TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

Representative **Desk**

LSG Floor Report For POSTPONED BUSINESS UNTIL 10 AM- Monday, May 3, 2021

Author	Caption	Committee	Analysis & Evaluation	Recommendation
HB 2189 By: King, P. | Craddick | Price | King, K. | Bell, C.	Relating to state contracts with and investments in certain companies that boycott energy companies.	State Affairs Vote: 12 Ayes, 1 Nay, 0 PNV, 0 Absent	HB 2189 prohibits Texas' various retirement systems and the permanent school fund from contracting with or investing in financial companies that the comptroller's office defines as a "boycott energy company," meaning those that take actions to penalize or limit commercial relations with a fossil fuel-based energy company because it does not pledge to meet environmental standards beyond applicable federal and state law. The comptroller is directed to keep and make public an annually updated list of boycotting companies. If any state entity owns direct or indirect holdings in a boycotting company, it must notify the company that it is at risk of divestment if it does not "cease boycotting" energy companies. This may be determined by various means, including publicly available data from nonprofits or research firms or simply the absence of a response to communication on the matter. Total divestment must occur within 360 days of the company receiving notice unless it is determined that divestment would be financially irresponsible and would likely result in a loss in the fund's value, in which case the entity will have to report to the legislature every 6 months proof of that likely result. State entities will not be required to divest from indirect holdings in actively or passively managed investment funds or private equity funds but must submit to the fund managers a request that boycotting companies be removed. The attorney general may bring action to enforce these rules. Additionally, HB 2189 adds a provision to all contracts that have a value of over $100,000 to be paid by a state agency or political subdivision, entered with companies employing 10 or more people. Contracts may only be entered if the company provides written verification that it does not and will not boycott energy companies.	**Will of the House with Concerns** Evaluated by Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			This bill comes as a response to several major financial institutions like JPMorgan Chase, Wells Fargo, and Bank of America committing to more environmentally friendly investing. While their actions would likely not fit into the narrow definition of a "boycott energy company," it would nonetheless be unfeasible to divert all state funds from major banks or other institutions that Texas financial experts have entrusted with our state's retirement and public-school investments, without suffering unnecessary financial losses. The Texas Employee Retirement System indicated this bill's passage would have a negative fiscal impact on its operations, which raises concerns that Texans and their tax dollars could be put at risk by the precedent set by this new contract requirement that could cause Texas government entities to pass up the most economically sound and reliable investments. Financial companies and other commercial entities make business decisions based on their bottom line. If divesting from certain companies is in their best financial interest and supported by their customers, and still provides significant returns on their investments, the state should not punish them and disrupt the process of making sound investment decisions - nor should subject retirees and schoolchildren to potential financial fallout. Although divestment is not mandatory it could lead to a diminished return on state investments.	
HB 4422 By: King, Tracy O.	Relating to the authority to request attorney general advice on questions relating to actions in which the state is interested.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, Texas government code limits access to seek the Attorney General's opinion to only district and county attorneys for cases in which the state has an interest. HB 4422 seeks to add additional entities that can request Attorney General Advice in the prosecuting and defense of an action in which the state is interested in a district of the county attorney and an employee of a county who serves as the lead of the county's civil legal department. HB 4422 would allow all counties whose governing bodies have created a civil legal department to have equal access to necessary legal guidance from the Attorney General.	**Favorable** Evaluated by Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 20 By: Murr	Relating to the release of defendants on bail.	Criminal Jurisprudence Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent	HB 20, also known as the Damon Allen Act, attempts to address long-standing bail issues with statewide mechanisms to assure public safety. However, HB 20's provisions regarding Pretrial Public Safety Assessment (PPSA) cause significant concerns regarding its ability to take contextual factors such as race or background into account when rendering a decision. More than 60% of people in Texas jails have not been convicted of a crime. A majority of these nearly 40,000 people are stuck in jail because they cannot afford bail. This bill will also limit judicial discretion and could cause an increase in our jail population costing the state and taxpayers money The pretrial justice system has three essential obligations: maximizing public safety, court appearance, and pretrial liberty as required by Federal and State Constitutions.	**Unfavorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			Bail reform measures adopted statewide must address legal concerns to ensure that policies do not undermine the Constitution's mandate to preserve liberty until proven guilty. The 5th Circuit Court of Appeals and the Supreme Court have repeatedly stated that it is unconstitutional to hold someone in jail because they cannot afford to pay a bond and that pretrial detainment must be the limited exception. Under the current bail system, judges must maintain minimum and least restrictive considerations for release while keeping in mind a person's flight risk and threat to public safety. Currently, all Texans have a right to bail except those with capital offenses where the proof is evident. **Worthwhile Aspects** HB 20 adds bail training and continuing education courses for magistrates with 90-day limits on completion. The bill maintains that bail decisions must be made within 48-hours of arrest and impose the least restrictive conditions and minimum amount of personal or monetary bond. HB 20 also specifies that magistrates may release defendants only if they are compliant with training requirements and residents of counties they serve. The bill adds a notice of bond conditions that must be distributed no later than the next business day where the magistrate issues an order by modifying or removing a condition previously imposed, and the court clerk must send a copy to the prosecutor and chief of police or sheriff of the county. Only if a court clerk lacks information may they delay sending the copy. If conditions prohibit a defendant from going near specific locations, the court must send a copy to the locations. HB 20 requires judges and magistrates to provide written findings justifying bail denial, which is currently not happening in Texas. Also, the bill requires specific release of bail-related data to become public information. **Pretrial Public Safety Assessment (PPSA)** In contrast to Nationwide discoveries, HB 20 develops a validated PPSA tool to be implemented statewide. The bill requires that the PPSA tool: • must remain objective and based on empirical data related to appearance failures and public safety • may not consider factors that disproportionately affect racial, ethnic, and socioeconomically disadvantaged groups • must produce unbiased and proven results without disproportionate outcomes	

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			Although the PPSA attempts to control for bias, race is not explicitly addressed. HB 20 does not specify the input variables for the PPSA that are dependent upon unique language. Since the groups listed above often experience failure to appear, the tool should solely select instances of intentional bond jumping. Factors considered in the PPSA will cover the defendant's age and justice records as a stand-in for public safety risk. Without insight into what offenses constitute as dangerous and if the algorithm considers convictions or arrests, the tool could promote ageism and perpetuate existing social inequalities. HB 20 states that the judiciary must consider bail of Class B misdemeanors or higher with the PPSA tool within 48-hours of arrest and consider the PPSA results before making bail decisions. The overall issue with PPSA is how algorithms are run and how the PPSA tool is used. The bill assumes that a one-size-fits-all scientifically-based tool could be race-neutral and will result in low-risk defendants being released without supportive evidence, which will further encode racial discrimination. Currently, there is no risk assessment tool available that does not produce biased and discriminatory outcomes. The last thing Texas needs is justification for more detention, higher bond amounts, and more guilty pleas to get out of jail. **Judicial Discretion** It is of utmost importance for the judiciary to justify detainments for all cases, not solely denials. This adjustment would require reinforcement by the Legislature to make such changes per the 5th Circuit. As written, HB 20 does not require the court to hold an evidentiary hearing. While HB 20 does specify that bail schedules may not be inconsistent with the bill and that the schedules do not prohibit the acceptance of bail before a PPSA is conducted or before bail decisions have been made, there are concerns of PPSA errors leading to costly litigation as seen in Houston. In rural jurisdictions, HB 20 allows for Sheriffs to conduct the PPSA, which could pose a conflict in the interest of justice. HB 20 specifies that the judiciary maintains the authority to release defendants in certain felony and misdemeanors punishable by confinement cases. The bill further emphasizes that violent or sexual offenses may be denied pending trial upon judicial discretion. In contrast, HB 20 adds that the judiciary may not release defendants with capital or trafficking-related offenses on personal bonds, expanding current ineligibility that could lead to costly litigation statewide.	

