TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

Part 3

Representative **Desk**

LSG Floor Report For GENERAL STATE CALENDAR- Wednesday, May 12, 2021				
HB 980 By: Fierro	Relating to the reimbursement and payment of claims by certain health benefit plan issuers for telemedicine medical services and telehealth services.	Insurance Vote: 5 Ayes, 2 Nays, 0 PNV, 2 Absent	Throughout 2020, the Texas Department of Insurance (TDI) was directed by Governor Abbott to adopt an emergency rule requiring health benefit plans (HBPs) to cover telemedicine or telehealth services at the in-person contracted rate. By extending this level of coverage statewide, HB 980 provides an enormously valuable benefit for those who have had their financial-related issues compounded by COVID-19 or those in rural areas also without transportation access to achieve continuation of care. The bill clarifies that a mental health professional is also classified as a health professional to provide these services - as long as they and other health professionals are credentialed; have demonstrated and documented competencies; act within the scope of their license - and refrain from performing diagnosis services through telemedicine. Also, the health professionals must either have a bachelor's or advanced accredited degree, be a registered nurse, or have completed alternative credentialing through a state agency. In order to ensure these virtual services are provided and covered, HB 980: • sets provisions on reimbursement and payment by an HBP for services delivered to policyholders. • requires an HBP issuer to reimburse a preferred or contracted health professional, on the same basis and at least the same rate. • stipulates that an insurer or HBP plan issuer is not required to pay or reimburse more than the health professional's billed charge on a claim provided to a policyholder. • prohibits an HBP plan issuer from requiring in-network or preferred health professionals to provide documentation to process claim payments for the covered service or procedure beyond what is required for in-person settings.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 1086 By: Moody	Relating to the criminal penalties for certain criminal offenses.	Criminal Jurisprudence Vote: 5 Ayes,	Nearly 16,000 Texans are sent into the failed state jail facility. The state jail felony system, both as a category of offense and as a type of facility within the Texas Department of Criminal Justice (TDCJ), has long failed to serve the purposes for which it was created.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708

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		4 Nays, 0 PNV, 0 Absent	In Texas, 63% of those released from SJFs recidivate within 3-years - compared to 46% in TDCJ prisons. HB 1086 creates and reclassifies a 'state jail felony (SJF)' as a "fourth-degree felony" while maintaining the SJF-level punishment - - but allowing individuals to become eligible for parole. In response, the bill authorizes TDCJ to use a former SJF facility for any purpose - including the confinement of inmates serving a sentence for a fourth-degree felony. HB 1086 repeals Government Code provisions establishing the state jail division of the TDCJ and providing for the division's authority to operate, manage, and contract for SJF facilities or contract transfer facilities. HB 1086 decreases several offenses and penalties. First, the bill decreases from a Class A misdemeanor to a Class B misdemeanor, the penalty for possession of 4 ounces or less of a controlled substance in Penalty Group 2-A of the act or of marihuana. Secondly, the penalty for harassment by persons in certain facilities and harassment of a public servant from a third-degree felony to a Class A misdemeanor. Third. Decreases the penalty for various offenses from an SJF to a Class A misdemeanor. A majority of those charged with SJFs would now face misdemeanors, with most serious SJFs would become the new fourth-degree felony - -providing parole eligibility for the first time. HB 1086 provides an avenue to address the limited interventions that SJFs intended to accomplish upon creation by reducing incarcerated populations and assisting those into community transition with designated support.	Chelsea@TexasLSG.org
HB 1817 By: Shaheen	Relating to the proprietary purchases process for state agencies.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	State agencies sometimes make proprietary purchases, or those for which the specifications and conditions can only be met by one vendor and so would not be open to competition. A state agency's presiding officer must issue written justification to the comptroller of these unique specifications and conditions. The comptroller must issue an invitation to bid to vendors within the short window of 20 days after receiving justification. HB 1817 would simplify the proprietary purchasing process by permitting agency heads to either sign the written justification or designate another person to do so. It also directs the comptroller to proceed with the purchase or delegate to the agency the authority to purchase the product without time constraint, so long as the purchase request has been thoroughly justified and approved. These measures will provide state agencies and the comptroller with more flexibility to delegate tasks and provide adequate time to fully examine all facets of the purchase in question.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2087 By: Perez | Cain | Huberty | Johnson,	Relating to mandatory arbitration for certain municipal fire departments and employee bargaining agents.	Urban Affairs Vote: 8 Ayes, 1 Nay, 0 PNV, 0 Absent	For the past three years Houston firefighters have been working without a contract as the city and the Houston Professional Firefighters Association failed to resolve collective bargaining differences relating to the wages, benefits and working conditions. Houston firefighters have only received a 3% increase since 2011. HB 2087 aims to grant certain fire departments the right to submit binding interest arbitration to help resolve outstanding issues.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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Jarvis | Oliverson			HB 2087 requires a fire department servicing a municipality with a population of 1.9 million or more and an association that is a bargaining agent for firefighters to submit a binding interest arbitration - a delegation of power to a third party to resolve an impasse in bargaining over a new or extension of an existing labor contract- if the parties reach an impasse in collective bargaining or are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining.	
