



TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

STEERING COMMITTEE

Chair, Rep. Garnet Coleman
 Co-Vice Chair, Rep. Yvonne Davis
 Co-Vice Chair, Rep. Ana Hernandez
 Treasurer, Rep. Armando Walle
 Secretary, Rep. Victoria Neave
 General Counsel, Rep. Lina Ortega

Rep. Diego Bernal
 Rep. Abel Herrero
 Rep. Mando Martinez
 Rep. Eddie Rodriguez
 Rep. Toni Rose
 Rep. Harold Dutton
 Rep. Chris Turner
 Rep. Rafael Anchia
 Rep. Carl Sherman

Rep. Mary González
 Rep. Gina Hinojosa
 Rep. Rhetta Bowers
 Rep. John Turner
 Rep. Ina Minjarez
 Rep. Sergio Muñoz
 Rep. Alex Dominguez
 Rep. Nicole Collier
 Rep. Julie Johnson

Rep. Vikki Goodwin

Representative

Desk

LSG Floor Report For GENERAL STATE CALENDAR- Wednesday, May 19, 2021

<p>SB 22</p> <p>By: Springer Alvarado Bettencourt Blanco Campbell Hinojosa Johnson Lucio Paxton Powell Zaffirini</p> <p>Sponsor: Patterson Collier Burrows Hunter Canales</p>	<p>Relating to certain claims for benefits, compensation, or assistance by certain public safety employees and survivors of certain public safety employees.</p>	<p>Business & Industry</p> <p>Vote: 5 Ayes, 0 Nays, 0 PNV, 4 Absent</p>	<p>The coronavirus (COVID-19) pandemic impacted the wellbeing of first responders, detention officers, and correctional staff who were required to continue regular operations, putting them at greater risk for contracting the disease in the line of duty. However, the ability to prove whether COVID-19 was contracted while working has made it difficult to seek benefits and compensation. SB 22 relieves the burden from these individuals and their families and aids them in receiving proper compensation.</p> <p>SB 22 adds detention officers and corrections employees to the list of public employees eligible for specific presumptive claims and adds definitions for those occupations. The bill establishes the presumption that an individual contracted severe acute respiratory syndrome coronavirus 2 (SARS-COV-2) or COVID-19 while working if certain conditions were met in tandem with the diagnosis. These benefits only apply to full-time employees and must have worked within 14 days of testing positive for COVID-19 or SARS-COV-2. They can also still provide additional evidence they contracted COVID-19 or SARS-COV-2 while working to receive compensation or benefits.</p> <p>SB 22 permits the rebuttal of presumptions and delineates what can and cannot be used to justify this rebuttal. The bill establishes a timeframe and conditions in which one can file a claim using this presumption. The bill establishes a procedure and timeframe for injured employees to seek reimbursement of health care costs from their insurers. Provisions relating to other workers' compensation sub-claims and reimbursements from health care providers do not apply to presumption claims under this bill.</p>	<p>Favorable</p> <p>Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>
<p>SB 1160</p> <p>By: Taylor</p> <p>Sponsor: Paul</p>	<p>Relating to the creation of the Gulf Coast Protection District; providing authority to issue bonds; providing authority to impose</p>	<p>Natural Resources</p> <p>Vote: 10 Ayes, 0 Nays, 0 PNV,</p>	<p>Following Hurricane Ike's catastrophic storm surge and flooding, the General Land Office and the U.S. Army Corps of Engineers collaborated on a study to consider infrastructure projects that could mitigate the impacts of future storms and rising sea levels. The proposed projects include a storm surge barrier often termed the "Ike Dike," ecosystem restoration, and other flood mitigation measures, which are anticipated to save Gulf Coast communities over \$2 billion in damages per year and protect the refineries, ports, and countless local businesses that are essential to the Texas economy. This study is currently in its final stages, but a local sponsor is needed to receive federal funds to implement its recommendations.</p>	<p>Favorable</p> <p>Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>

