted appropriately.</p> <p>HB 2889 redefines the hotel room price base to include charges for cleaning, readying the room, furniture rental charges, and reservation or booking charges. Expanding this category of economic activity will create a new tax by significantly increasing the tax base for which the HOT is already assessed in the travel industry. The bill also allows an exemption from collecting and remitting HOT if a person who collects hotel room payment for other reports annual gross receipts that are \$250,000 or less, which will realistically apply to very few businesses.</p> <p>The travel sector was hit hardest by COVID, with air travel, hotel accommodations, and rental car sales plunging 60-70-80 percent or more. The estimated \$67 million tax increase would negatively impact travel agencies, many of which are small businesses with fewer than five employees. Now is a particularly bad time to assess a new tax on the travel industry, which may not fully recover to pre-COVID markets for several years.</p> | |
| HB 2894 By: Holland | Relating to participation in the comptroller's contracts for travel services. | State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent | <p>State agencies must and certain other government entities may participate in the comptroller's system of procuring statewide contracts for travel services, which lowers the cost for all participating entities. HB 2894 expands the list of entities that may participate to include "qualified cooperative entities," specifically:</p> <ul style="list-style-type: none"> • local governments, specifically a county, municipality, special district, school district, junior college district, or local workforce development board. • a community center for mental health and intellectual disabilities that receives state funds. • an assistance organization that receives any state funds; and • any political subdivision. <p>The bill also removes language authorizing the comptroller to charge certain local entities a fee for participating in statewide contracts for travel services. These provisions will promote cost savings across a broader range of entities that operate using public funds.</p> | Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org |
| HB 3126 By: VanDeaver Guillen | Relating to the health care providers authorized to examine a person to determine whether the person is | Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, | <p>Texas guardianship cases require the proposed ward to have a medical examination performed by either a psychiatrist or physician. Rural Texans have difficulty obtaining medical examinations due to some counties in Texas having neither a psychiatrist nor a physician.</p> <p>HB 3126 would allow an advanced practice registered nurse (APRN) acting under a physician's delegation authority and supervision to perform medical evaluations for courts making a guardianship determination. Under the bill, the opinion of the APRN's medical evaluation is considered the delegating physician's opinion also.</p> | Favorable, with Concerns Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org |



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| | incapacitated for purposes of certain guardianship proceedings. | <input type="radio"/> PNV, <input type="radio"/> Absent | <p>HB 3126 would allow rural Texans to have medical examinations performed without the hassle of extensive travel. However, there is concern that an APRN under the doctor’s supervision could still sign off on medical evaluations. Additionally, there is no requirement for the APRN to obtain specialized training in identifying intellectual disabilities before they assume this role. This could lower assessment quality for a proposed ward, and before the court takes away someone’s rights, there should be a qualified professional offering evidence.</p> | |
| HB 3985 By: Huberty | Relating to the offense of providing an alcoholic beverage to a minor; increasing a criminal penalty. | <p>Licensing & Administrative Procedure</p> <p>Vote: <input checked="" type="radio"/> Ayes, <input type="radio"/> Nays, <input type="radio"/> PNV, <input type="radio"/> Absent</p> | <p>Providing alcohol to minors can cause tragic incidents that hurt Texas families. Concerns have been raised that the penalty is not severe enough for providing alcohol to underage people when those actions result in their death.</p> <p>This bill enhances charges for providing alcohol to a minor who later dies as a result of intoxication from a Class A misdemeanor to a 3rd degree felony. The bill removes the requirement for a minor to be criminally negligent but maintains criminal negligence for adults providing alcoholic beverages to minors. This change means that regardless of what the minor does, an adult could be prosecuted if they provide alcohol to a minor in any manner.</p> <p>This change would allow easier prosecution for negligent adults who provide alcohol to an underage person, potentially deterring crimes resulting in tragedy and bringing closure to families of victims.</p> | <p>Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p> |
| HB 3255 By: Sanford | Relating to capital stock requirements for certain insurance companies. | <p>Insurance</p> <p>Vote: <input checked="" type="radio"/> Ayes, <input type="radio"/> Nays, <input type="radio"/> PNV, <input type="radio"/> Absent</p> | <p>Currently, shareholder-owned insurance companies are required to issue at least 50% of their common stock, totaling at least \$250,000, before being granted a charter. This allows shareholders significant oversight over the company’s board, theoretically providing the public with greater voice and accountability in the company’s operations.</p> <p>HB 3255 would remove this 50% threshold, which is argued to be outdated, and instead only require that insurance company shareholders own a total amount of at least \$250,000 in shares before the company is granted a charter. It has been suggested that this amount adequately protects consumers.</p> | <p>Will of the House Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p> |
