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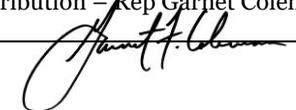
Rep. Vikki Goodwin

Representative Desk

LSG Floor Report For POSTPONED BUSINESS - Thursday, May 20, 2021				
<p>SB 2212</p> <p>By: West Huffman Miles Whitmire</p> <p>Sponsor: Thompson, Senfronia</p>	<p>Relating to the duty of a peace officer to request and render aid for an injured person.</p>	<p>Homeland Security & Public Safety</p> <p>Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Some law enforcement agencies have their own policy aside from what is mandated by the state for peace officer licensure. Many agencies have their own policy regarding the duty to request and render aid for injured people, but a statewide requirement would ensure all officers are required to help any injured person regardless of whether they are a perpetrator or victim.</p> <p>SB 2212 requires peace officers encountering an injured person in the line of duty to immediately request Emergency Medical Services (EMS) personnel and provide first aid or treatment to the extent of the officer's knowledge or training while waiting for assistance. Officers would not be required to request EMS or provide aid if they are physically incapable or if doing so would expose the officer or other person to risk of bodily injury.</p>	<p>Favorable</p> <p>Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>
LSG Floor Report For MAJOR STATE CALENDAR- Thursday, May 20, 2021				
<p>SB 703</p> <p>By: Buckingham Hall Lucio Paxton</p> <p>Sponsor: Canales</p>	<p>Relating to the continuation and functions of the Department of Agriculture, the Prescribed Burning Board, and the Texas Boll Weevil Eradication Foundation and the abolishment of the Early Childhood Health and Nutrition</p>	<p>Agriculture & Livestock</p> <p>Vote: 7 Ayes, 1 Nays, 0 PNV, 1 Absent</p>	<p>The Texas Department of Agriculture (TDA) plays a significant role in agricultural and rural affairs. The Texas Sunset Advisory Commission's (TSAC's) review of TDA resulted in several suggestions and updates. These provisions consist of minor changes in language and other statutory provisions to help TDA run more efficiently.</p> <p style="text-align: center;">Advisory Committees</p> <p>SB 703 allows TDA to establish advisory committees to guide TDA in administering the program rules and policies. In establishing of the committees, TDA is required to adopt rules regarding the purpose, goals, and size of the committee, qualifications to serve, and other procedural processes for the committee to follow.</p> <p style="text-align: center;">Meeting Regulatory Standards</p> <p>SB 703 requires TDA and the Office of the Attorney General to enter into a memorandum of understanding to facilitate better coordination between offices because TDA's lack of communication and coordination with other agencies has caused duplicate fraud investigations. TDA is required to establish standards for promptly responding to complaints, maintaining complaint records, and making the information on the complaint procedures available. SB 703 instructs TDA to develop and publish an</p>	<p>Favorable</p> <p>Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>