HB 1183 By: Dutton | Guillen	Relating to eligibility requirements for public office and to the form of an application for a place on the ballot.	Elections Votes: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	Currently individuals are eligible to run for elected office if they have not been finally convicted of a felony from which "they have not been pardoned or otherwise released from the resulting disabilities", and they submit a corresponding statement on the candidate application. The phrase "released from resulting disabilities" has generated confusion and litigation as it does not clearly reference relevant state statute. HB 1183 requires a candidate for elected office who was convicted of a felony to provide a certified copy of the candidate's pardon or other "documentation evincing removal of disability". The addition of a certified copy of a pardon or proof that all civil rights have been restored is burdensome and restricts access to community members who are eligible to vote but would be unable to run for office. The bill also changes the application form to include notice, printed in boldface type and capital letters, that reads: "RESTORATION OF VOTING RIGHTS IS NOT THE SAME AS REMOVAL OF DISABILITY FOR PURPOSES OF SATISFYING ELIGIBILITY REQUIREMENTS FOR PUBLIC OFFICE." HB 1183 does not clarify the eligibility of a candidate for office. This bill would likely lead to continued confusion and frivolous lawsuits brought by competitor candidates.	**<u>Unfavorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 1190 By: Krause | Gates | Minjarez	Relating to a required court finding of abuse or neglect before an individual's name is added to the central child abuse or neglect registry.	Human Services Vote: 6 Ayes, 1 Nay, 0 PNV, 2 Absent	Even though only one in four reports of child maltreatment or abuse in Texas are confirmed, the Department of Family and Protective Services (DFPS) is required to add all individuals who have allegedly committed child abuse or neglect to the central child abuse and neglect registry. There are recent reports that the process to have an individual's name removed is unreasonably complicated and many remain on this registry after allegations are dismissed. There are additional disparities and disproportionalities present in the child welfare system related to institutional and personal bias, systemic issues, access to resources that further emphasize the importance of correcting a system that sometimes punishes individuals who may have been unjustly accused or those have been cleared. HB 1190 seeks to address this by prohibiting DFPS from adding an individual to the child abuse and neglect registry unless they have been convicted for the alleged child abuse or neglect by a court. This will help prevent families and individuals from experiencing additional financial and social impacts related to being added to the registry prior to being found guilty. While the bill would address the wrongful punishment of innocent individuals, there are concerns with the ability to effectively implement these changes. The bill does not include language about	**<u>Favorable with concerns</u>** Evaluated by: Audrey Erwin (928)210-4303 Audrey@TexasLSG.org

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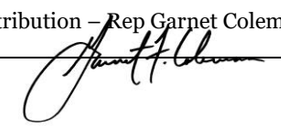

			administrative hearings, DFPS's current method for making court findings of abuse or neglect through the State Office of Administrative Hearings (SOAH) and it is assumed SOAH would not be the avenue for implementation. DFPS would instead use a court in the local jurisdiction to conduct a Suit Affecting the Parent Child Relationship hearing resulting in an estimated 51,182 additional hearings annually to be absorbed by that court. The fiscal note estimates this would require $160,520 in technology related costs, 615.0 full-time equivalent positions, including investigative caseworkers and attorneys, and yet unknown costs to local government entities whose courts would take on the additional court cases.	
HB 4051 By: Frank	Relating to the method of payment for certain health care and certain contract provisions affecting health care reimbursement rates.	Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	A most favored nations (MFN) clause is a promise given to a buyer from a seller stipulating they will not give a better price to another buyer. In healthcare, a dominant health plan obtains this promise through an MFNs clause in a health network plan contract guaranteeing the provider will not give an equal or more favorable price to another plan. MFN clauses can be anticompetitive, and they are not necessarily lawful under antitrust laws. The dominant plan can manipulate the market to raise rival plan prices and the cost is passed off to consumers in higher health premiums. Additionally, some insurance contracts prohibit providers from accepting direct payments, even if it would save money for insured patients. HB 4051 seeks to improve competition in the healthcare market and prevent uninsured individuals from being charged more than insured individuals by allowing providers to accept a full payment directly from a patient without a health plan or without filing a claim with their health plan. This payment cannot exceed the lowest contract rate for any health plan that is contracted, preferred, or participating with that provider. HB 4051 prohibits contracting entities from offering or entering contracts that include an MFN clause, and changing an existing contract with an MFN clause that has already been amended or renewed.	**Favorable** Evaluated by: Audrey Erwin (928)210-4303 Audrey@TexasLSG.org
HB 1379 By: Patterson | White | Dominguez | Morales, Eddie	Relating to required notice prohibiting firearms at certain businesses selling or serving alcoholic beverages and the prohibition on carrying certain weapons on those premises.	Homeland Security & Public Safety Vote: 7 Ayes, 2 Nay, 0 PNV, 0 Absent	The Texas Alcoholic Beverage Commission (TABC) allows establishments to be issued food or beverage permits if their alcohol sales are less than 60% of their total gross receipts, which was changed several sessions ago. This rule is in conflict with several other statutes, and as a result, signage regarding the carrying of firearms still displays the percentage as 51%. There are around 3,400 restaurants with food and beverage permits, and about 750 of those are within the 9% zone governed by contradictory laws, which makes up about a quarter of all permittees. During the pandemic, Governor Abbott issued an executive order requiring businesses whose gross receipts are 51% or higher for alcohol sales to temporarily close, though the percentage was not accurate with what is required of businesses by TABC. As a result, some of the 750 establishments went out of business that would not have been required to close if the law reflected the 60% rule as it is actually practiced by TABC. HB 1379 updates several statutes to reflect that a restaurant with a food and beverage permit must derive at most 60% of sales from alcohol rather than 51%. The bill also updates the required signage to reflect the 60% rule and updates the penal code to reflect that it is unlawful to carry a weapon on the premises of an establishment deriving 60% of its sales from alcohol, not 51%.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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			In the event of another pandemic, these changes will prevent people from being unfairly treated and forced to close their business over a percentage rule that is not actually enforced by TABC.	