| HB 3266 By: Raymond Guillen | Relating to personal contact information submitted by certain local officials to the Texas Division of Emergency | <p>Homeland Security & Public Safety</p> <p>Vote: <input checked="" type="radio"/> Ayes, <input type="radio"/> Nays, <input type="radio"/> PNV,</p> | <p>Recommendations from the Texas Division of Emergency Management (TDEM) included having city officials submit their contact information to TDEM and their local health authority for use during a declared disaster or state emergency. This currently is not in place and would have aided in the coordination of relief efforts during the winter storm and the COVID-19 pandemic.</p> <p>HB 3266 requires each city manager, mayor, county judge, and director of a municipalities or county’s local health department to submit their contact information to TDEM. Additionally, each</p> | <p>Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p> |



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| | Management and local health departments. | 0 Absent | city manager, mayor, and county judge are to give their contact information to their local health authority. | |
| HB 318 By: VanDeaver Cain | Relating to the prohibition of certain employment discrimination regarding an employee who is a volunteer emergency responder. | Business & Industry 6 Ayes, 0 Nays, 0 PNV, 3 Absent | HB 318 prohibits an employer with more than 20 employees, including state and local government entities, from terminating, suspending, or discriminating against an employee based on their service as a volunteer emergency responder, even if responding to an emergency causes them to be absent or late to their workplace. Wrongfully terminated employees are entitled to reinstatement, lost wages, and may bring civil action against the employer. This bill does limit the number of days an employee may be absent for these purposes to fourteen per calendar year and requires the employee make reasonable efforts to notify their employer of absences or tardiness. It further permits an employer to reduce the employee's wages for taking authorized absences to serve as an emergency responder or to require that the employee use existing vacation, personal, or compensatory leave time for an absence authorized by this chapter. The bill maintains state-employed volunteer emergency responders' right to attend certain training without a deduction in salary. HB 318 will protect volunteer emergency responders from losing their jobs for providing needed emergency response services. It additionally provides the flexibility to permit employees to serve their community without causing employers to suffer from their absence financially or operationally. | Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org |
| HB 3941 By: Guillen | Relating to surcharges imposed for the use of a credit card. | Business & Industry Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent | In 2018, a federal district court found the state's provision prohibiting a surcharge on credit card transactions to be unconstitutional. Recognizing this determination, HB 3941 corrects the code to ensure state statute adheres to constitutional rights. HB 3941 will repeal the prohibition of a person selling goods or services from applying a surcharge on a credit card transaction. The bill will make conforming changes to align the code with the repeal. | Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org |
| HB 3110 By: Meyer Hunter Johnson, Ann | Relating to possession or promotion of child sexual abuse material; increasing a criminal penalty; changing | Criminal Jurisprudence Vote: 6 Ayes, 2 Nays, | Often the possession or promotion of child pornography indicates sexual exploitation of a child. Given that these images are uploaded to private predatory websites, or within the dark web, causes lifelong revictimization as children are forced to live with the permanency, longevity, and constant circulation of their sexual victimization. HB 3110 aptly renames the offense of possessing or promoting "child pornography" to "child sexual abuse" throughout existing statutes and requires conforming amendments in various codes to be | Will of the House Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org |



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| | eligibility for community supervision | 0 PNV, 1 Absent | <p>consistent with the updated language. Currently, this offense is a third-degree felony and would be enhanced to a second-degree felony, stipulating a 5-year minimum of incarceration. The bill adds that if a defendant is found guilty, they are ineligible for judge-ordered or jury-recommended community supervision in place of imprisonment. HB 3110 further clarifies that if an actor was previously found guilty of this offense, the offense enhances to a first-degree felony- removing the requirement of 2 to 3-subsequent offenses to occur.</p> <p>HB 3110 will deter child sexual abuse by adding increased penalties more adequately the heinous nature of the offense</p> | |