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			The Penal Code is blind to background context, and judges can currently consider previous justice involvement that does not pose an actual risk of fight or public safety. Many local governments have mechanisms to release large categories of defendants on personal bonds, and automatic release, HB 20 will undermine these local reforms. **Jail Populations** Under Texas' current bail statutes, the statewide average cost to county taxpayers for pretrial detainment is $59 per individual each day. HB 20 is likely to cause jail populations to increase and result in the creation of new jails to maintain the influx of beds as judges air on the side of caution by layering the PPSA on a broken justice system. To remedy this, HB 20 must remain in line with the Constitution's imperative to maximize pretrial liberty and ensure bail practices comport with constitutional due process and equal protection. If HB 20 had a case-by-case administrative release in place and confirmed that protected classes would not be impacted negatively, the bill could resolve the expansion of pretrial detention at taxpayers' expense. Pretrial detention increases recidivism, the 90% rate of cases that resolve in plea deals, and negatively influences case and conviction outcomes. Also, the mental, emotional, and sociological impacts pretrial detainment have on defendants since jails have a three-times higher rate of suicide than prisons. **Continuance of Public Safety Risks** HB 20 maintains that defendants may be released on personal bond for some technical and general offenses. In contrast to previous additions, the bill's rules for setting bail amounts states explicitly that: • Bail must be sufficiently high for the reasonable assurance of compliance • Results of the PPSA be considered for the victim, law enforcement, and community safety • All relevant facts or circumstances shall be considered, and only misdemeanor offenses that resulted in bodily injury or manufacturing and delivery of drug-related offense that occurred more than 10-years before • Although HB 20 has well-intentioned language around rules for setting bail amounts, as written, the money bail system coupled with the clear and convincing evidentiary standards of HB 20 maintains that those with financial means will be released. The bill adopts the assumption that defendants with low-level non-violent offenses will be eligible for bond, which is in direct conflict	

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			with statewide data showing higher bond amounts and an increase of guilty pleas for good-time credit. The Legislature must reinforce the need for the judiciary to compile financial disclosure statements on a case-by-case in bail setting rules; to ensure equal protection and an end to poverty-driven incarceration. Also, to tap into existing resources to establish statewide notifications for court and bond-related information.	
HB 1653 By: Craddick	Relating to disannexation of certain areas that do not receive full municipal services.	Land & Resource Management Vote: 7 Ayes, 1 Nays, 0 PNV, 1 Absent	In 1891 the City of Austin added parts of the Colorado River to the city limits for the sole purpose of maintaining the shores. At this time, an agreement was made to not tax these residents, and they would be responsible for their own water, sewer, and fire services because the city could not provide services when the area was initially annexed. However, many services are now being provided to the residents. Recently, the Austin City council repealed the original agreement and stated that the community would now be subject to city tax. Through this additional tax, the City of Austin could collect $3 million dollars in additional funds. The Austin City Council has requested that these funds be directed towards City of Austin priorities. HB 1653 seeks to set disannexing procedures for areas that: • do not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or • was annexed for limited purposes and has not received at any time full municipal service. If the municipality fails to disannex the property after a petition has been filed, the person who filed the petition may bring an action against the municipality to compel disannexation of the property. The limited scope of the bill would only apply to landowners who live along the Colorado River. The homeowners in these communities have avoided paying city taxes for decades even though the city has provided essential environmental and public maintenance services such as spending on Lake Austin and its shores, water quality protection, erosion control, and maintaining public open spaces for years, which benefit the lakeside communities. The claims by the homeowners that they are not being provided essential services were contradicted by testimony at a public hearing by using data from Austin Police Department and other City employees who identified public services being provided to the lakeside residents.	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 1418 By: Leach	Relating to civil liability and responsibility for	Judiciary & Civil Jurisprudence	Currently in Texas, if a contractor follows the plans and specifications given to them by the owner, architect, or engineer, and the plans contain a defect in the design, the contractor can be held	**<u>Will of the House</u>** Evaluated by: Victoria McDonough

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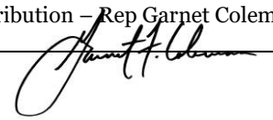

	the consequences of defects in the plans, specifications, or related documents for the construction or repair of an improved real property.	Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	liable, whether they had a hand in the design or not. This statute dates back to a 1907 Texas Supreme Court Case Lonergan v. San Antonio Loan & Trust, which was affirmed in 2012. HB 1418 seeks to amend the Business and Commerce Code by stating that a contractor is not responsible for the consequences of design defects and may not warrant the accuracy or suitability of plans, specifications, or other design or bid documents provided to the contractor. This means a contractor would be responsible for construction defects and designers would be responsible for design defects. Under HB 1418, if the contractor finds a defect in the plans, the contractor must provide written disclosure - to whom they entered the contract – any known defects in the plans, specifications, or other design or bid documents, within a reasonable amount of time. If a contractor fails to disclose a defect in the plans once they become aware, then they may be held liable for the consequence of the deficit. HB 1418 also amends the Civil Practice and Remedies Code by stating that a construction contract for architectural or engineering services be performed with the professional skill and care ordinarily provided by competent architects or engineers practicing under the same or similar circumstances. The design services provided under a design-build contract are subject to these same standards of care. If a contract contains different standards of care, then the contract would be void and unenforceable. The bill would not apply to a contract for the construction or repair of a critical infrastructure facility. For purposes of this bill, the definition of critical infrastructure includes pipelines, related appurtenances or facilities, utility-scale equipment, or facilities to transmit or distribute electricity, and utility-scale water storage facilities. The absence of fencing or signage would not disqualify an item from being classified or treated as a critical infrastructure facility for the purpose of the bill. Many stakeholders would not be exempt under the definition of the bill of critical infrastructure and not be able to contract for large, specialized construction projects. These specialized projects are aerospace, semiconductors, automotive, pharmaceuticals, etc., that we are trying to attract to the state of Texas. These projects would provide high-wage jobs with the ability to create more jobs. There is a concern that this bill, due to these liability changes , would cause owners, contractors, and designers to avoid working together in the early stages of the process where safety concerns would be addressed.	(251)422-0558 Victoria@TexasLSG.org
HB 3381 By: Leman | Goldman |	Relating to the authority of the Railroad Commission of	Energy Resources Vote:	Under current law, the Railroad Commission (RRC) is required to clean up abandoned or otherwise unused and unremediated oil and gas sites using Oil & Gas Regulation and Cleanup (OGRC) funds. Should the responsible party fail or refuse to remediate the site, clean up becomes	**Favorable** Evaluated by: Hannah Hall (832) 425-1224

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Landgraf | Darby | King, T.	Texas to contract for the treatment of and sell drill cuttings.	9 Ayes, 0 Nays, 0 PNV, 2 Absent	the responsibility of the state, as well as the disposal of any equipment or oil and gas hydrocarbons stored at the site. HB 3381 explicitly includes the disposal of drill cuttings, or solid waste produced by oil and gas drilling, in the state's site remediation responsibilities. It grants the RRC authority to contract with a third party to treat the drill cuttings at the site for beneficial reuse, typically as a fill material or an aggregate for concrete or asphalt, and to sell the treated drill cuttings to benefit the OGRC fund. This authority will significantly decrease the cost of treatment and disposal, since the majority of costs incurred by the RRC related to site remediation involve the transportation of waste to an off-site treatment or disposal facility, thus allowing for the maximal use of OGRC funds to clean up sites that pose the greatest risk to public health and safety.	Hannah@TexasLSG.org