HB 3082 By: Krause	Relating to Medicaid fraud actions.	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	A qui tam lawsuit is a lawsuit brought by a whistleblower with the goal of enforcing the deferral False Claims Act (FCA) of healthcare, that impose civil liability on a person or company who knowingly make or cause others to make false claims. Recently however, there have been claims that some law firms are misusing the qui tam lawsuit process stating that the whistleblower has no actual knowledge or a defendant unlawful act. In these situations, the discovery process becomes extremely expensive. As a result, many defendants are left to either settle, even in cases where there may be no evidence of wrongdoing or ensure an extensive and expensive litigation process. HB 3082 states that if the state does not proceed with an action of Medicaid fraud, but the person who brought the action proceeded with the action, the court may award the defendant reasonable attorney's fees and expenses. These may be awarded to the same extent that the defendant would be entitled to recover those fees and expenses for a frivolous action brought by or against a state agency if the state has proceeded with the action, provided that: • the court finds that the action for Medicaid fraud is frivolous • whomever brought the action was not the original source of the information on which the action is based. By allowing defendants the ability to recover reasonable attorney's fees and other related expenses it would help stop the misuse of the qui tam process as it relates to Medicaid.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 1854 By: Anchía | Bonnen | Shine	Relating to insurance coverage for the disposition of embryonic and fetal tissue remains.	Insurance Vote: 7 Ayes, 1 Nays, 0 PNV, 0 Absent	HB 1854 would require certain insurance providers to offer a benefit or coverage for the costs of burial or cremation of fetal tissue remains with a post-fertilization age of 20-weeks or more, the period after which a death may be considered a stillbirth. This requirement would apply only to healthcare benefits providers, such as an insurer or health maintenance organization, and to insurers or associations that offer death benefits for the cremation or burial of a beneficiary's child. Burials often cost several hundred or thousands of dollars and most life or health insurance plans that offer child death benefits only apply if the child is at least 14-days old. HB 1854 will provide the opportunity for individuals who lose a child late in pregnancy to bury or cremate the remains affordably	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 1977 By: Parker	Relating to the applicability of certain limitations on the capture and use of biometric identifiers to	Pensions, Investments, & Financial Services Votes: 9 Ayes,	Biometric identifiers are the distinctive, measurable characteristics used to identify and authenticate an individual. Biometric identifiers are often categorized as physiological and behavioral characteristics, such as fingerprint, face recognition, DNA, typing rhythm, signature, behavioral profiling, and voice. Biometric verification is a viable security measure for financial institutions seeking to limit fraud and enhance protection for consumer accounts.	**<u>Favorable, with concerns</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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	financial institutions.	0 Nays, 0 NV, 0 Absent	Currently, the federal Gramm-Leach-Bliley Act requires financial institutions – companies that offer consumers financial products or services like loans, financial or investment advice, or insurance – to explain their information-sharing practices to customers and to safeguard sensitive data. Under this act, biometrics are subjected to increased regulation, which hinders financial institutions' ability to safeguard against hackers. HB 1977 seeks to authorize the use of biometrics by financial institutions. HB 1977 replaces the exemption from statutory provisions governing the capture and use of biometric identifiers for voiceprint data retained by financial institutions or affiliates subject to certain requirements of the federal Gramm-Leach-Bliley Act with a general exemption from those provisions for those institutions and affiliates. HB 1977 would increase financial institutions' ability to protect customers' information and drive the cost of securing consumer information down by decreasing the regulatory practice under the Gramm-Leach-Bliley Act. However, exempting the statutory requirement of the Gramm-Leach -Bliley Act may lead to unforeseen abuses of people's personal biometric information. Questions of how these biometrics are used and shared come to mind as we continue to move towards an even more digitally advanced world.	
HB 1853 By: Sanford	Relating to the qualified allocation plan and manual adopted for the allocation of low income housing tax credits.	Urban Affairs Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, the Texas Department of Housing and Community Affairs (TDHCA) sets the rules for the qualified allocation plan (QAP), which sets out the state's eligibility priorities and criteria for awarding federal tax credits to housing properties in the Low Income Housing Tax Credit program, at least biennially. However, TDHCA usually sets the rules once a year and they do not come out until the beginning of December. For developers wishing to receive tax credits, this schedule only gives them 4-5 weeks to meet the pre-application deadline at the beginning of January, including locating and acquiring the property for the development. HB 1853 seeks to require TDHCA to set QAP rules no more often than every two years to allow developers more time to adequately meet all pre-application and application requirements by the deadline. HB 1853 requires the governing board of TDHCA to adopt rules and a manual for QAPs biennially. Every biennium the board will adjust QAPs to reflect inflation related to the cost of a development by square foot by considering the Consumer Price Index for All Urban Consumers.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 1875 By: Landgraf | Bonnen | Leach | Smith	Relating to the creation of the business court and the Court of Business Appeals to hear certain cases; authorizing fees.	Judiciary & Civil Jurisprudence Vote: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	HB 1875 establishes a business court and an accompanying Court of Business Appeals under the premise that business ligation suits require a unique level of expertise. This assumes that judges that handle these types of litigations are not capable of handling these complex litigation matters. In cases where there are not adequate resources to handle such cases, there are already remedies statute that would provide for a more experienced individual to preside over these cases. The creation of these courts is an unnecessary solution to a problem that does not exist. HB 1875 establishes that the business court would have civil jurisdiction concurrent with district courts and statewide jurisdiction of actions that are specified by the bill, with provisions covering what a	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			business court would not have jurisdiction over. The bill includes that a party may appeal an interlocutory order of the business court that grants or refuses a remand to the Court of Business Appeals. The bill grants the Court of Business Appeals exclusive jurisdiction over an appeal from an order or judgement of the business court using the same procedures as an appeal of judgment in a district court The establishment of the business court and the Court of Business Appeals is not in the best interest of Texans or the public's access to justice. The Office of Court Administration has estimated that the establishment of these courts would be over $12 million dollars in the first two years, whereas these funds would be better used to address existing court backlogs.	
HB 2193 By: Dominguez | Martinez | Lucio III | Guillen	Relating to the creation of an inclusive sports program by the University Interscholastic League to provide students with disabilities access to team sports.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	The University Interscholastic League (UIL) is the organization that creates rules for and administers almost all athletic, musical, and academic contests for public primary and secondary schools in the state of Texas. Currently, UIL does not offer competitive, adaptive opportunities for students with disabilities. Students with disabilities that wish to participate in a team sport or compete in sports programs do this through the Special Olympics, which only offers programs that last for less than a month. Parents of students with disabilities would like to provide the same opportunities in athletics as their peers. HB 2193 seeks to provide this opportunity for students with disabilities. HB 2193 requires UIL to establish and maintain an inclusive sports program giving students with disabilities an opportunity to participate in team sports. The bill requires the UIL to adopt rules as necessary to establish, maintain, and expand the program in participating public middle schools, junior high schools, and high schools. Rules must identify best practices, and incorporate inclusive activities that promote specified values, such as bullying prevention 2193 sets out the guidance, information, and input the UIL must consider and incorporate in adopting those rules, including guidance by impacted stakeholders such as parents to students with disabilities. The bill requires the UIL to the greatest extent possible subject students who participate in inclusive sports program to the same rules and requirements as students who participate in other athletic programs including certain grade, disciplinary, and student safety requirements related to athletic activities. It further requires that team sports provided through the program be organized similarly to other athletic programs offered by the UIL. HB 2193 authorizes the UIL to seek and accept gifts, grants, or donations of money from the public and private sources for the purpose of establishing or expanding the program in addition to funding appropriated. HB 2193 ensures students with disabilities have the opportunity to participate in team athletic activities.	**<u>Favorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 1921 By: White	Relating to the modernization of correctional facilities operated	Corrections Vote: 5 Ayes,	HB 1921 is a prison privatization bill that will allow the Texas Board of Criminal Justice the ability to contract with private vendors to construct facilities and to lease the facilities to be used by TDCJ citing "modernization". This has come in response to the obvious maintenance needs of TDCJ facilities brought by the continued states divestment which has led to inhumane living conditions of people who are	**<u>Unfavorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708