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	<p>Interagency Council.</p>		<p>annual strategic plan each fiscal year to use the inspection and enforcement resources of TDA to ensure public safety and protect agriculture and consumers. Additionally, SB 703 no longer requires the annual report to be delivered to the oversight committee in the senate and the house. TDA also is no longer required to receive advice from the oversight committee when establishing criteria for allocation funds and adoption of rules.</p> <p style="text-align: center;">TDA Programs</p> <p>SB 703 re-establishes the GO-TEXAN program, which promotes agricultural products and services made in Texas with the GO-TEXAN label. TDA is authorized to charge a membership fee and adopt new rules regarding membership eligibility, categories, and benefits. SB 703 revises outdated language regarding persons with disabilities. SB 703 states that TDA will no longer be required to have applications notarized for the home-delivered meal program and allows applications to be signed and submitted electronically. SB 703 would remove the TDA’s head of the seed division from The Seed and Plant Board, which reduces the board's composition to only five members. SB 703 also requires TDA to establish a farmer mental health and suicide prevention program to raise awareness of issues relating to mental health and suicide prevention.</p> <p>SB 703 instructs the Texas Boll Weevil Eradication Foundation to request TDA to grant an extension of the cotton stalk destruction deadline if there are adverse weather conditions. The bill removes the governance of the administrative committee as it relates to pest management and developing rules for the eradication of boll weevils and transfers its duties to the Foundation. The establishment of the Foundation shall be in place until September 1, 2033, unless extended.</p> <p>TDA’s Aquaculture Licensing Program served no real function, in response, SB 703 removes all references from statute and the regulatory authority they did have is now subject to the Texas Commission on Environmental Quality and Texas Park and Wildlife Department.</p> <p>SB 703 allows the Prescribed Burning Board to waive prerequisites to obtaining certification if it has been determined that the applicant holds a valid certification from another state that has equivalent requirements. Additionally, the board must perform the duties of a licensing authority for each certification issued; this power is transferred from TDA to the Prescribed Burning Board.</p> <p>TSAC also made the recommendation to formally abolish the Early Childhood Health and Nutrition Interagency Council, which voluntarily disbanded in 2018. The functions of the council duplicate the work of the Early Childhood Obesity Prevention Committee that is administered by the Department of State Health Services, and therefore the council should be formally abolished.</p>	
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			These changes represent several opportunities for TDA to provide a firmer foundation for its staff and will allow TDA and all the programs it oversees to improve agency performance .	
<p>SB 705</p> <p>By: Lucio Buckingham Hall Paxton</p> <p>Sponsor: Cyrier</p>	<p>Relating to the continuation and functions of the Texas Animal Health Commission</p>	<p>Agriculture & Livestock</p> <p>Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>The Texas Animal Health Commission (TAHC) was established to ensure the health and marketability of Texas’ animal agriculture industry. The Sunset Advisory Commission’s review of TAHC brought to light modifications needed to ensure TAHC’s success, such as staffing recommendations and provisions to better prevent outbreaks of diseases and extends TAHC until 2033.</p> <p>SB 705 states that a member of TAHC may not vote, deliberate, or be counted in attendance at a meeting until the person completes a training program that is specified in the bill. The executive director of TAHC will be required to create a training manual laying out the training program and distribute a copy of the manual to each member. Clarification is provided regarding grounds of removal for a member of the commission. SB 705 updates provisions relating to the complaint process and procedures and establishes advisory committees to make recommendations on the program rules and policies. SB 705 authorizes TAHC to analyze, on a statewide and regional basis, violations of provisions governing the control of animal diseases and pests and based on that analysis implement training needs, gaps in enforcement authority, and effective enforcement activities. SB 705 removes from statute the prescribed list of diseases TAHC is tasked with protecting livestock or fowl and grants TAHC authority rule-making authority to update rules for eradication as needed. SB 705 authorizes TAHC to slaughter livestock or fowl if the animal is exposed to or infected with a reportable disease that is recognized by the U.S. Department of Agriculture.</p> <p>SB 705 designates Texas A&M Veterinary Medicine Diagnostic Laboratory as the state’s regulatory animal health laboratory. SB 705 authorizes the TAHC to delegate its authority to establish a quarantine to the executive director of TAHC, which is responsible for promptly notifying members of TAHC when a quarantine is established. The bill states that TAHC must adopt and periodically update rules listing the diseases that the commission determines require reporting. SB 705 also revises language regarding prescribed treatment methods for certain diseases.</p> <p>These changes will help protect livestock and fowl from domestic diseases and manage and help control the spread of outbreaks and diseases. Additionally, these changes will ensure that TAHC and its members are doing their job effectively, which ensures success in the overall duties of TAHC.</p>	<p>Favorable</p> <p>Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>SB 713</p> <p>By: Buckingham</p> <p>Sponsor: Cyrier</p>	<p>Relating to the sunset review process and certain governmental entities subject to that process.</p>	<p>State Affairs</p> <p>Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>SB 713 makes several changes to the sunset review schedule in order to prioritize the agencies most in need of review, respond to pandemic circumstances, and balance the Sunset Commission’s workload.</p> <p>Following the several regulatory problems revealed by February’s winter storm, SB 713 moves forward the sunset review for the Public Utility Commission of Texas, which would also effectively adjust the review date for ERCOT, and the Office of Public Utility Counsel to the 2022-23 review cycle. It also postpones the reviews of the Texas Economic Development and Tourism Office and the Office of State-</p>	<p>Favorable</p> <p>Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>



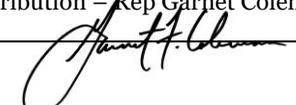
			<p>Federal Relations until the 2022-23 cycle, since these agencies were unable to be reviewed due to their involvement in pandemic response. The bill additionally provides for extending the review of the San Jacinto River Authority into the 2022-23 cycle after the community expressed dissatisfaction with limited opportunities to provide input during its initial 2021 review.</p> <p>To free up the commission’s workload, the bill also repeals two limited reviews into the Health and Human Services Commission (HHSC) on the potential consolidation of HHSC, the Department of State Health Services, and the Department of Family and Protective Services and on HHSC’s office of inspector general, which will receive a full sunset review in 2027. SB 713 also postpones reviews for the Texas Public Finance Authority, the Texas State Affordable Housing Corporation, and the Commission on State Emergency Communications until the 2026-27 cycle and postpones the reviews of the Texas Department of Insurance and its related agencies until 2024-25.</p> <p>SB 713 also:</p> <ul style="list-style-type: none"> • postpones the review of the Cancer Prevention and Research Institute of Texas to the 2028-29 review cycle to allow time for the implementation of recent new streams of funding. • postpones the review of the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board to the 2030-31 cycle to allow time to fully implement previous sunset recommendations. • removes Texas A&M Forest Service from the sunset review process, since the commission does not typically review agencies within higher education institutions. • foregoes passage of sunset legislation following the 2021 limited-scope review of the State Board of Veterinary Medical Examiners (TBVME), provides for a special purpose review and an effectiveness audit of the agency’s implementation of past recommendations, and schedules the next full sunset review for the 2028-29 review cycle. This will align TBVME’s review with other agencies that regulate the prescribing and dispensing of controlled substances. <p>Finally, the bill provides exemptions from requirements in the sunset review process relating to staff reports, hearings, and reviews for agencies unable to participate due to a declared disaster.</p>	
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LSG Floor Report For GENERAL STATE CALENDAR- Thursday, May 20, 2021