HB 4492 By: Paddie	Relating to securitizing costs associated with electric markets; granting authority to issue bonds.	State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	During February's winter storm, the price of wholesale electricity rose from $30 per megawatt hour to over $9,000 per megawatt hour because of severely curtailed electricity generation. While most electricity customers are on fixed-rate contracts that protected them from seeing this dramatic fluctuation passed onto their bill, entities that had to purchase electricity at that price have found themselves in difficult or impossible financial positions, in some cases paying more in one week than they would pay in an entire year, causing some to default on payments. ERCOT, Texas's independent grid operator, is responsible for receiving and disbursing payments between generators and direct service providers. When a participant in the ERCOT market defaults on payment, ERCOT rules place the responsibility of repayment on all other market participants, up to $2.5 million per month, through a process called "uplift". At this time, there is nearly $3 billion still owed to electricity generators through ERCOT, which would take almost 100 years to pay off using uplift rules. For many market participants, the costs associated with uplift would further strain their ability to maintain business operations and provide service to customers. To address this, HB 4492 would establish the self-funding Texas Electric Securitization Corporation (TESC) to reduce the costs of financing this immense amount of debt. State-backed securitization will allow wholesale market participants who are owed money to be paid in a timelier manner by permitting the balance to be repaid over time at a low carrying cost due to the state's high credit rating, low administrative costs, and available financial tools. The TESC would be governed by a board appointed by the Public Utility Commission (PUC) and subject to PUC regulation to ensure that securitization provides benefits greater than what would be available through other financing options. It would be responsible for issuing bonds following financing orders from the PUC to cover all costs that would be uplifted to market participants and	**Favorable with Concerns** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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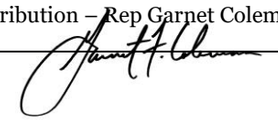

			paid through more costly private financing. The proceeds of these bonds would go to ERCOT, who would then pay the balance owed to generators for winter storm costs. The debt would be paid through a non-by passable default charge on all wholesale market transactions over a period of no more than 30 years, meaning that market participants themselves would be directly impacted while residential consumers would not see their bills increase. HB 4492 includes stipulations to prevent market participants from avoiding the charges in order to ensure that costs are distributed fairly. All bonds issued by the TESC to cover its own expenses and debt service costs would be recovered through default charges and would not be a debt of the state. This bill offers a mechanism to restore stability to the ERCOT market by ensuring that current debts will be paid Further payment defaults will be mitigated and customers will be protected from the potentially dramatic fallout of market volatility. This bill specifically addresses securing electric market costs and does not directly address specific proposals other than securing electric market costs and is not a vehicle for long term changes in the current grid structure and other changes regarding consumers.	
HB 2000 By: Huberty	Relating to the funding of utility reliability and resiliency projects by the Texas Water Development Board; authorizing the issuance of revenue bonds.	State Affairs Vote: 10 Ayes, 1 Nay, 0 PNV, 2 Absent	February's winter storm revealed vulnerabilities in the state's utility infrastructure. To help finance the costs of upgrading water, electric, natural gas, and broadband facilities to strengthen reliability, HB 2000 proposes the creation and financing of a State Utilities Reliability Fund (SURF) and State Utilities Reliability Revenue Fund (SURRF), managed by the Texas Water Development Board (TWDB). The funds would be used to provide loans, interest rate subsidies, grants, public-private partnerships, or other financial assistance to public or private entities for infrastructure resiliency projects. The SURF program is modeled after the TWDB's State Water Implementation Fund for Texas (SWIFT), which was established in 2013 to help local governments fund essential water management projects and leveraged its original $2 billion appropriation from the Economic Stabilization Fund to issue revenue bonds and finance almost $9 billion in assistance. SURF would be funded through appropriations, TWDB transfers and deposits, any revenue from a tax approved for this purpose, and investment earnings, and it must be audited annually. TWDB must also create a system for prioritizing projects with substantial impact, particularly those that would harden facilities to extreme weather and enhance the reliability of electric service during periods of high demand. TWDB may consider an applicant's available funding sources when prioritizing projects, including private capital. Because many of these projects would likely be beyond the TWDB's scope of expertise, the bill authorizes the TWDB to require that other state agencies assist in reviewing and evaluating	**<u>Favorable with Concerns</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			applications and directs the TWDB to conduct an interagency study regarding the need for state financial assistance for weatherization and capacity-building projects. This study must be reported to the newly established State Utilities Reliability Fund Advisory Committee, which shall review and make recommendations to the TWDB regarding use of funds, prioritization procedures, and eligibility criteria. HB 2000 also authorizes the TWDB to develop a statewide reliability and resiliency plan and permits the TWDB to use the existing water loan assistance fund to finance local water-related reliability and resiliency projects. The TWDB's success implementing the SWIFT program bodes well for this entity's general success as it concerns public utility infrastructure. However, concerns have arisen over the inclusion of privately owned companies in this program, as they operate under a different set of business models and financial incentives. While ensuring that Texans who receive services from private utility, electric generation, or broadband companies is critical, these investments should be borne by private shareholders and not subsidized by the taxpayers who would be harmed should there be industry failures. Discounted interest rates, grants, and other subsidies to these companies could create inequitable competitive conditions and allow public SURF funds to pad private profits. Additionally, SURF funds would not currently include "demand side" resiliency projects that would decrease the level of resources, particularly electricity, that an end-use customer would demand from the utility providers. Weatherizing homes and businesses, implementing energy efficiency and water conservation projects, and other ideas for decreasing demand would contribute to reliability, especially as our infrastructure and resources grow increasingly strained with Texas's growing population. The provisions of this bill will only take effect if HJR 2's constitutional amendment is approved by voters.	
HJR 2 By: Huberty	Proposing a constitutional amendment creating the State Utilities Reliability Fund and the State Utilities Reliability Revenue Fund to provide financial support for	State Affairs Vote: 10 Ayes, 1 Nay, 0 PNV, 2 Absent	HJR 2 proposes a constitutional amendment that would allow for the creation of the State Utilities Reliability Fund and the State Utilities Reliability Revenue Fund. These funds, managed by the Texas Water Development Board, would provide direct financial assistance to public or private entities for the purposes of enhancing the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation resources in this state. Loan agreements would require approval from the Legislative Budget Board. This resolution would provide authorization to appropriate money from the Economic Stabilization Fund allowing these funds to issue bonds to finance resiliency and reliability projects.	**Favorable with Concerns** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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	projects that enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation resources in this state.		The creation of these funds would require approval from voters during the November 2021 election.	
HB 4313 By: Vo	Relating to the enforcement of insurance laws, including laws governing the unauthorized business of insurance; authorizing administrative penalties.	Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The FBI estimates that the total cost for health insurance fraud is over $40 billion per year, costing American families around $400-$700 per year in premium increases. Insurance seller fraud often occurs during disaster declarations when many are especially vulnerable. The current high burden of proof, short timelines for administrative hearings, and limited sanction options make it difficult for the Texas Department of Insurance (TDI) to stop unauthorized or fraudulent insurance sellers before they cause harm to Texans. HB 4314 is based on TDI recommendations for combating insurance fraud in a more timely, efficient manner. The bill increases consumer protections by designating contracts related to fraudulent entities as unenforceable and holding any person participating in unauthorized insurance conduct liable for the full amount of a claim. Emergency action procedures are revised, allowing the insurance commissioner to take actions against violators and removing burdensome deadlines. Emergency cease and desist orders are amended as follows: • The commissioner may issue an emergency cease and desist order to entities without TDI authorization or applicable exemptions related to conducting insurance duties without alleging fraudulent conduct or identifying an immediate public safety threat • The time frame is increased for discovery periods and removed for holding hearings. • The person or entity requesting the hearing is required to demonstrate why the cease and desist order should not be upheld. Currently, insurance or Medicare supplement businesses are required to provide information following a written request from the commission. HB 4313 removes this requirement, allowing	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			TDI greater authority to meaningfully request information and including failure to respond as part of evidence fact-finding to approve cease and desist orders. HB 4313 authorizes imposing administrative penalties and ordering restitution for any unauthorized activity related to insurance fraud. The following penalties and fees are revised: • The maximum civil penalty is increased to $25,000 for each violation and each day after the violation. • The forfeiture amounts for failure to comply with a written order within 30 days after the initial order date and willfully making an untrue, deceptive, or misleading disclosure are increased to $1,000 for each violation and each additional day after the 30-day period. • The bill authorizes paying attorney fees to a Texas resident or authorized corporations. These changes allow for more impactful insurance fraud response and provide better consumer protections to Texans.	