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	by the Texas Department of Criminal Justice.	3 Nays, 0 PNV, 0 Absent	incarcerated. TDCJ facilities are in dire need of updates however, the answer to rectifying the state failure to appropriate money for this purpose is not to turn to a private corporation whose only prerogative is their bottom line and not the needs of people who are incarcerated. Additionally, HB 1921 requires TDCJ to do a study to identify modernization needs of TDCJ correctional facilities and begin the implementation of those changes by January 1, 2022. The Governor with establish the Texas Repurposing Commission(expires on January 1 2027) to look at which TDCJ facilities should be retained and renovated or repurposed for continued use by TDCJ, another agency, or private sector. The commission will be appointed by the governor, another cause for grave concern, and will have members of the legislature, representatives from counties, and municipalities and members of the public. On the surface, "modernization" implies fixing a few windows, updating a generator or two, and perhaps paving some parking lots. However, this is just another form of state agency outsourcing that has become all too common. Allowing TDCJ facilities to be built by private vendors means that the buildings would be privately owned, and the contracts would be privately negotiated leaving little room for accountability. Private vendors should not make money off of the incarceration of Texans.	Chelsea@TexasLSG.org
HB 1934 By: Oliverson	Relating to requirements for overpayment recovery and third party access to provider networks for certain insurance policies and benefit plans that provide dental benefits.	Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 1934 outlines the circumstances under which an employee benefit plan or health insurance policy provider is able to recover overpayments made to a dentist. The provider or issuer must submit a written notice outlining the justification for the overpayment recovery to the dentist within 180 days of the payment to the dentist. After this time period, should the dentist fail to provide a written objection and does not arrange a repayment within 45 days of receiving the notice, the overpayment can be collected. Otherwise, the dentist can reject the request per prescribed procedure and exhaust all rights of appeal. Under this act, providers and issuers are required to inform dentists of the process to challenge overpayment recovery requests and establish policies and procedures for this process, including allowing a dentist access to the claims information. HB 1934 requires issuers or providers to allow a contracted dentist to choose not to participate in third party access to the contract or not enter into a contract directly with a third party to allow access to the network. This is in response to calls from stakeholders regarding the selling or leasing of these contracts without prior notification to the dentists. This legislation is in line with other states that have been addressing the same issue. A dentist choosing to not permit third party access to their contract does not allow for issuers or providers to cancel or end a contractual relationship with the dentist. HB 1934 authorizes applicable issuers, providers, or contracting entities to permit third party access to provider contracts with dentists and a dentist's dental care services or contractual discounts if certain conditions are met. Upon termination, the third party loses access to the dentist's contractual discounted rates. Lastly, issuers, providers, and contracting entities must perform specific responsibilities relating to	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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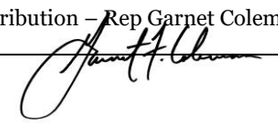

			certain advance notices for contracted dentists, identification requirements of third parties with network access, identifying discount sources, and providing copies of the contract for specific situations. The advance notice requirement does not apply to a contracting entity that only organizes and leases networks but does not engage in the business of insurance. HB 1934 prohibits a person from requiring a dentist to perform dental services under a contract that has been sold, leased, or assigned to or somehow obtained by a third party if this contract is in violation of the bill's provisions.	
HB 1980 By: Neave	Relating to prohibiting certain nondisclosure or confidentiality provisions in employment agreements.	International Relation & Economic Development Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	The majority of non-disclosure agreements (NDAs) are unilateral agreements that one side cannot disclose, and are intended to protect a business's trade secrets or retain intellectual property created through an employee's research. Oftentimes, employees can feel pushed to sign NDAs to gain employment but may not fully understand what it entails. NDAs become problematic when they go beyond prohibiting disclosure of trade secrets in incidents of sexual harassment or assault. HB 1980 seeks to protect employees from predatory NDAs. HB 1980 would void an NDA or confidentiality agreement making it unenforceable in the state if the employee is prohibited from: • notifying law enforcement or a state or federal regulatory agency regarding sexual harassment or sexual assault by an employee of the employer or at the place of employment • disclosing to anyone, including during an investigation, the facts surrounding any sexual assault or sexual harassment committed by an employee or the employer or at the place of employment. The bill serves to protect an employee from being penalized and further victimized following a sexual harassment and/or assault or assisting in the investigation of a case.	**<u>Favorable</u>** Evaluated by: Audrey Erwin (928)210-4303 Audrey@TexasLSG.org
HB 2055 By: Klick	Relating to investigations of child abuse and neglect and the procedures for adding names to or removing names from the central registry of child abuse and neglect.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Central registries are a federally mandated, state-run database of child abuse and neglect records required in the Child Abuse Prevention and Treatment Act. Concerns have been raised regarding the ease to which an individual may be added to the list and the difficulty many face is getting their names removed from it, even if a court renders abuse or neglect allegations to be false. HB 2055 seeks to address these concerns and require the Department of Family Protective Services (DFPS) to establish severity codes for placement on the registry and an expungement panel to review removal requests. HB 2055 requires DFPS to establish and assign a severity code rating for each substantiated finding of child abuse and neglect in an investigation for certain persons responsible for a child's care, custody, or welfare. The severity codes will be established ranging from low to fatal ratings. The bill provides provisions and limitations for when each severity code may be used. HB 2055 requires DFPS maintain the name of a person found to have abused or neglected a child, with an exemption for those assigned a "low" severity code. Those assigned higher ratings must be removed after a designated number of years, progressively longer for each level.	**<u>Favorable, with Concerns</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			If DFPS finds the claims are sustained by an administrative judge of the State Office of Administrative Hearings, the person's name must be maintained on the registry until the 20th anniversary or the date designated, whichever is longer. Should a person commit multiple acts of abuse or neglect the findings are assigned different severity codes. Certain provisions are set for the removal or retainment of the name of an individual who was younger than 18 years of age when they were added to the registry. HB 2055 requires DFPS to establish an expungement review panel composed of DFPS employees and a public representative appointed by the commissioner to review requests for name removal from the registry. All members of the panel are immune from civil or criminal liability if the panel acted in good faith and within their scope of responsibilities. The bill sets provisions and guidelines for who can request to have their name removed from the registry and how the panel shall conduct the review. DFPS has proven to be an overworked system that can sometimes disrupts family units through unnecessary removals and biased interventions. Establishing a more standardized system for adding or removing a name from the registry would ensure more uniformity of who should actually be on the list, as long as it is responsibly managed and run. Having one's name on the registry can cause issues when applying for jobs, obtaining housing, and vast social ramifications. DFPS would need to ensure that this new system is not used to intimidate families into compliance with department requests.	