| HB 3601 By: Leach Collier Cook | Relating to automatic orders of nondisclosure of criminal history record information for certain misdemeanor defendants following successful completion of a period of deferred adjudication community supervision. | Criminal Jurisprudence Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent | <p>An order of nondisclosure provides an opportunity for justice-impacted persons to seal their justice involvement records from public access. Current law often exacerbates barriers that require legal assistance to navigate the nondisclosure process, complete required documentation, and pay the associated fee.</p> <p>HB 3601 allows automatic nondisclosure for certain nonviolent misdemeanor cases that result in deferred adjudication community supervision. The bill states that no later than the 15th day of each month, the Department of Public Safety (DPS) shall: review justice-involvement records to identify and compile a list of each Texan that has not received a nondisclosure yet meets the associated criteria. And, based upon findings, provide the applicable Court notice of entitlement and a copy of the list.</p> <p>HB 3601 states that if DPS has not identified an individual eligible for nondisclosure, they may continue with prior statutes that require presentation of evidence to the Court that reinforces eligibility for nondisclosure. If the Court finds that the individual meets qualifications for nondisclosure, the Court will seal their justice-involvement record. HB 3601 attempts to address how financial-related constraints by removing the requirement to pay the associated \$28-fee. By removing the need for Courts to make the initial determination of nondisclosure eligibility, HB 3601 will reduce the Court's current backlog crisis. The bill provides an opportunity for the State to address and mitigate some of the barriers that impact these individuals by automating record relief for eligible Texans.</p> | Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org |
| HB 3331 By: Murr | Relating to solicitation of patients and other prohibited marketing practices and the establishment of the task force | Public Health Vote: 8 Ayes, 2 Nays, 0 PNV, 1 Absent | <p>Patient brokering is when patients are connected to treatment programs or facilities for compensation or kickbacks to the referring entity. There is a call by constituents invested in substance use recovery to expand protections against this and to accurately capture the presence of the patient brokering in Texas.</p> <p>HB 3331 creates the Task Force on Patient Solicitation to study and report on mitigating Treatment Facilities Marketing Act violations or patient solicitation provisions to make recommendations on improving enforcement. The bill identifies the composition of the task force, requires the attorney</p> | Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org |



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| | <p>patient solicitation; increasing criminal penalties.</p> | | <p>general’s office and HHSC to provide requested information, and requires information to remain confidential.</p> <p>HB 3331 expands the definitions of “advertise” and “advertising” to include solicitation or inducement to purchase services through the Internet. Under the expanded definitions, providing false or misleading information about the facility in media advertising or online and providing a link redirecting users to a website containing false or misleading statements or information are considered violations resulting in a minimum civil penalty of \$2000, which is an increase from the current \$1000 penalty.</p> <p>The bill expands conduct that constitutes soliciting patients, failure to disclose a soliciting patient offense, and soliciting patients in the healing arts. Charges for soliciting patients and failure to disclose a soliciting patient are enhanced from a Class A misdemeanor to a state jail felony, and further enhanced to a second degree felony for federal, state, or local government employees or second offenses. Soliciting patients in the healing arts will be raised from a fine only misdemeanor to a Class B misdemeanor.</p> | |
| <p>HB 3430 By: Landgraf</p> | <p>Relating to the establishment of a grant program for school districts or open-enrollment charter school campuses that are designated as full-service community schools.</p> | <p>Public Education</p> <p>Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Factors beyond the classroom setting can greatly impact a child’s academic performance: childcare quality, parental involvement, family finance, and home environment can adversely impact students, especially those in high-poverty schools. To meet the academic needs of Texas students and raise overall achievement, factors outside the classroom must be addressed. HB 3430 addresses factors impacting student success by authorizing schools to operate as a Full Services Community School (FSCS).</p> <p>An FSCS is a partnership between schools and other community resources integrating academics, youth development, family support, health, social services, and community development for improved student learning, stronger families, and healthier communities. HB 3430 establishes a grant program for public school districts and open-enrollment charters schools designated as full-service community schools if the campus provides students, their family members, and community members with comprehensive academic, social, and health services resulting in improved educational outcomes. The bill specifies what services must be provided by a designated campus. The bill also authorizes the commissioner to solicit and accept gifts, grants, and donations from any public or private source for the grant program.</p> <p>The FSCS model recognizes we must support students holistically to truly serve them. HB 3430 provides direction and means for schools to serve students and families, ensuring the development of their community outside school.</p> | <p>Favorable Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org</p> |