<p>SB 1365</p> <p>By: Bettencourt</p> <p>Sponsor:</p>	<p>Relating to public school organization, accountability, and fiscal management.</p>	<p>Public Education</p> <p>Votes: 7 Ayes, 5 Nays, 1 PNV,</p>	<p>The Legislative Study Group is aware of an amendment serving as a complete substitute that will be offered on the floor today for SB 1365. The LSG has not had the opportunity to speak with all of the stakeholders about the amendment in order to do a thorough analysis. Our current rating reflects our rating on the unamended version of SB 1365.</p> <p>This bill stems from a 2020 court ruling by the Third District Court of Appeals that found that the commissioner of education did not follow laws and procedures that would give him the authority to</p>	<p>Unfavorable</p> <p>Evaluated by: Phuong Nguyen (832) 302-9940 Phuong@TexasLSG.org</p>
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<p>Huberty Dutton King, Ken Murphy Oliverson</p>		<p>o Absent</p>	<p>temporarily replace HISD’s school board with a state-appointed board of managers. SB 1365 addresses the specific statutory provisions that halted the commissioner from taking over the school district based on a high stakes accountability rating system that only affected one school within the district.</p> <p>The current version of SB 1365 attempts to rewrite the state’s high-stakes accountability A-F rating system. It clarifies the commissioner’s power in the event that interventions or sanctions are warranted based on the low-performance ratings of schools and adds some additional measures regarding charter schools and the appointment of a board of managers.</p> <p>SB 1365 requires the Commissioner to assign each district and campus an overall performance rating between A-F and a separate domain performance rating. The bill provides that a reference in law to an unacceptable performance rating includes an overall or domain performance rating of F and under certain provisions D or performance that needs improvement. The bill redefines “unacceptable” performance to include campuses and districts with multiple D ratings. Previously, a campus had to receive an F to be considered “unacceptable.” This accelerates the rate at which the commissioner can take over an elected school board.</p> <p>Letter grades are sometimes considered an objective measure for allowing enforcement of improvements in low-performing schools; however little research has been done to determine the reliability or validity of using the A-F school rating system. Tying school funding and allotment of resources based on letter grades determined by high stakes test scores does not account for various factors that contribute to a school performance, including factors that are out of an educator’s control. True improvement happens when resources are provided to those students with the highest needs, and not by teaching students how to pass a high stakes test.</p> <p>SB 1365 establishes that the commissioner has the power to delegate executive functions to the Texas Education Agency (TEA) staff, department leaders, and any other employees to perform TEA duties regardless of any other law. The bill sets up a permanent basis that any final determination or order relating to public education cannot be appealed by any interlocutory, intermediate order expanding the commissioner’s authority to mandate a special investigation. The bill gives the commissioner of education the unilateral authority to create and adopt his own rules for evaluating schools for the upcoming year. It codifies that the commissioner’s determination is final and unappealable and allows TEA to classify a witness whose complaint may spark an investigation as “confidential” and is not subject to disclosure. SB 1365 would remove elected oversight of the commissioner’s decision, create a conflict of interest regarding the commissioner’s roles, and undermine due process for school districts that cannot appeal the commissioner’s decision.</p>	
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			<p>With regards to the powers and duties of the conservator or management team, SB 1365 clarifies that the conservator or management team may exercise the duties of these provisions regardless of whether they were appointed to oversee the operations of the school district entirely. The bill states that the implementation of a school improvement plan would remain in place until each campus in the district receives an acceptable performance rating for the school year or when the commissioner determines a conservator is no longer necessary. These broad provisions leave the commissioner to solely determine whether a school district is acceptable. SB 1365 also authorizes exemptions for charter schools from investigation and interventions, subjecting public school districts to a higher level of scrutiny. Schools that access public funding should be subjected to the same regulation to ensure equity.</p> <p>In an attempt to circumvent the court’s ruling, SB 1365 would give the Commissioner of Education unilateral power to take over an entire school district based on one school’s low performance and appoint conservatorship. This would fabricate a “solution” in the expansion of charter schools instead of concentrating resources and investing in the hardest to educate with evidence-based practices that have been proven to work such as local control, wrap-around services, and community schools.</p> <p>SB 1365 does not improve the accountability system in a way that would help educators meet their students’ needs. An additional note to consider is that SB 1365 did not receive a public hearing in the House public education committee, although the bill is somewhat different than its House companion. The purpose of the school accountability system should be to serve the schools with the most needs ensuring the education of those students is equitable in comparison to their counterparts. SB 1365 does not put resources in the hands of those students and will continue to create a system that fails to meet their needs.</p>	
<p>SB 1385 By: Creighton Sponsor: Murphy Krause</p>	<p>Relating to the compensation and professional representation of student athletes participating in intercollegiate athletic programs at certain institutions of higher education.</p>	<p>Higher Education Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent</p>	<p>Currently, student athletes are not permitted to receive compensation for their name, image, or likeness despite their use for products and merchandise. Similar legislation has been passed and considered by other states and at the federal level but not in Texas. SB 1385 addresses the ability for collegiate student athletes to receive compensation for their name, image, or likeness.</p> <p>SB 1385 prohibits an institution of higher education from providing or soliciting compensation to a prospective student for their name, image, or likeness. The bill also prohibits those entities from adopting or enforcing a policy, team contract, or requirement that prohibits a student athlete from:</p> <ul style="list-style-type: none"> • using or receiving compensation for their name, image, or likeness when not engaged in official team activities as outlined in the bill • obtaining professional representation, i.e., an athlete agent or agency, to address contracts or other legal matters regarding the student’s name, image, or likeness <p>SB 1385 identifies the specific conditions in which a student may enter into a contract with professional representation. If a contract conflicts with the conditions provided by the bill, then the institution must</p>	<p>Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>