OK for Distribution - Rep Garnet Coleman

	fees; providing authority to impose a tax; granting the power of eminent domain.	1 Absent	<p>SB 1160 would create the Gulf Coast Protection District as the local sponsor covering 35% of construction costs and long term maintenance. The district would include Chambers, Galveston, Harris, Jefferson, and Orange Counties, and other territories if requested, with board members appointed by participating counties and the governor to ensure each county and all ports, industry, and environmental interests are represented. The bill provides for eminent domain authority, bond issuance authority and, with voter approval, the authority to impose property taxes up to 5 cents per \$100 of property value. The district may partner with a private entity to fund its share of construction costs and must submit an annual report on finances and future plans to the legislature, the commissioners court of each participating county, and other state agencies.</p> <p>Before this project can be finalized and implemented, it requires federal action including Congressional approval, appropriation, and further environmental impact studies, to be completed by the Army Corps of Engineers. Though it would cost approximately \$26 billion total and take around 15 years to construct, the project would provide Galveston Bay’s nearly six million residents with at least 50 years of protection from devastating storm surges.</p>	
<p>SB 1588 By: Hughes Sponsor: Turner, Chris</p>	<p>Relating to the powers and duties of certain property owners’ associations.</p>	<p>Business & Industry Vote: 5 Ayes, 0 Nays, 0 PNV, 4 Absent</p>	<p>Over 6 million Texans live in a residence that a property association oversees, and there has been a need to update statutes regarding an association’s conduct, transparency, and treatment of owners and ensure a fair balance for associations to conduct necessary business to protect owners from harmful practices.</p> <p>SB 1588 will change the following aspects of an association’s disclosure of a subdivision’s restrictions, by-laws, rules of the association, and specified resale certificates that changes:</p> <ul style="list-style-type: none"> • the fee cap to \$375 for the assembly, copy, and delivery of the resale certificate as well as the subdivision’s information. • fee caps to \$75 for the preparation and delivery of an updated resale certificate. • caps for an association’s failure to provide subdivision information from \$500 to the dollar amount of actual damages. <p>Additionally, all fees mentioned in the bill are either amended to be reasonable or necessary to ensure fair charges to owners.</p> <p>SB 1588 requires that the most current dedicatory instrument and meeting notices be accessible on the association’s website homepage. Meeting notices also need to be available and distributed in a timely fashion. SB 1588 removes an association from accessing a lease agreement but instead has access to necessary contact information. The bill also amends provisions regarding hearings with an association’s entire board to ensure fair representation for the owner and complete transparency from the board. Association management certificates include any declaration amendments, the telephone number and email address of the association’s manager or representative, and the association’s website with their current dedicatory instrument available. Amended declarations shall be recorded by the association in</p>	<p>Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>



			<p>each county in which a residential subdivision is located. Associations are required to electronically file their certificate or amended certificates with the Texas Real Estate Commission (TREC) within seven days and TREC to post them on their website for public access. Liability immunity for a delay in or not filing a management certificate is given to an association and its officers, directors, employees, or agents for failing to file unless the failure or delay was intentional or from gross negligence.</p> <p>SB 1588 creates an architectural review authority that would serve as a governing body to review and approve improvements within a subdivision. The bill limits the application of this provision to associations with more than 40 lots, and the bill delineates specific periods in which these provisions cannot be applied. SB 1588 authorizes an association to request certain information be submitted by leasing or rental applicants. The bill clarifies that an association is not prohibited from adopting or enforcing leasing or rental restriction provisions in a dedicatory instrument.</p> <p>SB 1588 requires that an owner receive written notice of payment delinquency before an association reports the failure to a credit reporting service. The owner is responsible for the negligence payment along with other fees accrued by the association. The owner is given a 45-day window to rectify the delinquency prior to further action. The bill also provides a definition for a “management company” in relevant sections of the code.</p> <p>SB 1588 prohibits an association or an association’s collection agent from reporting delinquent fees, fines, or assessments to a credit reporting service if they are in the process of being disputed by the owner. An association may report delinquent payment history assessments, fees, and fines of owners in its jurisdiction if the association complies with specific procedures prior. These procedures for owners include providing a detailed report of all outstanding dues, 30-days before the delinquency report is sent, and the opportunity to enter into a payment plan.</p>	
<p>SB 1525 By: Creighton Sponsor: Parker</p>	<p>Relating to the administration of the governor’s university research initiative.</p>	<p>Higher Education Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>The Governor’s University Research Initiative (GURI) is a grant program enacted in 2015 to bring distinguished researchers from around the world to Texas. The program is a matching grant to help the higher institutions in recruiting distinguished researchers. Since the establishment of the GURI program, it has only assisted five universities in recruiting 19 researchers. SB 1525 seeks to broaden the definition of eligibility to assist higher education institutions attract talented mid-career researchers who might remain in Texas for years to come.</p> <p>SB 1525 requires the Texas Economic Development and Tourism Office (TEDTO) to consult with the commissioner of higher education in adopting any rules to administer the governor's university research initiative. The bill requires the commissioner to recommend to TEDTO the types of national academic recognitions that are considered to be highly prestigious for purposes of determining which individuals or groups qualify as distinguished researchers for purposes of the initiative. The bill revises the definition of "distinguished researcher" as a researcher who qualifies because of the researcher's status as a Nobel</p>	<p>Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>