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| <p>HB 2769 By: Campos</p> | <p>Relating to the essential knowledge and skills of the technology applications curriculum for public school students.</p> | <p>Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>HB 2769 requires the State Board of Education (SBOE) to approve the Texas Essential Knowledge and Skills (TEKS) for technology application curriculum for kindergarten through grade twelve that includes coding for video games. The bill requires the SBOE to review and revise the existing curriculum as needed to satisfy this requirement no later than December 31, 2022.</p> <p>Technology skills are and will continue to be essential to participate in modern society and thrive in an increasingly technical workforce. Implementing a curriculum in video game coding, a growing industry, at all grade levels will allow students to develop more specialized, in-demand skills.</p> | <p>Favorable Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org</p> |
| <p>HB 3798 By: Minjarez Anderson Stucky Turner, John</p> | <p>Relating to county and municipal housing authority pet policies.</p> | <p>County Affairs Votes: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>There have been many occurrences of certain dog breeds being separated from families in public housing authorities because of their breed alone, as opposed to following existing county or municipal regulations surrounding dangerous dogs. Policies that only consider dog breed to determine danger level as opposed to having a more holistic review of every trait are not as effective. HB 3798 requires the pet policies of county and municipal housing authorities to be consistent with certain laws on dangerous dogs.</p> <p>This bill was introduced due to concerns raised about public housing authorities not enforcing pet policies consistently or equitably. Clarifying this law would promote happier and healthier communities and enable more low-income families to keep their pets.</p> | <p>Favorable Spencer Carruth 512-463-0760 Spencer.Carruth_HC@House.Texas.gov</p> |
| <p>HB 2726 By: Martinez Fischer</p> | <p>Relating to eligibility to serve as a member of a board of directors of certain public improvement districts.</p> | <p>Urban Affairs Votes: 7 Ayes, 2 Nays, 0 PNV, 0 Absent</p> | <p>A public improvement district (PID) is a legal mechanism for property owners in a defined geographic area to jointly plan and implement a sustainable funding source that can pay for a set of services to improve their area. Currently, to serve on the PID board of directors in a district with a population greater than 1,000 in certain counties, a member must reside in the district itself. It has been noted that individuals outside of the PID who do not reside in the district may still have a vested interest in its operation.</p> <p>HB 2726 revises the eligibility criteria for directors of certain PIDs with a population greater than 1,000 to make residency in the district a prescribed qualification. Prescribed qualifications only require one to be fulfilled, so if the individual does not live in the district but meets another prescribed qualification then they are okay to sit on the board. This removes residency in the district as a mandatory requirement allowing individuals who live outside of the district but have a vested interest to sit on the board.</p> | <p>Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p> |
| <p>HB 3969 By: Sanford</p> | <p>Relating to consideration by an insurer of certain insurers' filed rates and</p> | <p>Insurance Vote: 5 Ayes, 4 Nays,</p> | <p>Although uninsured automobile (auto) coverage rates have dropped statewide, insurers express concerns that current provisions offer advantages to County Mutual Insurers (CMIs) over other automobile insurers.</p> <p>HB 3969 adds provisions to the Insurance Code's rate standards by stating:</p> | <p>Will of the House Evaluated by: Chelsea Dalton Pederson 512-661-9708</p> |



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| | factors in setting the insurer's rates. | <ul style="list-style-type: none"> o PNV, o Absent | <ul style="list-style-type: none"> • regardless of existing statutory rate plan prohibitions, an insurer writing personal or commercial automobile (auto) insurance may include in a filing made under this chapter any rating rule, rate variable, or rate classification - similar to CMIs. • if an insurer files in accordance with provisions mentioned above, the insurer shall indicate their associated rates within the required rate filing and reflect any realized cost savings. • the added provisions may not be construed to affect any law relating to the confidentiality or public disclosure of rate filings or TDI's review of rate filings. <p>Given the geographic vastness of Texas, CMIs were created decades ago to ensure sparsely populated regions and underserved Texans can access auto coverage. CMIs are right above the insurer of last resort, Texas Auto Insurance Plan Association (TAIPA), for the auto insurance market. CMIs are required to meet the same coverage standards as other insurers with exceptions from existing law. All auto insurers are required to provide a contribution to TAIPA for their risk coverage, and CMIs require a 3 to 4% surcharge on other insurers to defray costs of writing higher-risk drivers. Surcharges can arise when other insurers request to use CMI existing rate plans to write coverage plans for niche populations. Many states increase premiums for moving violations, but if an insurer does not own a CMI in Texas, they are required to pay CMIs a percentage of the increased premium. Proponents of the bill believe the 26 CMIs constitute a monopoly by requiring 3 to 4% of every \$100 collected from increased coverage premiums for motor violations.