			<p>report this conflict to the representing agent or agency to make necessary changes to resolve it. SB 1385 prohibits individuals, corporate entities, or other organizations from entering into an arrangement with a prospective student athlete before enrollment into an institution of higher education or to recruit a prospective student to a specific institution.</p> <p>The bill prohibits an institution from disqualifying these students from receiving scholarships, grants, or financial aid for which they would otherwise be eligible. If a student athlete were to receive a scholarship, grant, or financial aid or if the institution covers the student's cost of attendance, then it would not be considered as compensation for the student under this bill. SB 1385 requires student athletes to attend financial literacy and life skills workshops their first and third years at the institution.</p>	
<p>SB 2154</p> <p>By: Schwertner</p> <p>Sponsor: Paddie</p>	<p>Relating to the membership of the Public Utility Commission of Texas.</p>	<p>State Affairs</p> <p>Vote: 10 Ayes, 0 Nays, 1 PNV, 2 Absent</p>	<p>Following the agency mismanagement revealed by the events of Winter Storm Uri, SB 2154 makes several changes to the Public Utility Commission (PUC) pertaining to commission members and qualifications.</p> <p>This bill would expand the PUC from three commissioners to five, all of whom must reside in Texas. Whereas currently all commissioners are required to be well informed in public utility regulation, SB 2154 stipulates that only two must be. It also includes experience as a professional engineer as adequate qualification. Finally, the bill stipulates that a person would not be eligible for appointment to the PUC if they had, within the year prior to appointment, served as the Governor, Lieutenant Governor, Comptroller, Commissioner of the General Land Office, Attorney General, or a member of the legislature, or held other disqualifying roles currently outlined in statute - this decreases the amount of time a person must have left such a position before becoming eligible from two years to one.</p> <p>These provisions would generally improve the PUC by acknowledging technical engineering expertise as beneficial to carrying out a commissioner's duties, which often concern technical issues. Expanding the PUC's size will allow for more diverse perspectives and skill sets and will allow commissioners to communicate without potentially violating open meetings laws more easily. There are concerns, however, about this bill's stipulation that only two out of five commissioners must be qualified in public utility regulation, considering this is the primary job duty. Furthermore, consumers and everyday Texans often bear the consequences of PUC decisions, but they are not represented on the PUC board.</p>	<p>Favorable with Concerns</p> <p>Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>SB 1585</p> <p>By: Hughes</p> <p>Sponsor: Cyrier</p>	<p>Relating to requirements for the designation of a property as a historic landmark and the inclusion of a property in a historic district by a municipality.</p>	<p>Culture, Recreation, & Tourism</p> <p>Votes: 5 Ayes, 0 Nays, 0 PNV, 4 Absent</p>	<p>The Texas Legislature authorized city councils to regulate historical structures of significance through zoning regulations, a critical step in preserving Texas heritage for future generations and ensuring a process for preservation and rehabilitation of historical structures. The current statute requires that a city or the property owner can initiate the process of designating a building as a historical structure. However, if a property owner opposes a city-initiated designation, the property must receive a supermajority vote of the zoning, planning, or historical commission in addition to the supermajority vote at the city council. This provision was meant to provide cities with flexibility due to the fact that some cities may only have one board that serves all three purposes or a separate board for each. This statute has allowed some cities to interpret that they may "shop around" votes depending on schedule and</p>	<p>Favorable</p> <p>Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org</p>



			<p>preference, leaving a property owner at a disadvantage in designation determination. Lack of clarity regarding city designation of historical districts without property owner’s consent is a subject of concern. SB 1585 seeks to amend the code making the process of designating a building historical fairer for all parties involved.</p> <p>SB 1585 prohibits a municipality from designating a property as a local historic landmark or including it within the boundaries of a local historic district unless the owner of the property agrees or, in the case where the property owner does not agree, a three-fourths vote of the city council and the zoning, planning or historic commission of the city is required. SB 1585 further requires a municipality that has more than one zoning, planning, or historical commission to designate one of those commissions as the entity with exclusive authority to approve the designation of a property as a local historic landmark and the inclusion of a property in a local historic district.</p> <p>SB 1585 clarifies the current statute in regard to historical district designation, ensuring fairness to property owners while maintaining fidelity in the preservation of historic buildings for future generations.</p>	
<p>SB 282 By: Alvarado Sponsor: Meyer</p>	<p>Relating to a prohibition against the appropriation of money to settle or pay a sexual harassment claim made against certain members of the executive, legislative, or judicial branch of state government.</p>	<p>State Affairs Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>SB 282 prohibits the legislature or state agencies from appropriating or using appropriated funds to settle or pay a sexual harassment claim made against an elected or governor-appointed official in the legislative, executive, or judicial branches.</p> <p>Sexual harassment claims are often brought against a perpetrator’s employer, which incentivizes the employer to deter bad behavior and remove employees who are habitual offenders. However, because an elected official cannot simply be fired for bad behavior, some may feel less direct pressure to correct inappropriate conduct. Thus, it may be a good idea to place the obligation of payment on the individual so that they bear responsibility for their actions and taxpayer dollars are not used to enable this behavior.</p> <p>That being said, this bill could make it more difficult for claimants to receive compensation for sexual harassment claims or settlements since there is no guarantee that a perpetrator will have the means to make payments. It may additionally disincentivize the state from investing in measures to deter sexual harassment among elected and appointed officials.</p>	<p>Favorable with Concerns Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
<p>SB 338 By: Powell Sponsor: Lucio III</p>	<p>Relating to the adoption of uniform general conditions for building construction contracts entered</p>	<p>Public Education Votes: 11 Ayes, 1 Nays, 0 PNV,</p>	<p>The Texas Facilities Commission (TFC) adopts uniform general conditions for construction contracts made by the state. General conditions are an integral part of the construction contract consisting of items general responsibilities, safety, quality control, schedules, payment, project completion, dispute resolutions, etc. These contracts represent the interest of diverse groups involved in the project, including engineers, architects, contractors, and state agencies. Public school district buildings are not subjected to the TFC uniform general conditions contracts. SB 338 seeks to extend the option of adopting a uniform general condition contract to public school districts.</p>	<p>Favorable Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org</p>



