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LSG Floor Report For MAJOR STATE CALENDAR- Tuesday, May 18, 2021				
<p><b>SB 702</b></p> <p>By: Paxton   Buckingham   Hall   Lucio</p> <p>Sponsor: Paddie</p>	<p>Relating to the continuation and functions of the Prepaid Higher Education Tuition Board.</p>	<p>Higher Education</p> <p>Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>The Prepaid Higher Education Tuition Board (PHETB) administers the Texas Tomorrow Fund II, Texas College Savings Plan, LoneStar 529 plan, and TexasABLE . The Sunset Advisory Commission (SAC) reviewed PHETB and recommended continuation of the agency until 2033.</p> <p>SB 702 updates statute to align with SAC recommendations regarding provisions for the training of new and current board members. The bill authorizes the PHETB to create advisory committees that can make recommendations to the board on programs, rules and policies administered by the board.</p> <p>SB 702 would also revise provisions related to the complaint submission process by providing for an exemption that a notification of a submitted complaint's status does not have to be sent to relevant parties if the notification would jeopardize the investigation.</p>	<p><b>Favorable</b></p> <p>Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>
<p><b>SB 707</b></p> <p>By: Paxton   Buckingham   Hall   Lucio</p> <p>Sponsor: Lambert   Canales   Paddie   Goldman   Cyrier</p>	<p>Relating to the continuation and functions of the Credit Union Department and the Credit Union Commission.</p>	<p>Pension, Investments &amp; Financial Services</p> <p>Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>SB 707 seeks to extend the Credit Union Department (CUD) and the Credit Union Commission (CUC) for another 12-years and modify some provisions to improve overall operations. The recent Sunset Advisory Commission (SAC) found the CUD is generally well-run but could use some improvements. The CUD is a Texas agency responsible for supervising and regulating state-chartered credit unions to safeguard the public interest, protect the financial interests of credit union members, and promote public confidence in credit unions. The CUD is charged with approving credit union charters, examining credit unions for regulatory compliance and financial safety and soundness, enforcing state laws and regulations, and responding to consumer complaints.</p> <p>SB 707 continues the CUD and the CUC until September 1, 2033. The bill requires the CUD to promptly notify and issue guidance to all credit unions on adopting specific federal laws or regulations that have immediate effect and conflict with and override state law. The bill stipulates creating a training manual that each member of the commission must acknowledge having received and reviewed. SB 707 requires the CUD to track all phases of the complaint and enforcement processes and maintain certain specified information for each complaint regarding consumer complaints. Also, the bill requires the CUD to</p>	<p><b>Favorable</b></p> <p>Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org</p>

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			<p>annually compile statistical analysis of complaints and enforcement processes for the preceding fiscal year. Finally, SB 707 repeals the notarization required of a credit union's articles of incorporation.</p> <p>SB 707 allows the continuation of the CUD. It improves the tracking and enforcement of complaint data to comprehensively support analysis and guide regulatory activities following the recommendations of the 2020-21 SAC Review Report</p>	
<p><b>SB 709</b></p> <p>By: Hall   Blanco   Buckingham   Hinojosa   Paxton   Schwertner</p> <p>Sponsor: Canales   Cortez</p>	<p>Relating to the continuation and functions of the Texas Commission on Fire Protection.</p>	<p>Urban Affairs</p> <p>Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>SB 709 seeks to authorize the continuation of the Texas Commission of Fire Protection (TCFP) for another 12 years and addresses revisions suggested by the Sunset Advisory Commission. The TCFP aids in the protection of lives and property of Texans through the development and enforcement of recognized professional standards for firefighters in the state. During its 2020-2021 sunset review, the Sunset Advisory Commission determined the TCFP should continue but improvements should be implemented.</p> <p>SB 709 extends the sunset date for TCFP until September 1, 2033, and implements several recommendations made by the commission. These recommendations include:</p> <ul style="list-style-type: none"> <li>• requiring the executive director of TCFP to create a training manual to be distributed to each committee member</li> <li>• setting terms of office for an advisory committee member at 6-year staggered terms and stipulating that a member may not be appointed to consecutive terms</li> <li>• authorizing TCFP to provide for a biennial renewal for fire protection personnel certificates, a change from the required annual renewal</li> <li>• authorizing TCFP to waive prerequisites to obtain a certificate for an applicant with a license or certificate from a state with equivalent requirements or a reciprocity agreement with Texas</li> <li>• authorizing TCFP to enter into a reciprocity agreement with other states</li> </ul> <p>SB 709 removes the requirement that TCFP must report its activities each biennium to the governor and the legislature. The bill also removes provisions relating to the fire fighter advisory committee, which was abolished in general law since 2005.</p>	<p><b>Favorable</b></p> <p>Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>