HB 1897 By: Sanford | King, Phil | Holland	Relating to disclosure requirements for agreements consenting to municipal annexation.	Land & Resource Management Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Landowners have voiced concerns regarding how municipalities have gone about notifying them regarding to annexation proceedings. Current procedures that municipalities follow when attempting to notify landowners of an offer on their property has proven unreliable. This has caused some landowners to believe that their options regarding annexation are limited, leading them to make decisions that they would not have otherwise made. HB 1879 would address these concerns by amending Local Government Code by to state that once a municipality makes an offer to a landowner to enter into a consent agreement, the municipality must provide the landowner with written disclosure. If an agreement is agreed to without such disclosure, it would be considered void. The disclosure must include: • a statement that the landowner is not required to enter into the agreement. • the authority under which the municipality may annex the land with references to relevant law. • a plain-language description of the annexation procedures applicable to the land. • whether the procedures require the landowner's consent. This bill would provide additional disclosure to landowners, ensure that they know their rights prior to entering an agreement, and ensure that municipalities act in good faith in annexation proceedings.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2041 By: Leman	Relating to the disclosure of appraisal reports in connection with	Land & Resource Management	Currently in Texas, state law requires that when an entity exercises eminent domain authority the property owner shall, in a timely manner, disclose to the entity any current and existing appraisal reports produced or acquired by the property owner. However, these requirements do not require the entity that is exercising eminent domain to provide such disclosure to the property owner. This	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558

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	the use of eminent domain authority.	Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	creates an uneven playing field for landowners who are presented with these documents the day of the hearing, leaving them without an opportunity to review them beforehand. HB 2041 addresses these concerns by amending the Property Code to state that an entity that is seeking eminent domain shall disclose to the property owner any and all current and existing appraisal reports relating to the owner's property no later than the 3rd business day before the date of the special commissioners hearing. This bill would ensure that both parties are being transparent and on the same timeline, ensuring that there is no advantage to either side.	Victoria@TexasLSG.org
HB 3962 By: Neave	Relating to the powers and duties of a domestic relations office.	Juvenile Justice & Family Issues 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Domestic relations offices (DROs) offer a myriad of services to assist constituents with family district court needs. DROs also serve as a "friend of the court", or a non-party participant in a case that provides supplemental information, expertise, or insight to contextualize cases to aid the court in rendering fully informed judgements. However, the current statute limits the ability DROs can further assist these families. HB 3962 amends the Family Code by authorizing DROs to file suits that seek to modify, clarify, or enforce court orders for child support or possession of a child. Additionally, HB 3962 clarifies that DROs can provide information to assist individuals in understanding, complying with, or enforcing the individuals' obligations under the Family Code. HB 3962 provides clarity for DROs to assisting Texas families receiving services in family district courts.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 2441 By: White	Relating to the imposition and collection of fines, fees, and court costs in criminal cases.	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Many low-income Texans can easily get trapped in a cycle of debt through traffic tickets and other fine-only offenses that can ultimately lead to incarceration, causing them to lose their job and housing. Over the past few legislative sessions, there have been efforts made to reduce the burden of such debt for low-income Texans. The current statute fails to explicitly define a specific amount for the fines, fees, and other costs accrued via these specific offenses. Additionally, current stature does not explicitly direct how judges or courts should determine and address the ability to pay the accrued debt. HB 2441 requires the court to determine whether the defendant has the ability to pay for all or part of fines and court costs and instruct them on how to proceed if they cannot pay. The bill also adds to the definition of "cost" by including a reimbursement fee. HB 2441 states that fines and other items of cost can be found uncollectible by the court.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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HB 2043 By: Leman | Guillen | Murr | Harris | Spiller	Relating to the qualification of land for appraisal for ad valorem tax purposes as agriculture land and the liability for the additional tax imposed on such land if the use of the land changes as a result of a condemnation.	Land & Resource Management Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, the state of Texas provides specific property tax exemptions for property that is being used for agricultural purposes. These exemptions state that the landowner is only responsible for paying taxes on the value of land in its current use and not on its potential market value. When land use that has been previously exempted is changed to a use that does not qualify for the tax exemptions, current code requires that the property owner is subject to pay the differences in taxes between the devalued property and the market value of the property, and in some cases are the owner is subject to interest and penalties. This is referred to as roll-back taxes. Unfortunately, rollback taxes and interest are due even if the land was previously used for agriculture. Current law specifies that if the land was being used for timber or open space and was taken through condemnation, these taxes are not due. This bill would level the playing field by ensuring that land previously used for agricultural purposes is being treated the same as land previously used for timber and open space when land is seized through eminent domain. HB 2043 would establish that a portion of land that is intended for agriculture use and was seized through eminent domain is not diverted to a nonagricultural use for purposes of imposing property taxes and interest. This would apply when a portion of land is subject to a right-of-way is less than 200 feet wide when the remainder of the parcel of land still qualifies for agricultural use. That determination is made by the local county tax assessor or the chief appraiser. HB 2043 also states that if the additional taxes are due because the condemned land has been diverted to a nonagricultural use the additional taxes and interest are due to be paid by the condemning entity and not the property owner. This bill does not change the rollback tax laws for land that is sold voluntarily HB 2043 would protect property owners from actions by a condemning authority and ensures that landowners are not penalized when their land is forcefully taken from them.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 3754 By: Oliverson	Relating to regulation of the pledge or encumbrance of an insurer's assets under the Asset Protection Act.	Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The Asset Protection Act (APA) was created to ensure that Texas insurance companies maintain adequate, unencumbered assets to pay claims. This bill updates the APA to reflect existing marketplace practices and clarify compliance expectations for insurers, including: • clarification that an insurer's assets are reported on the financial statement most recently filed with the Texas Department of Insurance (TDI). • certain investments and transactions, including those that are nominally subject to liens or security interests but are not meaningfully at risk, are added to the list of assets exempted from reporting requirements or APA application	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			• the statutory calculation used to determine whether an insurer's assets are over encumbered, or potentially at risk of coming up short on claims, shall be based upon the insurer's most recently filed financial statements. • the commissioner of insurance is authorized to adopt rules regarding the APA's provisions. Per TDI, this bill will alleviate redundant filing requirements, create an even playing-field for Texas-based and out-of-state insurers, and maintain APA protections for claimants.	