	into by school districts and the composition of the committee that reviews uniform general conditions.	1 Absent	SB 338 allows a public school district to review and adopt uniform general conditions contracts to be incorporated in all districts building construction contracts. SB 338 appoints two new members to the committee appointed by the TFC to review all uniform general conditions- one member from the Texas Association of School Boards and the other from the Texas Association of School Administrators. The adoption of uniform general conditions ensures that public funds are used with maximum efficiency during all stages of the construction of a state building.	
SB 877 By: Hancock Sponsor: Morrison	Relating to the inspection of municipal buildings during a declared disaster.	Urban Affairs Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The COVID-19 pandemic caused the shutdown of several municipal inspection departments for extended periods of time, during which cities did not utilize third-party inspectors to proceed with inspections and permitting. These closures caused real estate projects to cease operations until inspections could be conducted. This caused increases to project costs and timelines and decelerated economic development. SB 877 aims to require cities during a declared disaster to accept third-party inspections by qualified professionals. SB 877 authorizes a building inspection to be conducted during a governor declared disaster or a local disaster by a person other than the building owner or a person working in building inspection if the person is: <ul style="list-style-type: none"> certified to inspect buildings by the International Code Council - a U.S. based membership association that develops model codes and standards used in the design, build, and compliance process to construct structures employed by the municipalities where the building is located to inspect buildings employed by any political subdivision as a building inspector, if the municipality where the building is located has approved the person to conduct the inspection an engineer licensed by occupation code standards SB 877 requires the person who conducts the inspection to comply with the municipality's regulations and policies regarding building inspections and provide notice to the municipality in the city's preferred format of the inspection within 30 days of the inspections being completed. SB 877 prohibits the municipalities from collecting an inspection fee related to a building inspection performed under this act.	Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
SB 296 By: Perry Sponsor: Button	Relating to the date by which a seller must provide resale and exemption certificates to the comptroller in connection with a	Ways & Means Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	Business entities that engage in resale or provide nontaxable goods or services must maintain a Comptroller certificate for these transactions, which must be kept on hand at the time of the initial purchase and submitted in the event of an audit. The Comptroller will provide written notice requiring the possession of certificates from sellers within 60 days, but if the seller does not have the certificates, tax deductions for those transactions cannot be claimed and the seller must remit taxes for those transactions. Some report the timeframe for entities to submit these certificates is too narrow. SB 296 provides more flexibility by changing the deadline from 60 days to 90 days, and by allowing the seller to request an additional extension from the Comptroller.	Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org



	sales and use tax audit.			
SB 1578 By: Kolkhorst Sponsor: Frank	Relating to the use of opinions from medical professionals in making certain determinations relating to the abuse or neglect of a child.	Juvenile Justice & Family Issues Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	<p>The Forensic Assessment Center Network (FACN) was initially developed by the Texas Department of Family and Protective Services (DFPS) and the University of Texas Health Science Center to provide medical determination consultations for DFPS cases regarding child abuse and neglect. FACN's physicians provide expert testimony if a child's reported injuries resulted from abuse or neglect. There are concerns regarding medical opinions that incorrectly identify injuries as indications of abuse and neglect resulting in a child's removal from a home. SB 1578 addresses these concerns by having DFPS review FACN and update practices with the entity, provides a specific direction of how medical opinions can be used and permits more than one medical opinion to be presented to the court.</p> <p>SB 1578 requires DFPS, in collaboration with the Texas Supreme Court's Children's Commission, to evaluate their use of the FACN and develop recommendations on how to improve agreements between the two entities. The two entities will also develop best practices for DFPS to use FACN assessments.</p> <p>SB 1578 authorizes a court to consider the opinion of a medical professional regarding if a child was a victim of abuse or neglect provided by the plaintiff of specific suits that affect the parent-child relationship. The bill also authorizes courts to consider the opinion of a medical professional produced by the defendant for a protective order application hearing when determining if a child was a victim of abuse or neglect.</p> <p>SB 1578 prohibits the following actions based solely on a medical professional's opinion who did not directly conduct a physical examination on the child:</p> <ul style="list-style-type: none"> • a court determination, for specific cases, that there is immediate danger to the physical health or safety of a child or that the child is the victim of neglect or sexual abuse. • taking emergency possession of a child without a court hearing by an authorized DFPS representative, law enforcement officer, or a juvenile probation officer. 	Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
SB 89 By: Menéndez Sponsor: González, Mary	Relating to supplemental information required for inclusion with a written statement of an individualized education program developed for certain public	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	<p>Among all students who were and still are affected by the COVID-19 pandemic, students with disabilities experience greater disruption in needed special services resulting in impeding progress and even regression of learning. The pandemic left parents of special education students at a loss as to how best to serve their students. SB 29 seeks to address the needs of special education students during the COVID-19 pandemic.</p> <p>SB 29 requires a public school district to prepare a supplement for all students enrolled in the district's special education program during the 2019-20 or 2020-21 to be included with the written statement of the individual education program (IEP) developed for the student. The supplement must include information indicating:</p>	Favorable Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org