<p><b>LSG Floor Report For CONSTITUTIONAL AMENDMENTS CALENDAR- Tuesday, May 18, 2021</b></p>				
<p><b>SJR 47</b></p> <p>By: Huffman   Birdwell   Hinojosa   Nichols</p>	<p>Proposing a constitutional amendment changing the eligibility requirements for certain judicial offices.</p>	<p>Judiciary &amp; Civil Jurisprudence</p> <p>Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent</p>	<p>There have been calls to raise eligibility requirements for certain judicial offices.</p> <p>SJR 47 revises eligibility requirements for a Chief Justice, Supreme Court Justices, and a Court of Criminal Appeals judge or justice by stating that they must be a U.S citizen and a Texas resident. They also must have been a practicing lawyer licensed in Texas, a judge, or a combination of both for at least 10-years. Additionally, they must not have had their license to practice law revoked, suspended, or subject to a probated suspension.</p>	<p><b>Favorable</b></p> <p>Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>



Sponsor: Landgraf			<p>SJR 47 also revises eligibility requirements for a district judge by clarifying that they must be a Texas resident, and increases the time in which they must have been a practicing lawyer or judge or both combined from 4 years to 8 years before the judge’s election and may not have had their license to practice law revoked, suspended, or subject to probated suspension.</p> <p>These provisions will take effect on January 1, 2022, and only apply to applicable judges or justices who are first elected or appointed for a term that begins on or after January 1, 2025.</p>	
<b>LSG Floor Report For GENERAL STATE CALENDAR- Tuesday, May 18, 2021</b>				
<p><b>SB 1821</b></p> <p>By: Huffman</p> <p>Sponsor: Canales</p>	<p>Relating to procurement of a contingent fee contract for legal services by certain governmental entities.</p>	<p>State Affairs</p> <p>Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>Last session, the legislature placed significant restrictions on political subdivisions’ ability to enter into a contingent fee contract for legal services. A law firm is only paid contingent upon the receipt of damages from a successful suit. These contracts are used to seek damages for expensive lawsuits, such as those responding to the opioid crisis or government building defects, to avoid significant losses if the lawsuit is unsuccessful. Because of this legislation political subdivisions are currently required to seek approval from the Attorney General before entering into such a contract.</p> <p>SB 1821 closes a loophole amending the definition of a contingent fee contract to include contractual amendments that change the contract’s scope of representation or may result in a new action or an amendment to a petition for an existing action.</p>	<p><b>Favorable</b></p> <p>Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p><b>SB 911</b></p> <p>By: Hancock</p> <p>Sponsor: Burrows   Pacheco</p>	<p>Relating to the regulation of restaurants and third-party food delivery services, including the issuance of certain alcoholic beverage certificates to restaurants</p>	<p>Licensing &amp; Administrative Procedures</p> <p>8 Ayes, 0 Nays, 0 PNV, 3 Absent</p>	<p>Third-party food delivery services have been growing in popularity and provided an essential service to businesses during the COVID-19 pandemic. Issues have arisen from the lack of regulations when third-party vendors are permitted to service certain restaurants.</p> <p>SB 911 establishes regulatory guardrails on these service providers to ensure restaurants are not negatively impacted when they have already suffered after having to close for months. SB 911 revises the definition of “restaurant” by defining a restaurant as any entity that is eligible to hold a food and beverage certificate through the issuance of a wine and malt beverage retailer permit, a mixed beverage permit, a private club registration, or a retailer dealer’s on-premises license.</p> <p>SB 911 requires third-party food delivery services to provide a mechanism for consumers to submit complaints directly to the business about an order. Under SB 911, delivery services are required to remove a restaurant within 10-days after the restaurant's first request. Third-party delivery services must file a certificate of formation or registration with the Secretary of State before operating, with written permission establishing related fees from restaurants to deliver food on their behalf. The bill prohibits such an agreement from removing liability for not delivering food, and restaurants may not be held responsible for orders not delivered by third-party vendors in any way if the order was prepared. Third-party vendors are prohibited from using a restaurant's mark or name in a misleading way to suggest the</p>	<p><b>Favorable</b></p> <p>Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>