HB 2065 By: Dominguez	Relating to the composition of the cybersecurity council.	State Affairs Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 2065 adds a member to the Department of Information Resources' cybersecurity council, which assesses cybersecurity needs and best practices for the state and makes recommendations to the legislature. The council must currently include an employee from the governor's office, two legislators, a representative from higher education institutions and the private sector. This bill requires the inclusion of an employee of the Elections Division within the Office of the Secretary of State. As electoral operations and voting systems continue to move towards digitization, election infrastructure has become increasingly susceptible to cyber-attacks. Ensuring that elections experts play a role in developing best practices for the state's cybersecurity will help make our elections more secure.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3900 By: Pacheco | Campos	Relating to the appointment of a deputy clerk to certain county courts at law.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	County Courts at Law No. 2 & 3 are currently subject to many unnecessary procedures in their administrative process. HB 3900 serves as a simple solution by removing the requirement for a judge to conform in writing the court assignment of the deputy clerk of County Court at Law No. 2 & 3 and that the deputy clerk serves at the pleasure of the judge of the court. HB 3900 also eliminates provisions that entitle a deputy clerk of a county court to the same amount of compensation that deputy clerks of other statutory county courts in Bexar County and that the salary be paid in monthly installments. These provisions eliminate unnecessary boundaries that Bexar County statutory probate courts are currently subject to.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2066	Relating to emergency	State Affairs	Responding to the governments and general society's increasing dependence on digital networks, HB 2066 updates the Texas Disaster Act's purpose to include reducing the state's vulnerability to	**Favorable** Evaluated by:

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By: Dominguez	management for cybersecurity events threatening this state.	Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	cyberattacks. It also clarifies the governor's authority to order the disconnection of a computer network from the Internet in the event of an external threat to specifically include cybersecurity threats. The bill will allow cyber threats to be addressed by emergency management planning and procedures, helping governmental entities take steps to protect computer systems and residents from digital attacks.	Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2174 By: Shaheen	Relating to restricting access to pornographic materials on certain websites and creating civil liability for certain actions that allow children to access pornographic materials.	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Exposure to pornographic material can be associated with negative emotional and psychological outcomes. HB 2174 states that an organization that owns an internet website must include a mechanism on their website that prevents a user under the age of 13 from accessing pornographic materials. HB 2174 includes provisions that hold an organization liable for damages if they do not such implement such mechanisms. Additionally, the bill states that a person who uploads pornographic material on an internet website may be held liable for damages if someone younger than the age of 13 accessed it. These provisions would help prevent children from accessing pornographic material and hold those accountable who provide easy access to such material. However, there is a concern about the feasibility of such mechanisms to successfully ensure that no one younger than 13 is accessing the material, creating problems when attempting to hold a website operator liable. Further, holding an individual who uploads pornographic material liable for what is truly the operator's noncompliance could generate unnecessary penalization that does not address the root problem.	**Will of the House** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2245 By: Shine | Button	Relating to ad valorem tax appraisal records maintained by an appraisal district.	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 2245 invokes property tax reforms by requiring appraisal records to have a unique account number and provide notice to taxpayers when that record number changes. The bill authorizes appraisers to combine multiple properties or separate a property into multiple parcels on a single appraisal, except for residentials properties or individual improvements, and delinquent taxpayers are ineligible. Property owners submit requests in writing, and if an appraiser refuses the request, an Appraisal Review Board may hear or change the reason for refusal and handle the issue as a protest. Do what you will with that information.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 2185 By: Parker | Kacal	Relating to the promotion of off-label uses of certain drugs, biological products, and devices.	Public Health Vote: 8 Ayes, 2 Nays, 0 PNV, 1 Absent	HB 2185 authorizes pharmaceutical manufacturers or their representatives to promote a "medically truthful and accurate" off-label use of a drug, biological product, or device. They are permitted to do so in their advertising or marketing materials, and in communications directly with a physician, health care provider, or third-party payer. Physicians or health care providers may then distribute and promote this information to their patients. HB 2185 will prohibit prosecution or any disciplinary action to be taken against a pharmaceutical company for promoting an off-label use of a drug, biological product, or device. Physicians and health care providers are allotted similar protection as their licensing authority cannot revoke or refuse to renew their license or any other disciplinary action for the same conduct. Under this act, health care plans do	**Unfavorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			not have to provide coverage for off-label uses of drugs, biological products, or devices. HB 2185 also prohibits state and local government entities from the use of public money to enforce or cooperate with certain provisions of the Federal Food, Drug, and Cosmetic Act against a pharmaceutical manufacturer or their representative for conduct permitted in this bill. "Medically truthful and accurate" is not contextualized or defined in this bill. There are no established requirements of rigor, validity, or legitimacy for the off-label uses that would be permitted in this bill. The bill does not acknowledge or capture the varying weight different types of studies hold to establish credible findings. Further, to remove any possibility of holding manufacturers, physicians, or other providers responsible for highly potential harm done to Texans because of this bill would be negligent of the legislative body. If this practice were safe and secure, then one should question why such provisions would need to be included in the bill. More so, permitting blanket protections that inhibit recourse as opposed to outlining complaint procedures or recourse actions denies the public access to due process. Prohibiting the use of public funds for state and local government entities from maintaining compliance with federal statute raises concern as well. The provision could be construed as explicit non-compliance with federal statute which places Texas at risk for recourse from the federal government. Entering into non-compliance with federal statute does not serve the needs of Texas and unnecessarily absorbs time and resources that could be used elsewhere.	