HB 3915 By: Goldman	Relating to the designation of certain premises as critical load premises for electric service.	Energy Resources Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	February's winter storm demonstrated a significant lack of coordination and communication between the interrelated industries that facilitate electricity generation. For example, electricity was unwittingly curtailed at some natural gas production facilities, which prevented power plants from receiving the fuel they needed to stay online, which further curtailed electricity across the state and prevented quicker service restoration. HB 3915 directs the Public Utility Commission (PUC), in coordination with relevant agencies, to establish eligibility requirements and a process for transmission and distribution utilities (TDUs) to designate a premise as critical load, particularly for facilities that are needed to maintain energy generation. Eligibility criteria must allow facilities related to natural gas production and transportation, fuel production, nitrogen, hydrogen, water supply, and telecommunications to be designated as critical. The PUC is also directed to make an annual report to the legislature regarding the implementation of the critical load designation and prioritization process. TDUs are ultimately responsible for deciding where power is shut off during outages, such as those experienced during the recent winter storm. It is essential that they be able to determine what facilities are critical for the maintenance and restoration of electricity services so as to avoid the cyclical problems experienced during the winter storm.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2579 By: Leach	Relating to shorthand reporting and depositions.	Judiciary & Civil Jurisprudence Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	In response to the pandemic, court reporters were authorized by the Texas Supreme Court (TSC) and the Office of Court Administration (OCA) to work remotely on an emergency basis. Due to the efficiency of court reporters, they have been able to work virtually, there have been calls for changes to the current law in ways that would continue to create effective technology changes even after the TSC emergency authorization expires. HB 2579 adds a court reporter to the list of individuals that can take testimony for a deposition. The court reporter must complete and sign the deposition certificate and may electronically file the deposition with the trial court clerk. Included in this bill is the list of items that must be included when completing a deposition certificate.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			HB 2579 will allow a shorthand reporter to administer oaths to a witness. The bill also includes methods for identifying witnesses who are testifying remotely, to ensure that the person is who they say they are. This bill could result in court reporters being more accessible by allowing them to report depositions without having to be face-to-face. Additionally, this bill expands virtual options for the courts making it easier for an expert witness to testify from a different city or state.	
LSG Floor Report For CONSTITUTIONAL AMENDMENTS CALENDAR- Monday, May 3, 2021				
HJR 143 By: Geren	Proposing a constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association to conduct charitable raffles at rodeo venues.	Licensing & Administrative Procedure Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	HJR 143 is the companion legislation for HB 3012. This bill amends the Texas Constitution to include events hosted under the authority of the Professional Rodeo Cowboys Association as sporting events for the purposes of conducting charitable raffles. Increasing the authority for a larger variety of professional sporting events to host charitable raffles will raise donations to help offset losses due to the COVID-19 pandemic.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
LSG Floor Report For GENERAL STATE CALENDAR- Monday, May 3, 2021				
HB 3012 By: Geren	Relating to charitable raffles conducted by the professional sports teams charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys	Licensing & Administrative Procedure Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 3012 is the enabling legislation for HJR 143. Philanthropic organizations associated with sports teams are permitted to hold raffles at sporting events to raise money for important charitable causes. The COVID-19 pandemic has significantly impacted charity revenue generated by in-person events at venues that were closed or limited in capacity. Increasing the variety of professional sporting events would increase charitable donations to help offset these losses. HB 3012 expands the definition of professional sports team in the occupational code so that events hosted by organizations under authority of the Professional Rodeo Cowboys Association are	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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	Association at rodeo venues.		considered professional sporting events for the purposes of allowing charitable raffles at rodeos. This change will create more revenue for charitable organizations to help Texans in need.	
HB 818 By: Cole | Thompson, Senfronia | Bell, Keith | Holland | Leman	Relating to the prosecution and punishment of the criminal offense of harassment; creating a criminal offense.	Criminal Jurisprudence Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	HB 818 is a bipartisan refile from the 86th Legislature that addresses language that the Governor must approve. There is a loophole in the current statute regarding online sexual harassment that creates a prosecution and judicial barrier if an actor does not directly send the material to the victim and instead publishes it online or tells others how and where to view such content. HB 818: • Amends the Penal Code to include specifics related to online sexual harassment Amends the Civil Practice and Remedies Code to • Adopt a "matter of public concern" to prevent public officials from silencing critics who may engage in this or similar behavior • Adds online sexual harassment of students as a reason to allow principals of public schools could contact the school district or municipal peace officers. The bill provides a necessary update of current statutes that address the disconnect between technology and applicable regulatory laws for online sexual harassment. HB 818 provides the legal recourse necessary to pursue harassment of any kind.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 2025 By: Hunter	Relating to certain statutes and governmental actions that relate to the federal census.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Granular, state-level data collected by the federal census is typically released in the spring following the year the census is taken to guide redistricting activities and other population-based legislation. The pandemic caused significant delays in collecting and analyzing data from the 2020 census, pushing back the expected release of block level data to September 30, 2021. Currently, statute requires the governmental entities to recognize and act on decennial census data on September 1 of the year after the census is taken. To respond to pandemic delays, HB 2025 authorizes government entities, including redistricting bodies, to push that date of recognition back to the first day of the calendar month 150 days after census data reports are published, providing a transition period similar to that which is normally expected. Additionally, some Texas laws are applicable only to political subdivisions with certain population sizes based on the most recent census data, and the legislature typically passes a bill updating population brackets to preserve the laws' applicability to their intended subdivision. Because that data will not be available during the legislative session, this bill maintains that, until September 1, 2023, a political subdivision's population recorded in the 2010 census will continue to determine its eligibility for these population-bracketed laws, regardless of changes enumerated in the 2020 census data.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			This bill will ensure that government entities have adequate time to undertake redistricting processes and other population-based activities and will protect cities and counties from accidentally being included in or excluded from certain laws based on population changes that the legislature cannot yet respond to.	
HB 618 By: Dutton	Relating to the participation of open-enrollment charter schools in the Jobs and Education for Texans (JET) Grant Program.	International Relations & Economic Development Vote: 5 Ayes, 1 Nay, 0 PNV, 3 Absent	The Jobs and Education for Texans (JET) program provides grants to public community, state and technical colleges, and independent school districts for the purpose of purchasing and installing necessary equipment for the development of career and technical education programs. These programs enable a student to receive a license, certificate, or post-secondary degree in a high-demand occupation. HB 618 adds open-enrollment charter schools to the list of eligible educational institutions that may apply for the grant.	**<u>Will of the House</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 1869 By: Burrows | Bonnen | Middleton	Relating to the definition of debt for the purposes of calculating certain ad valorem tax rates of a taxing unit.	Ways & Means Vote: 7 Ayes, 1 Nay, 0 PNV, 3 Absent	Last session, SB 2 created the voter-approval rate at which a property tax increases over 3.5% must be presented to voters in an election. Concerns have been expressed regarding the lack of attention to debt created by SB 2. Some local government entities have taken on new debt through a reported work-around in order to fund projects by issuing Certificates of Obligation (CO), which are bonds used to fund public works without going to voters for approval. HB 1869 would include current forms of non-voter approved debt under the definition of debt for the calculation of ad valorem property tax revenue that would trigger required voter approval. The bill defines the terms, “Refunding bond” ,"Self-supporting debt" and "Designated infrastructure". These changes bring several forms of debt under the umbrella of property tax revenue calculations that must be approved by voters, including debt that: • was approved at an election • is self-supporting debt • is from a loan under a state or federal financial assistance program (such as FEMA) • is for designated infrastructure • is for refunding bond • is issued for responding to an emergency This bill reduces local government control in a concerning manner. The current version of the bill would limit the ability for municipalities to issue COs for such things as public safety related facilities, parks, detention facilities or airports, as they are not included under the definition of	**<u>Unfavorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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			designated infrastructure. During the discussion of this bill, concerns were raised regarding the practice of refinancing certain debt projects to get a lower interest rate at a fiscally opportune moment. While the committee substitute allows for refunding debt to receive a lower interest rate, the reality is that many financial decisions made by localities should not require voter approval due to timing and expenses related to elections.	