			<p>restaurant endorses the specific delivery service and may not require restaurants to absorb a fee in connection with providing the delivery service.</p> <p>SB 911 allows restaurants to file suit against these delivery services for violations. The bill authorizes injunctive relief, damages amounting to either the restaurant’s actual damages or the delivery service’s profits from the violation, and, if the delivery service acted knowingly or in bad faith, attorney’s fees and exemplary damages capped at three times the restaurant’s damages or the delivery service’s profits from the violation.</p>	
<p><b>SB 550</b> By: Springer Sponsor: Spiller</p>	<p>Relating to the manner of carrying a handgun by a person who holds a license under Subchapter H, Chapter 411, Government Code.</p>	<p>Homeland Security &amp; Public Safety  9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Current law requires handguns to be carried in a shoulder or belt holster by License to Carry (LTC) holders in certain circumstances. Specifying holster type for people trained in firearms safety is relatively arbitrary, considering that shoulder holsters are challenging to manage for people with disabilities. SB 550 removes the requirement for LTC holders to use a shoulder or belt holster. LTC holders will still be required to holster their weapons appropriately, but SB 550 allows Texans to choose the type of holster they use. By removing the "shoulder or belt" holster specification, SB 550 will create uniformity in existing handgun laws and reduce instances of LTC arrest for minor offenses.</p>	<p><b>Favorable</b> Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>
<p><b>SB 281</b> By: Hinojosa Sponsor: Lucio III</p>	<p>Relating to the use of hypnotically induced statements in a criminal trial.</p>	<p>Criminal Jurisprudence  Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Since World War II, hypnosis has been a forensic tool used by law enforcement and intelligence agencies with a mixed scientific review. Since the 1970s, 54 Texans have been convicted to prison based on hypnosis-related evidence, 11 of which were executed, 5 convictions have been reversed, and 4 individuals remain on death row.</p> <p>SB 281 prohibits all statements obtained by investigative hypnosis that were used for the purposes of enhancing recollection of several scenarios. While this bills does not apply to previous cases, hypnosis used in the original trial could be disputed in the interest of justice upon the finding of new evidence. SB 281 is identical to HB 1002 which was passed out of the House on April 30, 2021.</p>	<p><b>Favorable</b> Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org</p>
<p><b>SB 586</b> By: Springer Sponsor: Spiller</p>	<p>Relating to the filing of certain reports by distributors of certain off-highway vehicles purchased outside this state; providing civil penalties.</p>	<p>Ways &amp; Means  11 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Last session, an annual reporting requirement was established for licensed manufacturers of off-highway vehicles in response to unfair competition in the automobile market. To oversee implementation, previous legislation targeted each manufacturer warranty issued during the preceding calendar year for these vehicles sold to a Texas resident by a retailer outside Texas. The comptroller has reported that off-highway vehicle distributors outside the state are likely to continue exploiting loopholes in current reporting requirements - suggesting the need to subject dealers to the same requirements. SB 586 will eliminate loopholes to enable dealers to employ more Texans and sell more off-road vehicles, which will contribute more sales tax revenue to the state of Texas.</p> <p>SB 586 requires each individual distributor of these vehicles to report their Texas Department of Motor Vehicles (TxDMV) distributor’s license and a list of each warrant issued in the preceding year alongside current comptroller reporting requirements. The bill imposes a civil penalty against any distributor who</p>	<p><b>Favorable</b> Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>



			fails to file a report, files an incomplete report, or violates provisions relating to reporting requirements or rules adopted for enforcement. The bill authorizes the Comptroller to notify the TxDMV of such distributor failures to take administrative action against the distributor.	