</p> <p style="text-align: center;">Rate Filings</p> <p>Insurers file rates once annually and create plans that cover additional rate variables that are required to indicate what the insurer will charge policyholders. Current provisions require the TDI Commissioner to approve or deny filed rates with procedural protections for insurers and policyholders. Currently, rating plans are prohibited from writing policies that do not assign a rate consequence for driving-related offenses that otherwise cause premiums to increase-requiring other insurers to rely on CMIs. However, federal consumer protections prevent standard market auto insurers from charging additional premiums due to moving violations. If an insurer files a rate, the Commissioner is required to file with the Secretary of State (SoS) to publish intended filings in the Texas Registry. If a rate plan exceeds 105% of the current average coverage rate, the Commissioner must schedule a hearing with the SoS for public comment, after which the original filing is approved, denied, or modified in writing.</p> <p style="text-align: center;">Disputes and Concerns</p> <p>Although it is reasonable to conclude that CMIs create a pay to provide auto coverage environment, there is a concern that other insurers may contribute to historical patterns of cherry-picking policyholders. Cherry-picking limited or no risk individuals from the market would negatively impact CMI's ability to continue providing coverage for high-risk drivers.</p> | Chelsea@TexasLSG.org |
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| | | | <p>Unlike other insurers, CMI's must be based in-state to ensure profits remain in the Texas economy. Despite statutory provisions for CMI's redistribution of savings, proponents suggest CMI's often pocket the savings. The bill does provide a cap for additional rate variables and could likely extend into variables outside of the auto insurers market to be considered. Also, the bill does not reassure that savings will result in decreased premiums, increased access, or redistribution of funds to consumers.</p> <p>Given that 20% of Texas drivers receive one moving violation a year that remains on record for 3-years, CSHB 3969 will allow the entire auto industry to levy surcharges for such violations, and the cost will be passed off on Texans paying additional premium coverage annually.</p> | |
| <p>HB 2983 By: Hull Frank</p> | <p>Relating to medical examinations for certain children entering the conservatorship of the Department of Family and Protective Services.</p> | <p>Human Services Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>Currently, the Department of Family and Protective Services (DFPS) operates a protocol called the 3 in 30 that assesses a child's medical, behavioral, and developmental strengths and needs. This is a series of three checkups for all children entering into the conservatorship of DFPS. The first is an initial medical checkup for immediate injuries or illnesses that must take place within the first three days of placement to ensure any necessary treatment is provided as soon as possible. Over the next 30 days the child must undergo a Child and Adolescent Needs and Strengths (CANS) Assessment which helps DFPS understand how trauma may be affecting the child and what services are needed. The child also receives a complete check-up with lab work.</p> <p>HB 2983 limits the categories of children in the conservatorship of DFPS for the three-day medical examination to only children who:</p> <ul style="list-style-type: none"> • were removed from their home as a result of sexual abuse, physical abuse, or an obvious physical injury to the child; and • have a chronic medical condition, a medically complex condition, or a diagnosed mental illness. <p>DFPS to submit a report evaluating the statewide implementation of the three-day examination requirement to the applicable standing legislative committees. The report must include the level of compliance for each region of the state, the number of medical examinations conducted, and the reason for each examine.</p> <p>Up to 80% of children who come into the care of DFPS, and foster placements come with at least one medical problem or significant medical need. Children removed from homes also have a higher likelihood of coming from a home that had inadequate access to proper health care. Case managers are also not medical professionals trained to identify injuries or illnesses and can miss if a child removed for neglect is suffering from a non-obvious ailment that needs immediate treatment. Having</p> | <p>Unfavorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p> |



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| | | | a medical professional conduct an initial medical check-up ensures no immediate ailments are missed and that the child will have an easier transition if all medical needs are addressed quickly. | |
| HB 4179 By: Bonnen Button | Relating to the procedures to be used by an appraisal district in resolving a protest following the filing of a notice of protest by a property owner. | Ways & Means Vote: 10 Ayes, 1 Nay, 0 PNV, 0 Absent | <p>Prior to the COVID-19 pandemic many county appraisal districts (CADs) allowed property owners to meet informally with an appraiser to discuss a proposed increase in the tax liability for the owner. These informal meetings often resulted in there not being a need for a formal appraisal review board hearing as settlements were often made during the informal. However, the onset of COVID-19 saw CADs failing to notify property owners that they would not conduct informal conferences or that they would be closed to the public.</p> <p>HB 4179 requires an informal conference be scheduled by an appraisal review board (ARB) for each property owner who files a notice of protest with the ARB. The informal conference must be held before the hearing on the protest. The date, time, and location of the conference must be delivered to the property owner with the required notice for the protest hearing and it may not be scheduled on the same day as the hearing or within the five days prior to the hearing. Only with proper consent from the property can the conference be rescheduled to be within the five-days prior to the hearing. The bill expressly does not require an additional written notice be delivered to the owner for the rescheduling.