			<p>laureate or is an individual research member of an applicable National Academy and includes an individual researcher or group of researchers who have attained another highly prestigious national academic recognition, as defined by TEDTO rule.</p> <p>SB 1525 also establishes the governor’s university research initiative advisory board to assist with the review and evaluation and recommendations for approval for funding of grant proposals of applications. SB 1525 establishes the appointment of the board by the governor and specifies guidelines regarding the make-up of the board to ensure the board is well-rounded and qualified to perform the task with which they are charged.</p> <p>SB 1525 gives public universities greater flexibility in the recruitment of talented researchers while ensuring fidelity in the process. SB 1525 will ensure that Texas will continue to be a competitive state with the advancement of research studies and innovation.</p>	
<p>SB 1449</p> <p>By: Bettencourt Creighton Hancock Hinojosa Johnson Paxton</p> <p>Sponsor: Murphy</p>	<p>Relating to the exemption from ad valorem taxation of income-producing tangible personal property having a value of less than a certain amount.</p>	<p>Ways & Means</p> <p>Vote: 9 Ayes, 1 Nay, 0 PNV, 1 Absent</p>	<p>Texas imposes a business personal property tax, which includes inventories, and concerns have been raised that this tax creates an unfair financial burden on small businesses. Most other states do not tax business personal property. Appraising and collecting business personal property taxes is more costly to the state of Texas than the actual tax revenue generated from the process, which indicates an inefficient use of appraisal district resources. SB 1449 increases the maximum value of tangible personal property used to generate income from \$500 to \$2,500, and anything below that new threshold is eligible to receive a tax exemption. Increasing this amount will ensure small businesses are not disproportionately impacted by the business personal property tax, and also help conserve tax assessor-collector resources.</p>	<p>Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org</p>
<p>SB 742</p> <p>By: Birdwell</p> <p>Sponsor: Anderson</p>	<p>Relating to installment payments of ad valorem taxes on property in a disaster area or emergency area.</p>	<p>Ways & Means</p> <p>Vote: 9 Ayes, 1 Nay, 0 PNV, 1 Absent</p>	<p>Businesses in Texas impacted by the COVID-19 pandemic deserve as much grace and assistance as possible, and the tax code allows businesses financially impacted by disasters to pay their property taxes in installments. However, many business owners have experienced difficulties with local taxing units that are unwilling to authorize installment payments for businesses adversely affected by the COVID-19 pandemic on the grounds that no physical damage occurred.</p> <p>SB 742 clears up legal ambiguity currently allowing for this denial by establishing physical damage does not need to occur as a result of a disaster for businesses to qualify and authorizes taxing units to use case-by-case discretion when approving installment payments. Property taxes will be paid in four equal installments for a property located in an “emergency” area, which covers areas identified in states of emergency declared by the governor, and the bill provides a local option for offering installment payments to businesses for property that has not been damaged from the disaster. The bill applies to real or tangible personal property owned or leased by a business entity with certain qualifications and applies</p>	<p>Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org</p>



			<p>to taxes imposed within the year following the disaster declaration. The same tax code provisions governing property physically damaged by a disaster would apply to undamaged property, and the Comptroller must update rules to allow for this.</p>	
<p>SB 626 By: Zaffirini Sponsor: Moody</p>	<p>Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.</p>	<p>Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Many practitioners have noticed the need for technical legal clarifications to improve accessibility and efficiency in the guardianship process. SB 626 aims to ensure the rights of all parties involved in management trusts and guardianships are protected and make the process more efficient and accessible.</p> <p>SB 626 adds a list of what constitutes a guardianship proceeding that does not require a statutory probate court but does require a county court at law. SB 626 also provides that a person can sign a declaration as an alternative to taking an oath to serve as a guardian. Upon filing the declaration with the court, the individual becomes qualified as a guardian. SB 626 removes attorney ad litem from the list of persons that a ward may be authorized to when a court receives a complaint relating to guardianship of the ward. SB 626 adds that within one month of receiving letters of guardianship, a guardian of the estate must provide notice, through a newspaper posting with general circulation, to each person who has claims against the ward's estate to present the claim within the period prescribed by law. The bill also makes clarifications in language relating to the sale of the ward's real estate. Specifically, the sale of the property must be done through public auction with a brief description of the real estate, provided in a notice for the auction. SB 626 also allows the guardian of the estate to enter into a contract for the private sale of the ward's real estate.</p> <p>SB 626 requires that on the filing of an application to create a management trust, notice shall be issued and serviced for the issuance and service of notice in the filing of an application for guardianships. It would not be necessary to serve a citation on a person who applies to create a management trust or for that person to waive the issuance and personal service of citation. If a ward files the application for a management trust, a sheriff or other officer shall serve each guardian with a citation to appear and answer the application. These provisions are not necessary if an appointment proceeding of a guardian is pending. SB 626 adds that a management trust created for a minor that is incapacitated for a reason other than being a minor, will terminate upon death or when the minor regains capacity. Additionally, the bill lays out provisions for when a management is to be terminated for minors, minors that are incapacitated, and for someone who is not a minor.</p> <p>SB 626 provides clarifications that the payment of claims to a nonresident creditor only applies to:</p> <ul style="list-style-type: none"> • a nonresident minor and has a nonresident guardian of the estate appointed by a foreign court • a nonresident person who is adjudged by a foreign court to be incapacitated and has a nonresident guardian of the estate appointed by that court • the nonresident former ward of a terminated guardianship who has no legal guardian in Texas 	<p>Favorable Evaluated by: Victoria McDonough (251) 422-0558 Victoria@TexasLSG.org</p>