<b>SB 997</b> By: Nichols Sponsor: Harris	Relating to procedural requirements for the review of a contractual rate charged for the furnishing of raw or treated water or water or sewer service.	Natural Resources  Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	SB 997 seeks to address the costly and inconsistent process for handling rate appeals of wholesale water and sewer services. The bill requires these services to be set at a reasonable and just rate, so long as it can cover the seller's - typically a relatively large city, water district, or river authority's - outstanding debt. If a buyer, usually a smaller public entity, petitions the Public Utility Commission (PUC) to review the wholesale rates, the PUC must first determine whether the rates are averse to the public interest and then, if they are, undergo rate-fixing proceedings. Currently, sellers can only appeal that determination during this second step, which is lengthy and costly for all parties involved.  SB 997 would require the PUC to determine whether rates are reasonable before it may begin the rate hearing process, a decision that may be immediately appealed to an administrative court. An appeal process must be complete and determine the rate is averse to public interests - which is rare - before moving onto the hearing, ensuring that the contracting parties and the agency's resources are only expended on this extensive process when it is absolutely necessary. The bill also allows for timely dispute resolution by requiring the PUC to allow the involved parties time to amend the contract outside of formal hearing and rate fixing processes. These measures will increase efficiency in rate reviews, saving taxpayer dollars from unnecessary rate hearings.	<b>Favorable</b> Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
<b>SB 760</b> By: Springer Sponsor: Shaheen	Relating to the removal of solar power facilities.	State Affairs  Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	As solar power generation becomes more prevalent in Texas, there is a need to ensure that facilities no longer capable of generating electricity are adequately decommissioned. In the case of solar facilities, this is typically as simple as removing equipment and flattening the soil. SB 760 would put solar on par with wind and thermal generation facilities by outlining procedures for removing equipment from and restoring the leased property.  SB 760 requires that operators clear, clean, and remove from leased property decommissioned solar power facilities. This bill makes any agreement that exempts an operator from liability to do so void. Changes to the landscape, including constructed roads or excavated materials, must also be removed and the property restored to its prior state on the request of the landowner. A landowner may make such a request within 180-days of the notice or act of decommissioning.  SB 760 also states that a solar power facility agreement must require the operator to obtain and deliver to the landowner financial assurance to secure the removal of the facility in an amount at least equal to the estimated cost of removal and restoration, as determined by an independent third-party. The operator must deliver an updated estimate every 5-years and ensure that the financial assurance amount remains sufficient.	<b>Favorable</b> Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org



<p><b>SB 197</b> By: Nelson Sponsor: Noble</p>	<p>Relating to a sales and use tax exemption for animals adopted from or sold by nonprofit animal welfare organizations.</p>	<p>Ways &amp; Means 10 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Texas animal shelters take in over 100,000 pets every year. Without the support of local rescue groups taking on challenging cases, many of these pets would not survive. While fees for animals adopted from nonprofit animal shelters are exempted from sales and use tax, nonprofit animal welfare organizations (NAWOs) cannot receive the same exemption under current law.</p> <p>SB 187 includes NAWOs as exempt from sales taxes on fees associated with adopting pets. This bill not only reduces the tax burden on valuable nonprofit organizations and potential adopters but allows rescue groups to better utilize resources for services that promote animal welfare and finding homes for Texas pets. SB 187 is identical to HB 2510 which was passed out of the House on April 9, 2021.</p>	<p><b>Favorable</b> Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>
<p><b>SB 312</b> By: Huffman Sponsor: Smith</p>	<p>Relating to the punishment for the criminal offense of improper sexual activity with a person in custody; increasing a criminal penalty.</p>	<p>Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Sexual victimization (SV) refers to various behaviors like sexual misconduct, harassment, and abusive sexual contact. When correctional staff and service providers engage in sexual contact with individuals in custody, it is considered non-consensual due to confinement or mandatory participation. Currently, the maximum punishment for this crime is 2-years in state jail, a penalty associated with low-level property and substance use crimes. Even so, the full penalty is rarely enforced, contributing to Texas's high rates of SV in correctional facilities.</p> <p>SB 312 raises the punishment to a second-degree felony, aligning these acts and relationships with other instances where effective consent cannot be given. By removing the current language, the bill could address high SV rates in Texas amongst women, those with mental health and substance use concerns, and LGBTQIA+ populations in our jails and prisons. This change will reflect the seriousness of the crime, align the standards set for sexual offenders, and deter future misconduct perpetrated by these public employees. SB 312 is identical to HB 376 which passed out of the House on April 14, 2021.</p>	<p><b>Favorable</b> Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org</p>
<p><b>SB 808</b> By: Hughes Sponsor: Krause</p>	<p>Relating to recovery of attorney's fees in certain civil cases.</p>	<p>Judiciary &amp; Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>It has been noted that in some civil matters, attorneys' fees can be difficult to recover under current state law. The current language excludes many legal entities from the attorney's fees recovery process, such as state agencies and limited liability companies and others not specifically listed as a corporation. SB 808 states that a person may recover reasonable attorneys' fees from any person and ensures that no entity is excluded from having to pay back legal fees.</p>	<p><b>Favorable</b> Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>