</p> <p>The bill requires the appraisal office to cancel the conference if the property owner informs the appraisal office in writing that they will not participate. If the property owner fails to appear at the conference, the ARB may continue to hear the protest and issue an order determining the outcome. HB 4179 also removes the condition allowing an ARB from proposing that the hearing be conducted via telephone conference call with the property owner’s consent.</p> <p>Concerns have been raised that the changes restrict appraisal district’s procedural flexibility to decide what is right for them and the property owners they work with. Some owners might not want to hold an informal meeting and requiring them creates more work for both parties to cancel them. Informal meetings have been helpful in streamlining tax liability settlements and formal hearing processes with property owners, but this process is not a fit for everyone.</p> | Favorable with Concerns Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org |
| HB 4525 By: Gates | Relating to the approval of career and technology courses by the State Board of Education. | Public Education Votes: 11 Ayes, 2 Nays, 0 PNV, | <p>The State Board of Education (SBOE) has the authority to review and adopt the Texas Essential Knowledge and Skills (TEKS) for each subject of the required curriculum 4525 requires the State Board of Education (SBOE) to consider the relevant economic and market condition affecting the Texas workforces in scheduling and initiating a course review to provide updated and relevant course offerings in approving career and technology courses to be applied beginning with the 2021-22 school year.</p> | Will of the House Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org |



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| | | 0 Absent | Career and technical education programs offer a sequence of courses that provides students with coherent and rigorous content. CTE content is aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions. HB 4525 ensures that CTE course offerings are updated to reflect relevant economic and market conditions affecting the state. | |
| HB 1744 By: Guerra Moody Bernal | Relating to measures to prepare students to teach bilingual education, English as a second language, or Spanish. | Public Education Votes: 7 Ayes, 5 Nays, 0 PNV, 1 Absent | <p>One in four Texas students are designated as English learners, yet bilingual education is one of the leading teacher shortage areas in Texas. According to the Texas Education Agency, there is only one qualified English as a second language teacher for every 46 students needing English support. To address this shortage and the needs of Texas students, HB 1744 seeks to incentivize more people to acquire certification in the bilingual education field.</p> <p>HB 1744 requires the Texas Higher Education Coordinating Board (THECB) to create a program providing financially incentivizing the employment of people with bilingual education certifications, English as a second language (ESL), or Spanish credentials to instruct public elementary and secondary school students. The bill requires the THECB to give priority to awarding financial incentives to eligible persons demonstrating the greatest financial need.</p> <p>With regards to the program, the bill sets out eligibility requirements, requires THECB to award financial incentives to each program participant assisting with the cost of tuition and certification fees, and lays out provisions related to those incentives. THECB must adopt rules as necessary to administer the program.</p> <p>HB 1744 requires Texas Education Agency to develop a program of study for career and technology education programs that prepares and assists students in pursuing a career teaching bilingual education, English as a second language, or Spanish. This information about postsecondary education must be provided by a school counselor to a student and the student's parent or guardian each year the student is enrolled at the high school level.</p> <p>HB 1744 addressed the shortage of bilingual, ESL, and Spanish teachers by incentivizing the profession with financial assistance and access to employment and prepares teachers to better serve our English language-learning students.</p> | Favorable Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org |
| HB 1971 By: Canales Sherman, Sr. Wu | Relating to the purchase and installation of climate control systems at | Corrections Vote: 8 Ayes, 0 Nays, | Currently, local and county jails are required to maintain facility climates of no less than 65-degrees and no more than 85 degrees Fahrenheit. However, TDCJ state jails and prisons are not held to the same standards - out of 116 facilities, 29 facilities only have air-conditioned beds. | Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 |



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| <p>Rosenthal Allen</p> | <p>facilities operated by the Texas Department of Criminal Justice.</p> | <p>0 PNV, 1 Absent</p> | <p>HB 1971 requires an extensive list of TDCJ areas to be temperature-controlled in every facility. The bill includes that TDCJ shall immediately contract with private entities through a competitive bidding process to purchase and install the climate control systems and the entire scope of the project. The bill breaks down phases of installation and stipulates dates and financial caps for implementation that must be completed no later than 2028.</p> <p>In light of TDCJ problems exacerbated by Winter storm Uri, as Summer approaches - often reaching over 100 degrees within facilities - HB 1971 will provide an opportunity to minimize future litigation of horrific living conditions and reduce the medical-related cost to caring for Texans who suffer from heat-related illnesses while incarcerated.</p> | <p>Chelsea@TexasLSG.org</p> |