<p>SB 860 By: Johnson Paxton Sponsor: Goldman</p>	<p>Relating to the exclusion of certain car haulers from the definition of tow truck for purposes of certain laws regulating motor vehicle towing.</p>	<p>Licensing & Administrative Procedure Vote: 7 Ayes, 0 Nays, 0 PNV, 4 Absent</p>	<p>Damaged vehicles totaled by insurance companies are often transported from a vehicle storage facility to a reselling company who sells the vehicle on the insurance company’s behalf. This type of business-to-business shipping is legally classified as a “prearranged shipping transaction” and these tow truck drivers are exempt from Texas Department of Licensing and Regulation (TDLR) permit requirements, but ambiguity has led to inconsistent procedures and refusals to release vehicles. SB 860 clarifies the definition of “prearranged shipping transaction” to allow more tow truck drivers an exemption from TDLR tow truck driver permitting requirements for this situation.</p> <p>SB 860 adds an exemption for any car hauler solely transporting motor vehicles as cargo in the course of a prearranged shipping or delivery transaction, including transport arranged or authorized by one business to deliver a damaged vehicle to another business. Current towing regulation requires these drivers to obtain a commercial driver’s license conditional upon regular training and drug testing for the class of vehicles within 10,000 - 26,000 pounds. Although this change will prevent costly delays in the insurance process for damaged vehicles, the definition is broad and could deregulate a large portion of the towing industry which could put the safety of drivers and the public at risk.</p> <p>Tow truck companies that work for insurance agencies should benefit from this legislation, but not at the expense of driver safety or reducing standards for the industry. The bill rating will change to Favorable provided it is amended by the sponsor to apply to a transaction for transport of a damaged vehicle authorized by an insurance company and delivered to a salvage pool operator. The amendment is agreed to language with the Texas Towing & Storage Association.</p>	<p>Favorable with Concerns Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org</p>
<p>SB 1129 By: Zaffirini Sponsor: Neave</p>	<p>Relating to guardships, alternatives to guardianship, and supports and services for incapacitated persons.</p>	<p>Judiciary & civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>In 2017 legislation was enacted that allowed courts with jurisdiction over guardianship to transfer cases to another county if the ward moved to that particular country. However, previous legislation did not explicitly state that the court had to accept the case. Additionally, it has been found that the utilization of mediation is underutilized in guardianship cases despite the benefits it brings. SB 1129 will allow the court to better monitor a ward’s care, help identify alternatives to guardianship, and potentially resolve family conflict, disputes, and costs associated with guardianship.</p> <p>SB 1129 states that a court is to transfer guardianship of a ward if the ward has resided in the county to which the guardianship is to be transferred for at least 6 months and if the transfer of guardianship is in the best interest of the ward. Upon the receipt of the transfer order, the county shall accept the transfer of the guardianship. The court to which the guardianship is transferred becomes the court of continuing exclusive jurisdiction. The bill includes that when guardianship is transferred from one county to another, the judge of the court from which the guardianship is being transferred may not be held civilly liable for damage that occurs to the ward’s estate, before or after the transfer.</p> <p>SB 1129 states that if the court refers a contested guardianship proceeding to mediation, a determination of incapacity may be mediated and that parties shall evaluate alternatives to guardianship during</p>	<p>Favorable Evaluated by: Victoria McDonough (251) 422-0558 Victoria@TexasLSG.org</p>