	school students who received special education services during the 2019-2020 or 2020-2021 school year.		<ul style="list-style-type: none"> • if applicable, whether a written report of the child's full individual and initial evaluation for special education services was completed during the 2019-2020 or the 2020-2021 school year and if the report was completed by the required date. • if applicable, whether the child's initial IEP was developed during the 2019-2020 or the 2020-2021 school year and if it was developed by the date required under federal regulations. • whether the provision of special services to the child under an IEP during the 2019-2020 or the 2020-2021 school year was interrupted, reduced, delayed, suspended, or discontinued. • whether compensatory educational services are appropriate for the child based on the information included in the supplement or any other factors. <p>The bill exempts a district from the supplement requirement during the 2020-21 school year if the child's IEP document includes the information required by the supplement. The bill requires the districts to complete the supplement requirement by May 1, 2022, and the provision expires on September 1, 2023.</p> <p>SB 29 aims to make sure that our vulnerable population of students does not get left behind during times of great challenges and we prepare appropriately for in-person education in the near future. SB 89 is identical to HB 144 which was passed out of the House on May 13, 2021.</p>	
SB 672 By: Buckingham Campbell Nelson Schwertner Sponsor: Bonnen Guillen	Relating to Medicaid coverage of certain collaborative care management services.	Human Services Vote: 7 Ayes, 1 Nay, 0 PNV, 1 Absent	<p>The Collaborative Care Model (CoCM) is the delivery of integrated care between behavioral health and general medical services, which has been shown to improve patient outcomes and reduce costs. This style of care recognizes the mental health issues that people experience along with other health conditions, such as heart disease, and emphasizes the importance of early intervention and measuring progress. Currently, Texas Medicaid does not cover this interdisciplinary approach to care. SB 672 seeks to require the Health and Human Services Commission (HHSC) to provide that reimbursement under Medicaid.</p> <p>SB 672 requires HHSC to provide reimbursement to health care providers participating in Medicaid for children and adults who receive behavioral health services classified under a current procedural terminology code—a set of codes updated by the American Medical Association which describe procedures and services performed by physicians and other health care providers—as collaborative care management services.</p>	Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
SB 766 By: Huffman Sponsor: Leach Thompson, Senfronia Hunter	Relating to sexually oriented businesses, including a requirement to participate in the federal electronic verification of employment	Licensing & Administrative Procedure Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	<p>Research shows the environment of sexually-oriented businesses (SOBs) negatively impacts the lives of young people by causing detrimental trauma and allowing human trafficking to flourish. Alcohol sales are a major source of revenue for these clubs and minors under 21 are often encouraged to drink with customers so they will spend more money, which has resulted in many fatal drinking and driving accidents impacting the lives of young women and their families. Human trafficking is promoted by the business model: sex buyers prefer the controlled environments of these clubs, specifically targeting young people under the premise they do not have sexually transmitted diseases. Many start as dancers needing short-term financial solutions but are then groomed and trafficked by club regulars. Research also shows</p>	Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org



	<p>authorization program, or E-verify, and restricting the age of persons employed by or allowed on the premises, creating criminal offenses</p>		<p>nearly all dancers experienced physical and sexual abuse at SOBs. All these issues can result in serious legal ramifications, carceral recidivism, and trauma that impacts people for the rest of their lives.</p> <p>There is a dire need to better protect young people from damage caused by negligent SOBs. SB 766 promotes better public safety by requiring people employed by SOBs to be at least 21 years old, prohibiting people under 18 years old to be on the premises of an SOB, and requiring these businesses to participate in the E-Verify program to quickly identify fake documents or identification cards often used in human trafficking. These changes will potentially reduce the harm and trauma caused by sexually-oriented businesses currently impacting the lives of many young people in Texas.</p> <p>The bill prohibits any permit or license holder under the Alcoholic Beverage Code from knowingly or recklessly allowing individuals younger than 18 on premises where an SOB is operating, which would be punishable by Class A misdemeanor. The Texas Alcoholic Beverage Commission is required to completely cancel licensure or suspend a license for 30 or 60 days depending on the number of violations or the nature of findings. A person would be categorized as maintaining a common nuisance under civil law if they perpetuate an environment where people knowingly tolerate or do not make reasonable attempts to stop activities related to hiring employees under 21 years of age or permits people younger than 18 years old on the premises of an SOB.</p> <p>SB 766 changes the prohibited age for individuals an SOB may hire from younger than 18 to younger than 21 years of age punishable by Class A misdemeanor, except for independent contractors solely performing repairs, maintenance, or construction services. For purposes of employment considered harmful to children, the Penal Code definition of “child” is conformingly changed to a person younger than 21 years of age. The bill establishes an offense if SOBs fail to register and participate in the E-Verify program to confirm the identity documents of their employees. Authority is expanded for the Attorney General, Texas Workforce Commission, or law enforcement agencies to inspect employment records and use E-Verify to establish whether the SOB hired an individual under 21 years of age.</p>	
<p>SB 2054 By: Menéndez Sponsor: White Guillen Johnson, Jarvis</p>	<p>Relating to the payment of fees and costs associated with driver education and safety courses and driver's license examinations for foster children or youth, former</p>	<p>Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>For youth experiencing homelessness or youth in foster care there are many barriers in place to acquiring a driver's license. Specifically, the inability to pay for the costs and fees associated, such as driver's education courses or licensing exams. SB 2054 seeks to establish a process by which the cost of such fees may be covered for youth experiencing homelessness or foster youth.</p> <p>SB 2054 requires the Texas Workforce Commission (TWC) to pay the fees relating to meeting a requirement for a DL exam or a drive and traffic safety course if requested. To qualify, an individual must be:</p> <ul style="list-style-type: none"> • eligible for the DL fee waiver provided for foster children or youth and homeless children or youth 	<p>Favorable Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org</p>