HB 4041 By: Neave	Relating to a suicide prevention policy in residential child-care facilities and child-placing agencies.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, foster care placements are not required to have protocols in place for suicide prevention, intervention, and postvention of youth in their care. Providers are required to closely monitor youth due to supervision requirements but lack adequate training or knowledge of how to identify signs of suicide risk and the appropriate response. HB 4041 aims to reduce suicide risk for foster youth by requiring every residential child-care facility to adopt appropriate policy. HB 4041 requires the executive commissioner of the Health and Human Services Commission to adopt a model suicide prevention, intervention, and postvention policy to be used by residential child-care facilities. The model must: • be based on current and best evidence-based practices. • require all employee to receive annual suicide prevention training that includes understanding safety planning and screening for risk. • promote training for non-employee entities • include procedures to support children who return following hospitalization for a mental health condition. The bill gives facilities the option to either adopt HHSC's policy or another policy which has been approved by the executive commissioner. The policy may be part of a broader mental health crisis plan as long as the components include suicide prevention, intervention, and postvention.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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HB 2600 By: Paul | Oliverson | Middleton | Hull | Sanford	Relating to fiscal impact statements for legislation imposing mandates on health benefit plan issuers.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	The legislature regularly updates requirements that health insurance plans cover certain conditions, treatments, or types of care, which can directly benefit insured Texans and impact coverage costs. HB 2600 directs the Legislative Budget Board (LBB) to attach a fiscal impact statement to each bill or joint resolution that requires a health benefit plan issuer to provide new benefits, increase payments to healthcare providers, or implement new contractual or administrative requirements, similar to other LBB impact statements and fiscal notes. The only information required to be included in this fiscal impact statement is the proposed legislation's estimated effect on health plan issuer expenditures, premiums, and other costs paid by enrollees. When making consequential legislative decisions, more information is always better. This bill provides that, but at the same time excludes information about the potential fiscal benefits to both insurers and policyholders beyond immediately discernible costs. For example, this bill's language does not consider the out-of-pocket costs Texans would pay without proposed mandates or the individual financial benefits that may accompany improved health, such as taking fewer sick days, needing fewer doctors' visits, purchasing less medication, and so on. Further, concerns have been expressed regarding the incredible difficulty of estimating the complex fiscal impacts of healthcare mandates and their downstream effects. Thorough impact statements could require the LBB to expend significant resources and may delay the issuance of other impact statements needed to understand proposed legislation.	**<u>Will of the House with Concerns</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 611 By: Swanson	Relating to the assistance of voters; creating a criminal offense.	Elections Votes: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	Currently, voters with a language barrier or disability who need help casting their ballot are able to select an assistant, who swears an oath to the effect that they will honor the wishes of the voter. The current penalty for wrongfully assisting a voter is a Class A misdemeanor. This bill violates the spirit of the poll-watcher amendments added to SB7 by a bipartisan majority. HB 611 requires the oath of a voting assistance to include a statement they did not coerce or pressure the voter requiring assistance to accept their help and adds threat of perjury within the language of the oath itself. The bill establishes a new penalty under the Election code so that anybody accused of providing a false statement when taking the oath will be charged with a Class A misdemeanor, which is enhanced to a state jail felony if the person made more than three election-related false statements in the last four years. The bill adds vague and unnecessary language to the oath that voter assistants take and creates a Class A perjury charge if the oath is broken. This bill changes the assistant's oath to read "I did not encourage, pressure, coerce, or intimidate the voter into choosing me". If it is the third time a person is found to have broken the assistant's oath in 4 years, the charge is enhanced to a state jail felonies carry between 180 days and 2 years in prison. Fines can be as high as $10,000 Supporters of HB 611 state concerns that people who are pressured into choosing an assistant are intimidated and penalties are not severe enough if a perpetrator only receives a Class A misdemeanor, which calls for up to a year in jail. In 2020 there were no complaints of a voter assistant violating the	**<u>Unfavorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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			oath. In fact, voter intimidation complaints about overly aggressive poll watchers are significantly more common. Current law already allows people to be charged with making a false statement related to voting: all this bill serves to do is further criminalize voting in the state of Texas and charge people with perjury for making a "false statement" without having to provide any evidence whatsoever related to negligence or fraudulent conduct. This bill adds yet another criminal charge to the over 100 in Texas Election Code in the name of protecting vulnerable voters, but it does not address intimidation by poll watchers. However, HB 611 includes highly subjective language that could be manipulated in order to charge benevolent voter assistants with significant crimes. Considering the broad implications of that statement amplified by the Texas Attorney General's record of charging a disproportionate number of people of color it can be assumed that this change to election code will further disenfranchise targeted groups.	
HB 2258 By: Guerra	Relating to developing a strategic plan for the improvement and expansion of high-quality bilingual education	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Texas is a multicultural, multilingual state. Twenty percent of all students in Texas public schools are English Learners. Texas serves just under one in five of the nation's English learners, yet bilingual education is one of the leading teacher shortage areas in Texas. According to the Texas Education Agency (TEA), there was only one qualified English Second Language (ESL) teacher for every 46 students who needed support. As Texas continues to grow and as Texas is the second-largest border state with a large Hispanic population, this issue will continue to grow if the state does not take a proactive approach to plan for the education of these bilingual students. HB 2258 seeks to address that by developing a thoughtful strategic plan. HB 2258 require TEA, in collaboration with the Texas Higher Education Coordinating Board and the Texas Workforce Commission, to develop a strategic plan that sets tangible goals and establishes timelines to increase the number of educators certified in bilingual education instruction, increase the number of dual language immersion/one-way and two-way program models used in public schools, educate families and district employees regarding the importance of bilingual education in early childhood, and adopt uniform processes. HB 2258 also requires schools to identify students of limited English proficiency, monitor the bilingual learning of students, collect related data for students in prekindergarten through 12th grade, and increase the number of bilingual and multilingual high school graduates. HB 2258 sets out provisions relating to the development of the strategic plan requiring TEA to consult and collaborate with representatives of certain stakeholders in developing the plan. The bill requires TEA to study the use of the Bilingual Target Language Proficiency Test to certify educators in bilingual education instruction. The bill requires TEA to submit the plan to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislative standing committees by December 1, 2022. The bill's provisions relating to the study expire on January 1, 2023.	**<u>Favorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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			HB 2258 will help mitigate the shortage of bilingual educators and help meet the needs of English language learners across the state.	