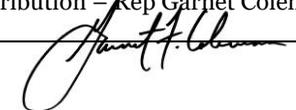
			mediation. The cost of mediation shall be paid by the parties unless otherwise ordered by the court. Additionally, the bill states that the Office of Court Administration shall establish a training course for the individual facilitating the mediation.	
SB 1102 By: Creighton Sponsor: Parker	Relating to the establishment of the Texas Reskilling and Upskilling through Education (TRUE) Program to support workforce education.	Higher Education Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	COVID-19 left many Texans unemployed, exposing the need to provide skill building opportunities to Texas workers. Providing educational and training opportunities to the Texas workforce will allow high-demand positions to be filled with qualified and capable workers . To generate more funding toward these goals, SB 1102 establishes the Texas Reskilling and Upskilling through Education (TRUE) Program to award grants for creating, redesigning, or expanding workforce training and education programs. The bill requires the Texas Higher Education Coordinating Board (THECB) to administer the program and establishes minimum goals, including awarding at least one grant per region and ensuring programs are supported by a market labor analysis to meet their region’s workforce needs without replicating other pre-existing local programs. THECB must consider priority items when awarding grants, including whether programs offer training for displaced workers and affordable programs. SB 1102 restricts awarded grant money spending to purposes supporting and maintaining education and general activities that promote workforce learning. THECB and participating entities are responsible for collecting and reporting program data. THECB, entities participating in the program, the Texas Workforce Commission, and other private employers must collaboratively strengthen high-demand workforce credentials or develop new credentialing programs. Grant recipients are permitted to recommend priority items for THECB consideration in financial decisions.	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
SB 572 By: Springer Sponsor: White Cain Middleton	Relating to in-person visitation of religious counselors with certain health care facility patients and residents during a public health emergency.	Public Health Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Visitation restrictions at health care facilities during the COVID-19 pandemic prevented many patients and residents from having in-person visits from religious counselors, such as clergy. Oftentimes these visits provide support and mitigate stress during end-of-life care for patients and loved ones. SB 572 allows religious counsel to visit patients and residents at health care facilities by requiring health care facilities to authorize in-person visitation upon request during a public health emergency, while also providing safeguards to prevent the spread of communicable disease. The bill requires the executive commissioner of the Health and Human Services Commission to develop guidelines for facilities to follow when they are establishing their policies to allow religious counselors in-person visitation. These guidelines must: <ul style="list-style-type: none"> • establish minimum health and safety requirements • allow for facilities to adopt reasonable restrictions for manner, time, and place of visits to mitigate the spread of communicable diseases and consider the patient’s or resident’s medical condition • provide special consideration for patients receiving end-of-life care 	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org



			<p>SB 572 allows facilities to prohibit in-person visitation for a religious counselor during a public health emergency if federal law or agencies require health care facilities to prohibit in-person visitation during that period.</p>	
<p>SB 49 By: Zaffirini Sponsor: Murr</p>	<p>Relating to procedures regarding defendants who are or may be persons with a mental illness or intellectual disability.</p>	<p>Corrections Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>SB 49 implements recommendations from the 2019 Texas Supreme Court's Commission on Mental Health's task force, created to improve and refine laws for defendants with mental health and intellectual or developmental disabilities. SB 49 is similar to HB 4212, which passed out of the House on May 10, 2021, and adds provisions regarding early identification reports.</p> <p>Early Identification Reports: SB 49 will mandate a magistrate to provide copies of written reports to sheriffs or others responsible for an individual's medical records while in custody, and, as applicable, any personal bond office or department responsible for the supervision of those receiving mental health or intellectual and developmental disability services as a condition of bail. By allowing additional individuals to obtain copies of early identification mental health and intellectual or developmental disability reports, the State will provide multiple avenues to confirm suspicions of these disabilities to divert and treat these defendants.</p> <p>Requisites of a Personal Bond: The bill adds that a personal bond is not required to contain the oath if the magistrate determines that the defendant has a mental illness or is a person with an intellectual disability or found incompetent to stand trial.</p> <p>Plea Procedures for Justice and Municipal Courts: The bill adds that these defendants or persons who are related, provide care, or have a fiduciary relationship with the defendant shall determine whether probable cause exists to believe that these defendants cannot understand the proceedings, require assistance in their defense, or are unfit to proceed. If the court determines that probable cause exists, it may dismiss the complaint or appeal to a complaint after providing the State notice. The bill prohibits the judiciary from accepting guilty or no contest pleas unless the defendant is mentally competent, and the plea is free and voluntary.</p> <p>Competency Restoration Period: The bill adds that the competency restoration period begins, including extensions of the period, on the later date that a defendant is ordered to participate in an outpatient program or is committed to mental health, residential care, or jail-based program, or the date that services begin. The bill adds that a court shall issue a time credit to the term of these individuals' sentences if at any period the person participated in an outpatient competency restoration program.</p> <p>Jail-based Restoration of Competency Pilot Programs and County Implementation: To contract with the Health and Human Services Commission (HHSC) the bill adds that a local behavioral health authority is eligible to develop and implement program services on their own. Also, the bill removes provisions that required providers to have one or more years of previous program experience.</p>	<p>Favorable Evaluated by: Chelsea Dalton Pederson (512) 661-9708 Chelsea@TexasLSG.org</p>