| <p>HB 3157 By: Reynolds</p> | <p>Relating to the criminal offenses of violation of civil rights of and improper sexual activity with persons in custody; increasing a criminal penalty.</p> | <p>Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Concerns have been raised that the penalties for correctional and juvenile facility related workers who violate the civil rights of those in custody by engaging in sexual activities with a person in custody or under supervision - by whom consent cannot be reasonably given - are not severe enough. The former offense is a Class A misdemeanor. The latter is a state jail felony punishable by up to 2-years in state jail, a penalty associated with low-level property and substance use crimes.</p> <p>HB 3157 clarifies that an official, employee, or volunteer at a correctional or juvenile facility commits an offense if they intentionally deny the rights of an incarcerated individual, removing language that would require the actor to know their conduct is unlawful. It also increases this offense to a third-degree felony and increases inappropriate sexual activity with a person in custody to a second-degree felony. If such an act is committed against a minor, it enhances to a first-degree felony.</p> <p>By broadening the conduct that is considered illegal and enhancing the criminal penalties for such offenses, this bill will reflect the seriousness of crimes against individuals in custody and deter future misconduct.</p> | <p>Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org</p> |
| <p>HB 1457 By: Johnson, Ann Parker</p> | <p>Relating to the consolidation of certain graduate programs of The University of Texas Health Science Center at Houston and The University of Texas M.D.</p> | <p>Higher Education Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>The COVID-19 pandemic highlighted areas of improvement for responding to global infectious diseases and the need to identify practices ensuring safety and security for Texans. One very apparent need was appropriate training in handling, mitigating, and responding to such crises. This expansion seeks to provide appropriate and rigorous training to future public health officials so they may address the variety of needs highlighted by the global COVID-19 pandemic.</p> <p>HB 1457 works toward addressing this demand in the future workforce by expanding the partnership between the University of Texas Health Science Center at Houston and The University of Texas MD Anderson Cancer Center. Currently, the University of Texas Health Science Center at Houston Graduate School of Biomedical Sciences and The University of Texas MD Anderson Cancer Center have a partnership that allows them to conduct graduate and doctoral degree programs and courses</p> | <p>Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p> |



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| | Anderson Cancer Center. | | in the field of biomedical sciences. HB 1457 will expand this partnership to jointly conduct graduate programs and courses in the field of population and public health. | |
| HB 347 By: Geren Collier | Relating to a false statement made to illegally acquire a firearm; creating a criminal offense. | Criminal Jurisprudence Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent | State law contains many provisions that limit the ability of certain individuals to obtain a firearm. These provisions also enforce those who legally sell firearms. Suggestions have been made for the need for stronger criminal penalties to deter unfit individuals from seeking a firearm in the first place. HB 347 maintains current Class A misdemeanor levels for unlawful transfer of certain weapons. The bill enhances the following offense to a state jail felony: while unlawfully possessing a firearm, the actor knowingly makes a false material statement on forms that are required by state or federal law for purchase, sale, or transfer and submitted false information to obtain a license through a firearms dealer. HB 347 directly reflects the legislative priorities of law enforcement against open-carry legislation. The bill will ensure safety amongst communities and law enforcement alike to hold those who do not abide by provisions accountable. | Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org |
| HB 929 By: Sherman, Sr. Krause Jetton Reynolds | Relating to law enforcement policies and procedures regarding body worn cameras. | Homeland Security & Public Safety Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent | In 2018, Botham Jean was killed by an off-duty police officer while eating ice cream in his living room. In the immediately following investigation, little body-worn footage evidence was available, and the officer was directed to turn off the camera in one certain recording. HB 929 requires law enforcement agencies to revise body-worn camera policies so that provisions are included governing the collection of a body-worn camera with applicable video and audio as evidence in an investigation. This policy must require peace officers to keep body cameras activated during the entire course of active investigations other than deactivations that comply with the policy. The bill only allows peace officers to deactivate body cameras or stop a recording in encounters not related to an investigation. Prohibiting an officer from tampering with a body-worn camera during an investigation will help ensure more evidence is produced, both protecting officers when they might be exonerated and holding them accountable when they violate people's rights. | Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org |