HB 2716 By: King, T.	Relating to recommendations made by the Parks and Wildlife Department and intervention by the Parks and Wildlife Department in matters regarding certain permits.	Natural Resources Vote: 8 Ayes, 2 Nays, 0 PNV, 1 Absent	HB 2716 restores the Texas Parks and Wildlife's (TPWD) authority to be a party in water rights and environmental permit proceedings with the Texas Commission on Environmental Quality (TCEQ) that may impact wildlife. This ability, along with that of any state agency, was removed in an amendment to the TCEQ's sunset bill in 2011. Specifically, this bill authorizes TPWD to make recommendations to TCEQ or the Texas Water Development Board to protect fish and wildlife resources, including permit conditions, mitigation, and schedules of flow or releases, so long as the recommendations do not conflict with applicable standards. TPWD may also request or be made full party to certain hearings on the initial application or review of water rights or other permits that may adversely affect property or fish and wildlife resources managed by the department. While TPWD currently has the right to submit public comments on such permits or licenses, this bill would reinstate its ability to, as a full party, submit evidence to an administrative judge and contest a permit's issuance based on potential adverse impacts. In the agency's history, its participation in permit proceedings had never resulted in the denial of a permit. Instead, TPWD offered evidence and expertise to help shape the provisions of a permit to ensure that the state's wildlife and natural resources, which Texans rely on for recreational and economic benefits, are protected. Private landowners currently have the right to participate in proceedings for permits that could impact their land. It only makes sense that the public should have a representative to similarly advocate for the protection of public lands.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 1294 By: Guillen | Eddie Morales	Relating to an exemption from motor fuel taxes for certain fuel used by a rural transit district to provide public transportation.	Ways & Means Vote: 10 Ayes, 1 Nay, 0 PNV, 0 Absent	Rural transit districts are a vital resource for many Texans outside urban areas. 36 districts in the state provide transportation to people in rural areas, many experiencing disabilities or economic disadvantages, so they can access meaningful employment and health services up to 40 miles away. Serving fewer riders to go farther distances than urban transit causes more wear and tear for vehicles and creates unique economic challenges, but rural districts do not maintain the same tax advantages as urban districts. HB 1294 extends urban transportation exemptions for taxes paid on motor vehicle fuel to rural districts. Fuel sold to a rural transit district used exclusively for providing public transportation would be exempted from gasoline, diesel, and natural gas fuel taxes, respectively. Rural transit	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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			districts would be refunded the total amount of taxes paid for the applicable fuel used to provide transportation purchased by the district. The bill provides a system to phase-in the tax exemption by offering a tax refund to rural transportation districts allowing for 50% of taxes paid for applicable fuel purchased for the year 2022-2023 and 75% of taxes paid for applicable fuel purchased from the year 2023-2024. Rural districts are authorized to file a claim with the comptroller for the appropriate refund amount with relevant information. Certain entities who resell gasoline or diesel fuel to a rural transit district without collecting applicable taxes may take a credit on their tax return for the timeframe the original sale occurred if the license holder remitted taxes on the original purchase and fuel is exclusively provided to public transportation. Providing a multi-year system for phasing in these exemptions ensures the legislature and impacted industries will have time to account for lost tax revenue. Overall, these changes will help rural transportation districts use their resources more efficiently and pass off savings to riders.	
HB 2667 By: Smithee | Rodriguez | Ashby | King, T. | Anderson	Relating to universal service fund assistance to high cost rural areas and the uniform charge that funds the universal service fund; authorizing a fee.	State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	The Texas Universal Service Fund (TUSF) was created to help provide all Texans with affordable telecommunications service, regardless of their location, by subsidizing the cost of providing services to low-density, rural areas, schools, hospitals and individuals with speech or hearing impairments. It is supported by a uniform charge on Texas's telecommunications providers for their taxable receipts for voice services, or the money earned for customer phone calls. Some smaller providers, who may also provide internet service in rural areas, rely on the TUSF for up to 60% of their annual revenue. Due to the decline in landline telephones and the increase in providers billing customers for internet or data-based services rather than voice services, the TUSF has become severely underfunded and is estimated to fall short on obligations by around $80 million in 2021 and over $140 million in 2022. This has resulted in financial uncertainty for the phone companies that rely on these funds and could cause them to charge already underserved customers higher rates or stop offering services. HB 2667 seeks to restore adequate funding to the TUSF by including Voice over Internet Protocol (VoIP) service providers in the entities subject to uniform charges, as the federal and other states' Universal Service Funds do. VoIP is a technology that enables customers to make phone calls using broadband internet connection rather than traditional phone lines and may be accessed through a computer, smartphone, or traditional phone with an adaptor to call other VoIP	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			customers or anyone with a phone number. The bill allows the Public Utility Commission (PUC) to require a VoIP provider to provide information necessary to assess TUSF charges, as it currently requires of telecommunications providers. It further prohibits the PUC from assessing a charge on devices that consumers use to access phone service, which has been proposed as a potential alternative source of TUSF funds. However, there are concerns that other provisions of this bill could authorize a flat fee on consumer phone bills that might increase what they are currently charged for to support the TUSF. This bill also adds to the definition of a high-cost rural area for the purposes of eligibility for TUSF subsidies, which attempts to address concerns that certain areas that were once rural have grown more populated and thus the providers in those areas may have less need for subsidies. HB 2667's provisions will increase funds available to the TUSF for disbursement to rural telecommunications companies and other essential service providers and will ensure that all Texans can afford access.	
HB 3037 By: Raymond | Frank | Hinojosa | Rose	Relating to the regulation of referral agencies for senior living communities; providing a civil penalty.	Human Services Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Currently, agencies that provide consumer referrals to senior living communities lack regulation regarding fees paid for the referral service. HB 3037 will require referral agencies to provide a disclosure statement to a consumer describing the agency's services, contact information, website link, and a statement on who is responsible for paying the referral fee. The disclosure statement may be provided through a written or electronic disclosure or an oral disclosure by telephone, as long as the disclosure is recorded and maintained in the agency's records. The record must be maintained until the 3rd anniversary of the date of the referral and the agency must provide a copy of the record on request to the consumer, the consumer's representative, or a senior living community. HB 3037 prohibits referral agencies or agency employees from: • referring customers to facilities that they have a vested interest in • holding a power of attorney for a consumer or a consumer's property in any capacity • knowingly referring a consumer to an unlicensed community that is not exempt from licensing under the law. HB 3037 requires agencies to: • use a nationally accredited service provider for the criminal history records of employees who have direct contact with consumers • maintain liability insurance coverage	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			• at least twice a year conduct audits for each community they provide referrals to ensure the communities are maintaining applicable licenses • maintain a code of conduct that is applicable to all referral agency employees • provide at least 40 hours of introductory training for all employees who will have direct interaction with consumers • disclose all communities that best meet the consumer's stated criterion that are located in closest proximity to the preferred location of the consumer • maintain and publish a privacy policy with contact information on the agency's website The bill seeks to establish a civil penalty between $250 and $1000 for each violation a referral agency commits. The attorney general or district attorney may bring action to recover the civil penalty and to enjoin a violation. Transitioning into a senior living community for the first time or even moving to a new one is often stressful. The regulations above provide transparency and accountability that referral agencies must follow. Similar regulations are already in place for other types of living facility referral agencies, such as referrals for long-term care and residential facilities.	