	<p>foster children or youth, and youth experiencing homelessness.</p>		<ul style="list-style-type: none"> • younger than 26 years of age and was in the managing conservatorship of the Department of Family and Protective Services the day prior to their 18th birthday or a homeless child or youth as defined by federal law <p>SB 2054 requires the Department of Public Safety (DPS) in regard to the money in the identification fee exemption account, an account used to waive fees for DL or IDs for foster youth, to:</p> <ul style="list-style-type: none"> • request that the comptroller transfer to TWC the sufficient amount needed to pay entities for the cost of fees associated with acquiring a DL other than DPS; and • pay DPS the costs associated with administering the transfers. <p>By rule DPS will consult with TWC to establish a process for the transfers. SB 2054 prohibits DPS from requesting a transfer of fees or paying the cost if, in consultation with TWC, DPS has determined the funds in the account are insufficient.</p>	
<p>SB 481 By: Kolkhorst Sponsor: Schofield</p>	<p>Relating to the transfer of certain public school students to a school district offering in-person instruction.</p>	<p>Public Education</p> <p>Votes: 11 Ayes, 1 Nays, 0 PNV, 1 Absent</p>	<p>During the COVID-19 pandemic, under the guidance of the Texas Education Agency, some school districts chose to only offer online instruction to their students. While this was a necessary adjustment for the safety and well-being of the school community, some students struggled academically to adapt to remote learning, causing some parents to withdraw their students and place them in other educational settings. SB 481 seeks to give those parents and students an alternative to withdrawing their students from school.</p> <p>SB 481 would authorize a student enrolled in a public school district that has notified it intends to only offer virtual instruction for more than one grading period to transfer to another district that offers in-person instruction and accepts the student's transfer for that school year. A student who transfers to another district may not be charged tuition and is included in the average daily attendance of the district in which the student attends school. The bill authorizes the commissioner of education to adopt rules necessary to implement the bill's provisions.</p> <p>SB 481 would give parents and students an alternative option in the public school system instead of withdrawing students in a situation where a school requires remote virtual learning. Research has shown that the best delivery of education for children is in-person learning. While virtual learning is a means to an end in special individual cases and circumstances beyond anyone's control, it is not a replacement for in-person, classroom education.</p> <p>As the pandemic slows and more people are vaccinated, and children are starting to qualify for vaccination, this legislation does not seem warranted. Texas schools plan to fully reopen in the fall of 2021, yet this bill does not have an expiration date, which calls into question the intent of why it is necessary beyond this school year.</p>	<p><u>Favorable, with Concerns</u> Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org</p>



<p>SB 918 By: Kolkhorst Sponsor: Leman</p>	<p>Relating to the size, terms, and election of boards of directors of certain insurance companies.</p>	<p>Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Currently, insurer board sizes codified into law do not necessarily provide modern, flexible operating practices. Some insurers must assemble large boards for the sole purpose of compliance, which is often complicated by existing provisions that restrict the process of staggering terms for those with large boards.</p> <p>SB 918 reduces the number of board directors required for insurance companies, other than life, health, or accident insurers, from seven to five members. Also, the bill removes requirements for stakeholders of such insurance companies and shareholders of life, health, or accident insurance companies to hold their annual meeting before May 1st of each year. Finally, SB 918 repeals provisions that limit life, health, or accident insurers who may provide staggered terms for their board of directors to those whose board consists of at least nine directors.</p> <p>SB 918 will offer insurer’s stakeholders and shareholders the flexibility to schedule annual meetings and ensure ample knowledge is retained within the board.</p>	<p>Favorable Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org</p>
<p>SB 1116 By: Bettencourt Birdwell Creighton Hall Kolkhorst Schwertner Sponsor: Bucy</p>	<p>Relating to a county, city, or independent school district posting election results on an Internet website.</p>	<p>Elections Votes: 7 Ayes, 2 Nays, 0 PNV, 0 Absent</p>	<p>Currently, public access to election results for independent school districts, counties and cities are not widely or easily available.</p> <p>SB 1116 requires counties, cities, or independent school districts who hold elections to post election results, total votes cast, and the number of votes cast for and against each measure or candidate. The information must be two clicks from the website homepage of the city, county, or district.</p> <p>This bill will ensure that voters have information they need to be fully informed of ballot measures and candidates that affect their daily lives.</p>	<p>Favorable Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org</p>
<p>SB 904 By: Perry Sponsor: Lopez</p>	<p>Relating to requiring trauma training for certain attorneys.</p>	<p>Juvenile Justice & Family Issues Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent</p>	<p>An element of improving juvenile justice is increased awareness of the impact of trauma on children. This is especially necessary when determining conservatorship and placing a child with the Department of Family and Protective Services (DFPS). In light of the recent court case involving DFPS’ misconduct, it is essential that all parties involved in child custody cases are trained in trauma-informed care to ensure proper representation of as well as interactions with traumatized children. SB 904 requires certain attorneys to receive trauma-informed care training, which will enhance their advocacy for their clients and ensure their best interest.</p> <p>SB 904 requires court listed attorneys that are qualified to serve as a guardian ad litem for a child to provide proof of completing a trauma-informed care training that adheres to the specific requirements identified in the bill. The training must include education on the impact of trauma for children in conservatorship with DFPS.</p>	<p>Favorable Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org</p>