| HB 140 By: Rose Thompson, Senfronia Coleman | Relating to the applicability of the death penalty to a capital offense committed by a | Criminal Jurisprudence Vote: 6 Ayes, | There are significant gaps in legal protections in Texas and throughout the US for individuals suffering from severe and/or persistent mentally illness (SMI), which include psychotic disorders like schizophrenia, schizoaffective disorder, or bipolar disorder. In fact, court-ordered evaluations and treatment statutes are in every state as a means of helping SMI individuals prior to or in response to them harming themselves or others. Concerns have been raised regarding the use of the death penalty for persons with SMI as part of the diagnostic criteria for these disorders commonly includes | Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org |



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| <p>Leach Krause</p> | <p>person with severe mental illness.</p> | <p>1 Nays, 0 PNV, 2 Absent</p> | <p>delusions, disorganized thinking, and often with a diminished capacity for understanding the reality of their situation or ability to fully participate in their own defense.</p> <p>HB 140 seeks to address this issue by prohibiting SMI defendants with active psychotic symptoms, impairing their ability to understand or exercise rational judgement in relation to their actions, from being sentenced to death. In order for a defendant to be covered under this restriction to the death penalty, there must be a notice of intent to offer evidence of SMI submitted to the court 30 days prior to the trial date and proof a copy of the notice has been served to the state attorney. If the defendant fails to give timely notice that they were suffering from a SMI at the time of the offense, then it cannot be used in court unless the court finds good cause for missing the notice deadline.</p> <p>A defendant's claim must include clear and convincing evidence that they were suffering from SMI at the time of the alleged offense prior to the claim being provided to the jury. The jury would then provide a special verdict regarding the SMI claim in addition to their verdict on the guilt or innocence. Upon request a third-party expert evaluation can be requested by either party, or the judge, to determine if the defendant suffers from SMI. The expert is required to use the least restrictive method to determine if the defendant has the specified disorder they claim to and they do not need to include an assessment of the defendant's risk to others. Attention is paid to health privacy, as the evaluation must be submitted to the defendant and state attorney but cannot be admitted into evidence.</p> <p>If a defendant is determined to be a person with SMI at the time of the alleged capital offense, and convicted of the offense, then the judge must sentence them to life without parole. If the jury determines the defendant is not a person with SMI at the time of the alleged capital offense and they are convicted of the offense, then the judge would be required to conduct judgement proceedings where evidence of SMI can be presented again.</p> | |
| <p>HB 3477 By: Rose</p> | <p>Relating to the termination of corporate privileges for certain business entities under enforcement action for a violation of</p> | <p>Environment al Regulation</p> <p>Votes: 6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>Shingle Mountain is an infamous story in Texas, an insidiously growing mountain of waste left on the borders of a predominately Black and Brown neighborhood. The practice depicted in this example is pervasive in Texas and must be stopped. Currently, the Texas Commission on Environmental Quality (TCEQ) is able to levy fines against businesses for violations but cannot stop them from continuing their operation. HB 3477 authorizes the termination of corporate privileges for specific businesses that abuse the environment in which they operate and harm the surrounding populations. Businesses should not be permitted to continue causing such harm, whether intentional or not, as it demonstrates that businesses are given allowance to act without regard to others or their wellbeing.</p> | <p>Favorable Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org</p> |



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| | <p>environmental laws.</p> | <p>For the provisions of the bill, a filing entity is a corporation, a limited partnership, LLC, professional association, cooperative, or real estate investment trust. An environmental disaster is a violation of law under TCEQ resulting in significant harm to human life.</p> <p>HB 3477 requires TCEQ to adopt rules that delineate criteria to determine if a filing entity is responsible for an environmental disaster. TCEQ must consider if the violation caused the following items:</p> <ul style="list-style-type: none"> • an increase of fatal diseases, including cancer, in a population proximal to the facility. • contaminated water. • contaminated air; or • a negative impact on the quality of life in a population proximal to the facility. <p>Under this act, if TCEQ determines that the filing entity is responsible for an environmental disaster then it must issue an order of the entity’s termination and deliver a copy of this order to the Secretary of State (SOS) and the entity. A filing entity is authorized to submit evidence to TCEQ that it has met remediation requirements as prescribed by TCEQ. If TCEQ determines that the entity meets remediation requirements, then it must issue an order of reinstatement and deliver a copy of this to SOS and the filing entity.</p> <p>Under this act, the SOS may now terminate a filing entity’s existence if TCEQ issued an order of termination under this bill’s provisions. The SOS may also reinstate the filing entity if the entity files a reinstatement certificate and TCEQ issues an order of reinstatement if the entity was involuntarily terminated under the bill’s provisions.</p> | |
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