		<p>SB 49 removes existing language specifying "clinical" competency restoration treatment currently offered within inpatient mental health facilities and expands to similar programs. The bill also removes provisions that required providers to be certified by a national nonprofit organization and have demonstrated a history of successful outcomes. However, the bill stipulates that the program must use a multidisciplinary treatment team to provide services, including mental health treatment and substance use disorder treatment as necessary, to restore competency through licensed or qualified mental health professionals within the jail. The bill adds that a provider may use a qualified psychologist to evaluate the defendant's competency and report to the court.</p> <p>If competency is not restored by the 60th day. In that case, the program services shall continue, unless the program has been notified that space at a facility or outpatient program is available and appropriate. Transfer only applies to defendants charged with a felony that has 45-days remaining in their restoration period or a misdemeanor where an extension has been ordered with no less than 45-days remaining. The bill adds that the defendant may be transferred to an outpatient program, including any extensions, for the remainder of their restoration period.</p> <p>Incompetency to Stand Trial: The bill adds order modifications following inpatient civil commitment placement for defendants who have been transferred from a maximum-security unit to any other facility. Defendants, or those who represent them, must request the court modify current orders for the defendant to participate in outpatient treatment.</p> <p>If the program facility makes this request by the 14th day, the court shall hold a hearing to accept or deny the modification. The bill stipulates that the court is not required to hold a hearing unless the request is accompanied by supporting materials proving the appropriate basis of the requested modification. Upon receipt of a request, the court requires the local authorities to submit a statement of need and the head of the program facility to submit a medical examination for mental illness for outpatient care before a hearing is held. If a defendant requests modification before the 91st day, the court is not required to act on the request until the expiration of the current order for inpatient treatment or residential care; or the 91st day after the date of the court's previous determination.</p> <p>Insanity Defense: The bill removes provisions that the appointed psychiatrist or psychologists' experts must have at least 5-years of experience in performing criminal forensic evaluations for courts and more than 8 hours of continuing education and that documentation be provided to the court.</p> <p>Commission on Jail Standards: The bill adds that individuals with a mental illness must be provided with each prescription medication that a qualified medical or mental health professional determines is necessary for the person's care, treatment, or stabilization.</p>	
--	--	---	--



			SB 49 will make the much-needed improvements to existing laws to ensure that Texas has the necessary procedures and services to serve Texans with mental illness or intellectual and developmental disabilities adequately throughout the justice system.	
SB 874 By: Hancock Sponsor: Oliverson	Relating to the reporting and expiration dates of a temporary health insurance risk pool administered by the commissioner of insurance.	Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	<p>Before HIPAA was enacted in 1996, Texas operated a program called Texas High-Risk Insurance Pool (THIP). THIP created two high-risk pools - with enrollment exceeding 24,000 individuals in 2011 - to provide health insurance to eligible Texans who otherwise would not have obtained insurance due to pre-existing conditions (PEC).</p> <p>Although 4.5 million Texans had PEC at the time, eligibility was contingent upon certain limitations and restrictions that hindered the program's growth. Primarily due to THIP's high costs, limited budget, restrictions on specific medical conditions, and imposition of extensive wait periods, high-risk pools only enrolled a fraction of medically eligible populations with PECs. However, since 2014, insurers have been prohibited from refusing coverage and increasing premiums or deductibles amongst those with PECs.</p> <p>SB 874 postpones the dissolution of the State's temporary high-risk pool until August of 2021. This postponement date shifts the Texas Department of Insurance's annual reporting requirement on the high-risk pool activities to June of 2022.</p> <p>Given that some Legislators intend to roll back federal provisions that require coverage for PECs, high-risk pools are the perceived solution to prevent premium spikes if provisions are removed. SB 874 could provide a safety net for specific vulnerable Texans with PECs. Federal action requires establishing a state risk or reinsurance pool to cover some Texans with high-cost medical conditions.</p>	Favorable Evaluated by: Chelsea Dalton Pederson (512) 661-9708 Chelsea@TexasLSG.org
SB 903 By: Perry Sponsor: Sanford	Relating to suits for tax refunds.	Ways & Means Vote: 11 Ayes, 0 Nay, 0 PNV, 0 Absent	<p>Taxpayer refund requests typically arise from audits, and if a taxpayer and auditor do not agree, the next step is redetermination through the Comptroller. If the taxpayer and Comptroller cannot agree, they must request a refund hearing and go through a process with the State Office of Administrative Hearings (SOAH). The majority of cases are resolved through the taxpayer working with SOAH prior to a hearing. About 30% of refund cases result in hearing requests, and of those cases only 30% go to an actual SOAH hearing. If a decision rules against a taxpayer and they appeal, they can then go to court, but only after time and money have been spent. These rare cases are usually related to the constitutionality of a tax provision or changing Comptroller rules, which is not in SOAH's jurisdiction and must go to district court regardless. SB 903 makes the process easier for the small number of cases that cannot be resolved through the SOAH process by allowing taxpayers to bypass a refund hearing and go straight to court.</p> <p>The bill allows a taxpayer claiming a refund for incorrectly collected taxes, penalties, or interest to file a notice of intent to bypass a refund hearing, alongside required documentation, within 60 days of receiving the initial Comptroller refund denial letter. The taxpayer must attend a conference with a Comptroller-designated officer or staff member to clarify any fact or legal issue within the dispute and</p>	Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org