HB 3697 By: Hernandez | Guillen	Relating to the eligibility for unemployment compensation of certain employees who leave the workplace to care for a minor child.	Business & Industry 8 Ayes, 1 Nay, 0 PNV, 0 Absent	In response to lessons learned from the COVID-19, there is a need to expand the eligibility of the Unemployment Insurance system to individuals who have lost their jobs for situations they could not control. Currently, if a person had to unexpectedly leave their job to care for a child in an emergency, they would not be eligible for unemployment insurance. HB 3697 will include caring for a minor child due to an unexpected illness, accident, or other unforeseeable events as a reason to qualify for unemployment compensation. The provision is only applicable if alternative care was not available.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 783 By: Cyrier | Morales, E. | Bonnen | Parker | Larson	Relating to the powers and duties of the Parks and Wildlife Department regarding wind-powered energy devices; providing a civil penalty.	State Affairs Vote: 10 Ayes, 0 Nays, 0 PNV, 3 Absent	HB 783 provides the Texas Parks and Wildlife Department (TPWD) the authority to adopt rules designating locations where the new installation of a wind-powered energy device is not authorized. In doing so, TPWD shall consider the protection of natural resources, protected lands, and public health and safety. This authority only applies to counties encompassing or adjacent to the Devils River State Natural Area, particularly Val Verde County. If an entity violates these rules, the TPWD may bring suit to recover civil penalties and injunctive relief. Reasonable measures should be taken to prevent the potentially harmful impacts of wind-powered energy infrastructure on wildlife and public lands due to habitat disruption, impairment of views, and light pollution, particularly in one of Texas's more unique natural areas that offers both intrinsic and economic benefits to the state. TPWD has experience working with energy companies	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			to balance economic development and the protection of natural resources, making it the logical agency to carry out these duties.	
HB 2406 By: Davis	Relating to the qualifications of experts in certain health care liability claims	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Under current law in Texas, a chiropractor is not included in the list of individuals who are allowed to serve as an expert witness in suits concerning malpractice of chiropractic care. This leaves physicians as the only professionals able to be recognized as an expert witness in these cases. HB 2406 states that a chiropractor can give an opinion about the relationship between injury, harm or damages, and the standard of care provided by a chiropractor. This bill ensures that individuals who are knowledgeable in chiropractic medicine are able to provide the court with their expert opinion.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 1698 By: Raney | Kacal	Relating to authorizing an optional county fee on vehicle registration in certain counties to be used for transportation projects.	Transportation Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, certain counties are authorized to add a local vehicle registration fee on top of the standard registration fee to fund local transportation projects, that in some cases requires voter approval. The Bryan-College Station Metropolitan Planning Organization - a local entity tasked with developing the area's transportation plans, including its use of federal transportation dollars - has determined that constituents could benefit from the adoption of this optional fee to fund the anticipated $3 billion of transportation projects needed to address rapidly worsening traffic congestion in Brazos County. To begin this process, HB 1689 authorizes all counties that are part of a regional mobility authority (RMA) to assess this optional fee following approval from voters in a referendum election. The fee may not initially exceed $10 but may through another referendum election be raised to at most $20. Revenue shall be sent to the appropriate RMA to fund long-term transportation projects. The newly authorized counties would include Bowie, Brazos, Camp, Cass, Cherokee, Delta, Fannin, Grayson, Gregg, Harrison, Hunt, Lamar, Panola, Rusk, Smith, Titus, Travis, Upshur, Van Zandt, Williamson, and Wood Counties. The bill additionally stipulates that certain counties along the U.S.-Mexico border that are currently authorized to assess the optional fee, not including El Paso County, shall allocate a portion of additional revenue collected to their respective county road and bridge funds. As transportation needs grow in Brazos County and beyond, improve road maintenance and safety measures.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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HB 3948 By: King, Tracy O. | Guillen	Relating to the production and regulation of hemp and consumable hemp products; authorizing a fee.	Agriculture & Livestock Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	In 2019, Texas passed legislation that created the Texas Hemp Program to enable farmers to participate in the rapidly growing market of industrial and consumable hemp. The creation of this program aligned Texas with federal law at the time. Recently the United States Department of Agriculture (USDA) updated federal law in relation to hemp production, making changes to Texas state law necessary. HB 3948 requires that within 90 days of federal hemp law changes, the Texas Department of Agriculture (TDA) shall submit to the USDA any amendments to the state plan necessary to incorporate and implement the changes. This allows for changes to be made without action from the legislature. HB 3948 requires TDA to issue a hemp growers license to an institution of higher education upon request. These institutions would be exempted from specified provisions relating to negligent violations by a license holder. They are authorized to use hemp seed, cultivate, and handle plants grown from seed that is not certified or approved but are not authorized to sell or transfer hemp to another person unless the institution complies with the requirements set by TDA. HB 3948 requires that the laboratory performing testing report the delta-9 THC concentration, the total THC concentration, and the concentration of any other federally regulated cannabinoid. This bill extends the amount of time to 30 days that a hemp grower license holder has to harvest after pre-harvest samples are taken. HB 3948 allows a person whose license is suspended to obtain preharvest and postharvest testing and may harvest the plants, but TDA may prohibit them from selling or using the harvested plants. However, if the THC concentration of the plant is not more than 0.3 percent, TDA may allow them to sell or use the plant. HB 3948 expands seed certification to also include plant varieties. Under the bill, a person may transport into Texas immature plants propagated outside of the state if the plants are accompanied by shipping documentation indicating that the grower is licensed, lists the recipient's license holder and their license number, and shows that the plant is certified or approved by TDA. A license holder may also obtain and cultivate immature plants propagated by another license holder of this state. The bill states that the executive commissioner of the Health and Human Services Commission may exclude a substance that is generally recognized as having no risk from the testing that is typically required. A person may transport and deliver a consumable hemp product to a consumer who purchased the product. This person is not required to obtain a license unless they process or manufacture the product delivered or register unless the person sells the product delivered.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			Additionally, the bill establishes that the consumable hemp products account is an account in the General Revenue fund administered by the Department of State Health Services (DSHS). The bill authorizes DSHS to accept appropriations, gifts, or donations and must deposit the money into the account to administer and enforce provisions relating to the manufacture, distribution, and sale of consumable hemp products. This bill would improve Texas' hemp production rules and bring Texas into alignment with standards set by USDA.	
HB 1416 By: Capriglione | Raymond	Relating to business days for purposes of the public information law.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 1416 adds a definition of "business day" to the Public Information chapter of the Government Code for purposes of clarifying when public information must be released and examined, when requested opinions from the Attorney General must be fulfilled, and other related timeframes. For these purposes, a business day is to be defined as any day that is not a Saturday or Sunday, national holiday, or state holiday, in addition to other optional or university holidays as applicable. Public schools and institutions of higher education may also exempt certain days from the definition of a business day, such as spring break or other days when school employees are to be out of office, though these entities are limited to 20 non-business days per year and must post the exempted days online. Some agencies have curtailed their responses to public information requests due to the pandemic causing them to work from home or limiting available staff, which has caused significant confusion and delays for public information requestors. This bill will clarify when requesters can expect their inquiries to be addressed and promote timely responses from agencies.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3015 By: Hernandez	Relating to a governmental body's response to a request for public information.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Advocates for open government and transparency have expressed concerns regarding government entities' slow responses, or lack thereof, to public information requests, particularly during the COVID-19 pandemic. Some requests are rejected without clear explanation, making it difficult to amend requests or seek similar information in the future. Others receive no response at all, leaving requestors without closure. Government entities are currently required to promptly respond to public information requests, but there is little that can be done to ensure accountability. HB 3015 would require public information officers to inform requestors within 10 days if they do not have information responsive to a request or if they have determined that the requested information may or must be withheld based on a previous determination. If the latter is the case, the officer must identify the specific previous determination that led to the information's withholding. Additionally, government entities are currently required to, within 10 days, request an opinion from the Office of the Attorney General Office (OAG) regarding information that may fall under certain exceptions to public disclosure requirements but has not previously been	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			determined by the OAG to do so. This bill clarifies that the returned opinion must state the specific exceptions that apply to the requested information so that government entities can better inform requestors. Finally, this bill establishes a complaint process if an entity does not respond to an open records request promptly or at all. Once the OAG receives a complaint, it must determine whether the entity has or has not failed to comply with response requirements and, if not, shall direct the entity to complete open records training within six months. If it is then determined that the requested information shall be produced, the entity may not assess costs to the requestor. If the entity still seeks to withhold the requested information, it must request an opinion from the Attorney General within five days and release the information unless there is a compelling reason to withhold it. This bill will alleviate confusion that public information requestors experience when they do not receive a clear response or any response at all. It will ensure that government entities have the necessary training to comply with the law, which will promote prompt responses and government accountability.	