HB 2738 By: Hernandez	Relating to the provision of uninsured or underinsured motorist coverage in automobile liability insurance policies.	Insurance Vote: 5 Ayes, 2 Nays, 0 PNV, 2 Absent	In Texas, all automobile (auto) insurer policies must carry either uninsured (UM) or underinsured motorist (UIM) coverage - as long as the total cost of damages is covered. As auto insurance premiums rise, partly due to the high rates and cost of UM and UIM, some insurers will deny automobile claims for hit-and-run cases that result in property damage. HB 2738 includes that County Mutual Insurers must adhere to provision mandates for UM or UIM coverage. HB 2738 repeals the option for policyholders to opt-out of UM or UIM - resulting in mandating insurers to provide this level of coverage. By requiring UM and UIM coverage for all Texas policyholders, HB 2783 provides a way for individual drivers to deal with the financial consequences of accidents with hit-and-run UM or UIM drivers.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 610 By: Swanson	Relating to judicial review of certain local laws applicable to state license holders.	Judiciary & Civil Jurisprudence Vote: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	Many if not all business in the state of Texas are regulated at some level by a state agency that requires them to obtain some form of license or permit. HB 610 is a preemption of local ordinances and regulation and serves as a sweeping change in how local governments are able to regulate occupations and business establishments on behalf of their residents. HB 610 states that a state license holder subject to local law may bring legal action against a city, if the local law imposed restrictions on business activity that is more stringent than state requirements or if the local law would result in adverse economic impact on the state license holder. Under HB 610 almost any state licensed individual could challenge local noise ordinances, times of bars closing, or the existence of dry counties, all under the claim that these ordinances cause an adverse economic impact on them or their business. HB 610 also serves as a major threat to local anti-discrimination ordinances. Women and members of the LGBTQIA community rely on these non-discrimination protections in order to live their lives without the threat of facing discrimination. HB 610 would also significantly increase litigation against cities, all at the expense of taxpayers.	**Unfavorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2788 By: Leach	Relating to civil actions or arbitrations involving transportation network companies	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	HB 2788 creates unnecessary obstacles when an individual brings a suit against a transportation network company (TNC), such as Uber and Lyft. The bill is an attempt to protect these large companies from having to pay from their insurance policy in lawsuits by granting them a limitation of liability. HB 2788 applies to action or arbitration proceedings in which a TNC is the defendant, the claimant is seeking recovery of damages, and the claim arises out of ownership, use, or operation of a personal vehicle while the driver or passenger was logged on to a TNC digital network. HB 2788 states that when a claimant initially brings an action against a TNC, the claimant shall file with the petition an affidavit that attests that the damages suffered exceeded the applicable insurance coverage limit. Requiring this is burdensome to the claimant as it costs time and money to fulfill this. A defendant would not be required to file an answer to the petition or arbitration request until the 30th day after the date the required	**Unfavorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			affidavit is filed. This filing requirement does not apply to any action in which the limitation period expires within 10 days of the of the date of filing of the petition. A claimant shall supplement the pleadings with the affidavit no later than the 30th day after the date the petition is filed. HB 2788 states that if a claimant fails to file an affidavit according to these guidelines, they shall dismiss the case. HB 2788 states that a TNC may be not held vicariously liable for damages if the TNC fulfilled all of their obligations and did not commit a crime under state or federal law. Holding TNCs accountable is already hard enough and this bill would provide reduce the ability for consumers to bring a claim against these companies. for these companies. This bill would negatively impact the lives of Texans and their ability to be awarded damages, while shielding TNCs.	
HB 1803 By: Wilson	Relating to requiring county approval of a proposed purchase or conversion by a municipality of a property to house homeless individuals.	Urban Affairs Vote: 5 Ayes, 4 Nays, 0 PNV, 0 Absent	In 2019, Texas experienced a decrease of 26% in the number of individuals currently not housed, but the true number cannot be known due to COVID-19's impacts on unemployment and the ability to conduct community surveys. Among the factors that contribute to the number of people living without permanent housing or shelter range from people experiencing unemployment or poverty, serious mental illness, and housing unaffordability. Texans with median incomes are unable to afford housing in all 10 of the state's largest cities. Winter Storm Uri only further highlighted the need to identify supportive housing solutions in the state. However, HB 1803 would make it more difficult for cities to enact solutions. HB 1803 would prohibit a city from purchasing or converting a property to house individuals experiencing homelessness without having the location's County Commissioner's Court approve a plan and providing notice of intent for property to assist those experiencing homelessness. This plan is required to state the area around the property's ability to provide local health care, including Medicaid and mental health services; indigent services; affordable public transportation; law enforcement resources in the area; and ability to provide an assumed additional need for mental health services with the local mental health authority. This plan is in direct violation of the Fair Housing Act and the Americans with Disabilities Act by intentionally targeting and discriminating against people experiencing mental illness by specifying the plan must preemptively coordinate with local mental health authorities as a condition of approving land use for housing. This bill is not identifying solutions for housing but placing barriers on a city's ability to act on solutions. It insinuates that all people who are currently unhoused are mentally ill, unsavory, and cause a greater need for law enforcement rather than acknowledging there is a well-documented housing affordability issue in Texas.	**<u>Unfavorable</u>** Evaluated by: Audrey Erwin (928)210-4303 Audrey@TexasLSG.org
HB 3437 By: Goldman | Guillen | Wilson	Relating to the authority of a taxing unit other than a school district to establish	Ways & Means Vote: 11 Ayes, 0 Nays,	Property values in many urban areas have risen dramatically with as gentrification has placed many vulnerable Texans at risk of being taxed out of their homes. Many senior citizens and people with disabilities often live on a fixed income. Counties, municipalities, and junior college districts may adopt a property tax limit on these individuals' homesteads, but water and hospital districts that are political subdivisions do not have the same ability.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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	a limitation on the amount of ad valorem taxes that the taxing unit may impose on the residence homesteads of individuals who are disabled or elderly and their surviving spouses.	0 PNV, 0 Absent	HB 3437 authorizes all political subdivisions besides school districts to establish property tax limitations for a person who is disabled or 65 years of age or older and their surviving spouse. This change would ensure retirees on fixed incomes and people with disabilities would not be burdened by inflation and quickly rising property tax rates.	