			<p>request additional information to resolve outstanding refund claim issues, and a case can be amended with any new evidence upon written approval. The bill sets out requirements for how the Comptroller will provide notice establishing a date and time for the conference and provides for rescheduling or rescinding an initial notice of intent to bypass to instead request the original SOAH hearing if a date and time cannot be agreed upon.</p> <p>The bill only authorizes a person who files a notice of intent to bypass the hearing and bring suit for a refund to recover the contested amount if they participate in a conference with the Comptroller and file the suit in court, or else they are barred from suit. Notice of intent must be provided alongside the original petition to file suit provided to the Comptroller and Attorney General. SB 903 outlines additional provisions related to documentation for these suits and changes the filing deadline from 30 days after the Comptroller issues notice of refund claim denial to 60 days after issuing notice.</p>	
<p>SB 516 By: Huffman Sponsor: Murr</p>	<p>Relating to increasing the criminal penalty for the offense of criminal mischief involving impairment or interruption of access to an automated teller machine.</p>	<p>Criminal Jurisprudence Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>Southeast Texas and Houston are hotbeds for "smash and grab" ATM offenses, resulting in the creation of special units composed of FBI and local enforcement personnel in specific regions across the State. Banks report that one or two of these offenses often leads to multi-million dollar losses for an individual bank - even unsuccessful attempts impact insurance coverage for the machines.</p> <p>Currently, theft or attempted theft of an ATM are federal and state offenses. Despite law enforcement's attempt to prosecute such crimes as federal bank robbery charges, prosecution of these crimes may be seen as a low priority to some federal prosecutors, especially if the attempt was unsuccessful.</p> <p>SB 516 enhances successful theft of an ATM from a second-degree felony to a third-degree felony; additionally, criminal mischief charges for unsuccessful attempts would receive the same penalty. By including criminal mischief to the same penalty level, the Legislature will reduce state-level judicial discretion that determines penalties and sentencing based upon the amount of loss involved in the offense.</p> <p>Due to the lack of clarity around federal prosecutors' decisions to not pursue many cases for this type of offense, there are concerns that enhancing penalties will not deter occurrence.</p>	<p>Favorable with Concerns Evaluated by: Chelsea Dalton Pederson (512) 661-9708 Chelsea@TexasLSG.org</p>
<p>SB 1202 By: Hancock Sponsor: Paddie</p>	<p>Relating to the applicability of certain utility provisions to a vehicle charging service.</p>	<p>State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>As electric vehicles (EVs) become more popular, there is a need for regulatory clarity to differentiate commercial EV charging stations from other types of electric services.</p> <p>To achieve this, SB 1202 excludes a person who owns or operates equipment used solely to provide electric charging service for EVs from being defined and regulated as an electric utility, retail electric provider, or retail electric utility. Setting this boundary will set the stage to provide the growing number of EV drivers and charging station operators with a logical regulatory framework.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>SB 1137 By: Kolkhorst</p>	<p>Relating to the required disclosure of prices for certain</p>	<p>Public Health Vote:</p>	<p>The lack of price transparency regarding health care costs has been a large barrier for people trying to access affordable health care. In 2019 Centers for Medicare & Medicaid Services (CMS) implemented federal requirements for hospitals to publicly disclose medical service pricing to ensure transparency. SB</p>	<p>Favorable with Concerns Evaluated by:</p>