<p>SB 1315 By: Lucio Sponsor: Dominguez</p>	<p>Relating to the determination that certain property is used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce for purposes of the application of certain ad valorem tax laws.</p>	<p>Ways & Means Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent</p>	<p>In Texas, appraisal districts usually have jurisdiction over public property in their territory, but ports of entry own and have jurisdiction over any surrounding public property in what is known as a navigation district. Business owners in those areas lease property from the port of entry and receive a property tax exemption if they engage in any business related to water navigation in the port, which is known as “navigation related commerce.” Examples include metal recycling units that deconstruct navy ships or other entities providing port-related services. Some interpretations of the tax code have resulted in qualifying businesses not receiving property tax exemptions they are entitled to as lessees of navigation district property. SB 1315 provides appraisal districts with clarity regarding what constitutes navigation-related commerce to ensure the law is applied uniformly in all areas encompassing ports of entry and navigation districts.</p> <p>For property to qualify for the property tax exemption associated with navigation-related commerce, the bill clarifies property must be leased to a person engaged in navigation-related business, be adjacent to federal navigation projects or federal foreign trade zones or include part of a rail facility used by the port or waterway.</p> <p>For activity to qualify as navigation-related commerce, a person must hold a maritime-related license, permit, or franchise issued by the navigation district, lease property that connects infrastructure to a public dock such as a platform, haul cargo using a public dock, participate in commercial fishing, perform any type of maintenance on boats, fly planes, or other navigation district activities as the appraiser sees fit to include. By identifying what constitutes navigation-related commerce in broad terms, SB 1315 ensures qualifying businesses can receive a property tax exemption for helping conduct important business in a port of entry as intended by law.</p>	<p>Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>
<p>SB 343 By: Kolkhorst Sponsor: Harless</p>	<p>Relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond imposed in criminal cases involving family violence.</p>	<p>Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p>	<p>Peace officers report they frequently encounter individuals released on a conditional bond when responding to domestic violence calls and are not fully aware of the situation they are encountering due to lack of available bond information. This hinders their ability to not only protect themselves, but victims of domestic violence who need law enforcement intervention for their safety.</p> <p>SB 343 requires a magistrate to update the bond conditions for people charged with family violence in the Texas Crime Information Center (TCIC) database maintained by the Department of Public Safety (DPS) as soon as possible within the next business day. The magistrate must send a copy of the order to the attorney representing the state, the applicable municipal chief of police or county sheriff, and to the victim at their last known address within one business day. Magistrates must also issue a copy of bond conditions to appropriate entities if the defendant is prohibited from going near a childcare facility or school. The bill allows for delaying copies of orders if there is insufficient information for law enforcement and provides for sending copies of bond orders electronically. If a victim is not present when orders are issued, the magistrate must make a good faith effort to provide notice of bond conditions by phone within 24 hours.</p>	<p>Favorable Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>



			Law enforcement agencies receiving a copy of an order must enter or amend certain information on the status and requirements of a conditional bond imposed on a defendant charged with family violence in TCIC within three business days after the receipt date. The bill requires DPS to modify the system so that information can easily be searched using different criteria, including the name of the defendant, and retrieve information necessary to enforce and prevent violations of bond conditions. The person accessing the system to enter, modify, or remove bond condition information must be able to add or remove notes related to the defendant or the person protected by bond orders.	
<p>SB 611</p> <p>By: Campbell Bettencourt Blanco Gutierrez Hall Hancock Hinojosa Huffman Lucio Menéndez Paxton Perry Powell Schwertner Seliger Springer Whitmire</p> <p>Sponsor: Lopez</p>	<p>Relating to an exemption from ad valorem taxation of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.</p>	<p>Ways & Means</p> <p>Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent</p>	<p>Spouses of military service members killed in action are entitled to a total residence homestead property tax exemption, but the current phrasing of this exemption disqualifies surviving spouses of military members who pass away during service from injuries not related to combat. SB 611 addresses this issue by changing the scope of entitlement for the total property tax exemption to include the surviving spouse of a U.S. armed services member killed or fatally injured in the line of duty, rather than someone killed in action as currently written in the Tax Code. Conforming changes are made to require a chief appraiser to accept or deny an application based on existing deadline requirements, and the bill's provisions only apply to a tax year beginning January 1, 2022.</p>	<p>Favorable</p> <p>Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org</p>