HB 2676 By: Bonnen	Relating to the creation and optional filing of a record of life for an unborn child and the use of a certificate of stillbirth; authorizing fees.	Public Health Vote: 6 Ayes, 4 Nays, 0 PNV, 1 Absent	HB 2676 permits the parent of an "unborn child" to request a life certificate for the fetus before potential birth. The Department of State Health Services (DSHS) must prescribe the form, determine the contents of the certificate, and specify what information is needed to create the certificate. The bill will require spaces to be available for the name, the date "life is recognized", and the date of birth. If the parent requests it, then physicians and advanced practice registered nurses (APRN) would be required to file these certificates with the local registrar. The certificate must be filed with an affidavit from the physician or APRN attesting the life of the child based on a sonogram or other physical examination done on the mother. The life certificate is to be treated the same as a birth certificate by the registrar, and the certificate can be used for the same purposes and functions as a birth certificate under Texas statute and DSHS rules. The bill will also repeal a section that prohibited DSHS from counting stillbirths to calculate live birth statistics. The bill does not resolve a social issue and does not benefit Texas in any meaningful way. Birth certificates already provide the functions outlined in this bill, so the life certificate is a duplicate form that does not serve a purpose. You can already request a birth certificate for a pregnancy that resulted in a stillbirth. One can personally elect to memorialize a child lost without needing the creation of a state document. Support services, normalizing losing children while pregnant, and increased access to quality healthcare would be more productive means of addressing this topic.	**<u>Unfavorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 2859 By: Bucy	Relating to the secretary of state posting on the secretary of state's Internet website databases containing certain information about elections.	Elections Votes: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	Currently local election information must be provided on a county website, but local election administrators are often under-resourced and may find it difficult to provide thorough, easily accessible updates. The Secretary of State is also required to provide this information, but improvements could be made to provide a more centralized, comprehensive resource voters can rely on. HB 2859 directs the Secretary of State to maintain an online database on elections and another on incumbents and candidates for elected positions using specific information provided by local election or party authorities. Required information includes election dates and positions on the ballot, whether a position is elected at large or by districts, and contact information for candidates and incumbents.	**<u>Favorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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HB 3028 By: Middleton | Cook	Relating to vaccination requirements for health benefit plans or insurance policies provided to business entities.	Insurance Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent	With the recognition that vaccine hesitancy is a major concern, particularly for people of color who have been historically harmed by the healthcare system, many insurance companies have been focused on promoting trust in and access to vaccines rather than requiring them as a condition of purchase, rendering this legislation unnecessary. It is not clear if HB 3028 is responding to any real circumstances or is just another method of ensuring no entity, even private companies, has the authority to require vaccinations, despite mass vaccination being the fastest and surest way to end the COVID-19 pandemic. HB 3028 would prohibit insurers or issuers offering health or life insurance policies written for business entities from requiring all of the business's employees to get a vaccine in order to purchase or maintain coverage. Further, this bill will create lasting policy based on the circumstances of a single pandemic, which may be inappropriate for future public health crises.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 2955 By: Klick | Hinojosa | Meza | Capriglione	Relating to the reimbursement of certain urban teaching hospitals for the provision of inpatient hospital care under Medicaid.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	A 2020 ranking of the top 50 teaching hospitals in the nation placed Texas in all of the top three categories. Research has shown that teaching hospitals are a key component of quality health care infrastructure advancing biomedical research, hands on training for future healthcare providers, and providing higher quality care for more complex and disadvantaged patient populations. Teaching hospitals incur a higher cost of operation due to graduate medical education programs, additional tests, special care units, conducting research studies, and cost of uncompensated care. Additional cost can be covered through the Indirect Medical Education (IME) add-on, supplement funds from general revenue and federal matching funds for the increased operational cost compared to non-teaching hospitals. Texas has not updated its IME add-on since 2012. IME add-on values are currently based on 2010 data not considering the true cost of operating a teaching hospital in today's economy. HB 2955 addresses the need to adjust the IME add-on to accurately reflect the funding needed to avoid financial losses and support teaching hospitals. Upon receiving an urban teaching hospital's request, the Health and Human Services Commission would be required to perform a biannually update to the education adjustment factors to calculate the medical education add-on using the most current Medicare education adjustment data according to federal regulations. HB 2955 ensures accurate funding for teaching hospitals as operational costs increase reflecting Texas's ever growing economy and population.	**Favorable** Evaluated by: Audrey Erwin (928)210-4303 Audrey@TexasLSG.org
HB 2973 By: Hull | Swanson | Ramos	Relating to certain requirements for court-appointed volunteer advocate programs.	Juvenile Justice & Family Issues Vote: 7 Ayes, 0 Nays, 0 PNV,	Court-appointed advocates are an essential aspect to juvenile justice. Their presence impacts the child's life and court outcomes. HB 2973 seeks to strengthen these programs and increase their transparency and accountability. HB 2973 adds in the following two new eligibility requirements for private and public nonprofits that operate a Health and Human Services Commission (HHSC) contracted court-appointed volunteer advocate program:	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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		2 Absent	• the entity must adopt a grievance procedure to address complaints regarding a volunteer advocate's negligence or misconduct; and • the entity must maintain records regarding active and inactive volunteer advocates. The bill will introduce definitions for "active volunteer advocate" and "inactive volunteer advocate" which specifically include that the advocate was trained by a volunteer advocate program in accordance with program standards. HB 2973 establishes that HHSC and these contracted entities must include measurable goals and objectives regarding the number of both active and inactive advocates.	
HB 3611 By: Leach	Relating to remotely conducting court proceedings in this state.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 0 Absent	As a result of the COVID-19 pandemic, the Supreme Court of Texas has issued emergency orders to keep the judicial branch running effectively. Statutory barriers exist to the continuing remote hearing when the emergency order by the Supreme Court expire. HB 3611 states that at the request of the court or a party, a court may conduct a hearing, deposition, trial, or other proceeding remotely and allows any participant, judge, lawyer, witness, etc., to participate remotely. HB 3611 states that if for some reason a person is unable to participate remotely, the court must provide an alternative method for the person to participate. The bill allows a party to file a motion in objection to the remote proceeding and to request an in-person proceeding, which the court shall grant. HB 3611 states that in any contested adversarial or contested evidentiary criminal proceedings for an offense punishable by confinement, the prosecutor and defendant must both agree in order for the proceedings to be conducted remotely. District courts, statutory county courts, statutory probate courts, or county courts also may not conduct a jury trial remotely unless each party agreed. If a court conducts a jury trial remotely, the court must ensure that jurors have access to the necessary technology to participate. Since remote proceedings have taken place, judges from all over Texas have reported seeing greater participation rates in proceedings. Additionally, remote proceedings have shown to save time and money for both parties.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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