<p>Sponsor: Oliverson</p>	<p>items and services provided by certain medical facilities, providing administrative penalties.</p>	<p>10 Ayes, 0 Nays, 1 PNV, 0 Absent</p>	<p>1137 codifies these federal changes in state law so that hospitals not in compliance will be held accountable at both the state and federal level.</p> <p>SB 1137 requires licensed hospitals to maintain a public electronic list of costs for all services and items offered and a list of standard charges for certain shoppable services identified by CMS, including which CMS shoppable services facilities do not provide. The electronic list must be prominently displayed on hospital websites that are easily accessible via internet search engine and multiple facilities under one entity must be easily identifiable. Each list item will include a description, a billing code, and specific gross charges, cash prices, minimum negotiated charges, or any hospital-imposed cost associated with each item or service. Information listed must reflect charges associated with the facility's location even if the facility is a part of a hospital network. If the entity has different locations, then listed services must be specific to the locations at which they are provided. Required lists must be annually updated as required by the bill's provisions.</p> <p>SB 1137 establishes a process for facilities to update their lists and requires submission to the Health and Human Services Commission (HHSC), who will oversee hospital compliance and administer penalties enacted by the bill. SB 1137 outlines requirements for hospitals to submit a corrective action plan and what constitutes a violation or failure to comply. The bill establishes a daily penalty schedule ranging from \$10 to \$1000 based on the facilities gross revenue reported. Daily violations are considered as separate violations. HHSC is authorized to determine penalty amounts and the collected penalties will go to the general revenue fund and can only be appropriated to HHSC.</p> <p>There are concerns regarding rural hospitals struggling to comply with the federal requirements due to limited resources and support staff, being financially penalized by both the state and federal government.</p>	<p>Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>
<p>SB 1245 By: Perry Sponsor: Murr</p>	<p>Relating to the farm and ranch survey conducted by the comptroller for purposes of estimating the productivity value of qualified open-space land as part of the study of school district taxable values.</p>	<p>Ways & Means Vote: 9 Ayes, 0 Nay, 0 PNV, 2 Absent</p>	<p>Comptroller property value studies are critical for determining how much state funding school districts are entitled to receive. This study is especially important for land designated as open-space for the purpose of receiving a property tax exemption that reduces a school district's taxing base, which is supposed to be offset with state funding. The comptroller's annual farm and ranch survey intends to ensure accurate agricultural productivity data is collected to determine the value of these properties, but many report not understanding how to accurately fill out required information, which results in many partially completed surveys. SB 1245 remedies this issue by requiring the Comptroller to develop and issue a physical and electronically available instructional guide to assist individuals completing a farm and ranch survey for estimating the value of open-space land to determine school district taxable value.</p> <p>SB 1245 requires the Comptroller to annually conduct an online or in-person public informational session on how to complete the farm and ranch survey, and a recording of the session must be posted on their website. The Comptroller must also solicit public comments and input from the property tax administration advisory board to determine whether information on the farm and ranch survey is</p>	<p>Favorable Evaluated by: Cassidy Kenyon (760) 429-8388 Cassidy@TexasLSG.org</p>



			accessible and easily understood and ensure survey questions are accurately designed to generate reliable responses. The instructional guide and information on accessing the informational session must be distributed to the agricultural advisory board for each appraisal district and every individual responsible for submitting the farm and ranch survey. Definitions provided in the bill solely relate to providing information on property appraisal within the guide and do not apply to other tax provisions related to open-land valuations for determining school district taxable values.	
SB 231 By: Seliger Sponsor: Cain	Relating to training for county election officers.	Elections Votes: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Currently, election officials receive job training on election procedures and practices to administer elections effectively and securely across Texas. However, concerns have been raised that a statewide training for election officers is not required by the state or fully available to all who need it. SB 231 aims to ensure that every person administering an election is aware of all procedures and standards required. The bill requires the Secretary of State (SoS) to provide the same standardized procedural manner of training for county election officers, e.g., election administrators, county clerks, or tax assessor-collectors that is provided to election judges and clerks. However, the bill lacks specific guidance regarding requirements for the training and for those who would develop and conduct training that will likely be initiated after major changes in election law have been adopted and interpreted for the first time.	<u>Favorable with Concerns</u> Evaluated by: Joy Fairchild (713) 817-3842 Joy@TexasLSG.org
SB 237 By: Bettencourt Johnson Sponsor: Gervin-Hawkins	Relating to the issuance of a citation for a criminal trespass offense punishable as a Class B misdemeanor.	Criminal Jurisprudence Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Given that COVID-19 contributed to a significant backlog in court systems across the state, many minor offenses would be better solved outside of the court system to reduce the expected 3-year wait time for hearings and other proceedings. SB 237 adds Class B misdemeanor criminal trespassing offenses to existing provisions that authorize peace officers to, instead of taking the accused before a magistrate, issue a citation and written notice of when and where to appear to resolve the citation. Providing this level of discretion will provide additional tools for peace officers to respond to specific criminal trespassing offenses effectively and more efficiently. If an arrest is deemed appropriate, for instance, in domestic dispute situations, peace officers will maintain the authority to arrest - while reducing minor offenses from flooding the court.	<u>Favorable</u> Evaluated by: Chelsea Dalton Pederson (512) 661-9708 Chelsea@TexasLSG.org
SB 851 By: Blanco Sponsor: Dominguez	Relating to the composition of the cybersecurity council.	State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	SB 851 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, and representatives from higher education institutions and the private sector. This bill requires the inclusion of an employee of the Elections Division within the Secretary of State's Office. As electoral operations and voting systems continue to move towards digitization, election infrastructure has become 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.	<u>Favorable</u> Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