HB 157 By: Rodriguez	Relating to requirements regarding an employee's normal weekly hours of work under the shared work unemployment compensation program.	Business & Industry 7 Ayes, 2 Nays, 0 PNV, 0 Absent	In response to lessons learned from the COVID-19, there is a need to strengthen programs to mitigate the layoff of Texas workers. The Shared Work Program was identified as a viable option to prevent a complete loss of jobs and income. HB 157 will increase the cap of reduced weekly work hours for an individual to be eligible to be approved to participate in the shared work unemployment compensation plan. HB 157 will create future preparation for Texas workers and businesses in times of crisis and allow for adaptive solutions during these times.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 2169 By: Sanford | Guillen	Relating to the eligibility requirements for a license to carry a handgun.	Homeland Security & Public Safety Vote: 8 Ayes, 1 Nay, 0 PNV 0 Absent	Eligibility for obtaining a License to Carry (LTC) for handguns includes 14 requirements: not having a felony in the past 10 years and not being chemically dependent on substances are two examples of these criteria. HB 2169 removes the criteria that a person may not be delinquent on tax payments to the comptroller to receive an LTC from the state. Tax delinquency status does not accurately speak to an individual's capacity for safely carrying a handgun. If permitless carry is adopted, expanding LTC eligibility is an essential step to	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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			encouraging more Texans to receive handgun safety training and obtain background checks needed for licensure.	
HB 1739 By: Romero, Jr. | Leman	Relating to certain contracts regarding airports and associated air navigation facilities operated by or on behalf of a local government.	Transportation Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	In the last few years, concerns have arisen about the security of intellectual property and espionage by foreign companies operating and manufacturing in the US. There are concerns about security involving companies that manufacture airport infrastructure services - terminals, passenger bridges, and security systems - and passenger data and biometric security due to increased technology within airport infrastructure. HB 1739 prohibits airports from contracting with a company that has been found by a federal court of misappropriating intellectual property or trade secrets and is owned or controlled in part or wholly by a country that has been identified as a priority foreign country or one that is monitored by the Office of the US Trade Act of 1974. This bill would require the entity applying for a contract to submit a written statement to the local government describing that that entity is involved with such countries. If a company is found to have presented a false account, the local government or airport operator may void the contract.	**<u>Favorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 3367 By: Turner, Chris | Bonnen | Thompson, Senfronia | Shine | Hefner	Relating to the powers and duties of property owners' associations.	Business & Industry 6 Ayes, 1 Nay, 0 PNV, 2 Absent	Over 6 million Texans live in a residence that a property association oversees, and there is a need to update statutes regarding an association's conduct, transparency, and treatment of owners. There is a need to ensure a fair balance of associations to conduct necessary business to protect owners from harmful practices. HB 3367 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: • changes the fee cap to $250 for the assembly, copy, and delivery of the resale certificate as well as the subdivision's information. • changes the fee cap to $30 for the preparation and delivery of an updated resale certificate. • changes the cap for an association's failure to provide subdivision information from $500 to the dollar amount of actual damages. Additionally, all fees mentioned in the bill are either amended to be reasonable or necessary to ensure fair charges to owners. HB 3367 requires that the most current dedicatory instrument and meeting notices be available on the association's homepage of their website. Meeting notices also need to be available and distributed in a timely fashion. HB 3367 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.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			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 that has their current dedicatory instrument available. Amended declarations shall be recorded by the association in 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. HB 3367 creates an architectural review authority that would serve as a governing body to review and approve improvements within a subdivision. HB 3367 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. HB 3367 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. HB 3367 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 include: • an owner is provided a detailed report of all outstanding dues 30 days before the report is sent. • an owner is given the opportunity to enter into a payment plan.	
HB 448 By: Bailes	Relating to the right of landowners to file complaints with the Texas Real Estate Commission	Land & Resource Management Vote:	Currently, is no statutory process in for landowners to file complaints of abuses or misconduct against entities that have eminent domain authority. HB 448 establishes an ombudsman office under the Texas Real Estate Commission where alleged misconduct by an eminent domain authority can be reported. The bill states that the commission	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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	against certain entities regarding alleged misconduct by the entities while exercising eminent domain authority and to the creation of an ombudsman office for landowners.	8 Ayes, 1 Nays, 0 PNV, 0 Absent	shall publish on its website a form to be used for filing complaints. . When filing the complaint, the landowner must provide proof of ownership of the land. Additionally, the bill lays out what is considered misconduct. HB 448 states that the ombudsman shall provide information to answer questions from the landowners. HB 448 addresses the rights of property owners and serves as a way for data to be collected so bad actors can be identified. This will give future legislatures the data needed to properly address these issues.	
HB 159 By: González, Mary | Harris	Relating to improving training and staff development for primary and secondary educators to enable them to more effectively serve all students.	Public Education Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	The federal Individuals with Disabilities Education Act (IDEA) affords students with disabilities the right to receive a free and appropriate public education in the least restrictive environment possible. In a 2019 investigation by the U.S. Department of Education, Texas was found to be in violation of the federal IDEA. While the Texas Education Agency (TEA) continues to work to close the gap between unidentified needs and ensuring that special education (SPED) students have the support required, there are concerns that teachers are not equipped to meet every students' needs 159 aims to prepare educators to provide a more inclusive, supportive, and least-restrictive environment for students with disabilities. HB 159 amends the code to require SBEC to propose rules about expected knowledge and capabilities specifically for primary and secondary educators, particularly regarding students with disabilities. The specified minimum academic qualifications for certification must be proposed by the rule and must require a person to be trained in detecting and educating a student with dyslexia and instruction regarding mental health, substance abuse, and youth suicide. HB 159 requires a preparation program to be eligible for approval or renewal by SBEC, integrating training to include inclusive practices for all students and evidence-based instruction and intervention strategies. Public school districts must provide staff development training to include proactive instructional planning techniques and inclusive, evidence-based instructional practices for all students. Research on effective inclusive schools indicates that inclusion can have substantial positive benefits for all students. This bill would ensure that teachers have the essential training to identify and serve SPED students and benefit all students alike. HB 159 ensures teachers are equipped to provide students with disabilities an education that meets their needs in accordance with the IDEA.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org

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HB 2261 By: Wu	Relating to the authority of a municipal management district to provide public education facilities and public education-related supplemental services.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	The legislature created Municipal Management Districts (MMD) to promote, develop, encourage, and maintain employment, commerce, economic development, and public welfare in a commercial area. Currently, state statute prevents MMDs from allocating funds for improvement projects for public school facilities. HB 2261 gives MMDs the ability to fund and oversee improvement projects at public education facilities. HB 2261 will allow MMDs to improve public education facilities as they see fit in alignment with the goal to promote the municipality's welfare.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 4240 By: Raymond | Middleton | Swanson | Ramos | Talarico	Relating to local regulation to enforce child custody orders; authorizing a civil penalty.	Juvenile Justice & Family Issues 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Law enforcement stakeholders have identified difficulty in enforcing child custody and ensuring appropriate responses to difficult cases. Currently, there is a lack of options for law enforcement to approach interference with child custody. HB 4240 creates an alternative solution so that law enforcement may intervene in these cases with a civil penalty before taking other measures. HB 4240 would allow local municipalities or counties to adopt an ordinance that would impose a civil penalty of no more than $500 for engaging in interference with child custody arrangements. Currently, interference with child custody is applicable to people that take or keeps a child under 18 if • the person knows it violates a judgement, a court order, or a temporary order. • the person has not been awarded custody, knows that a divorce or suit regarding custody is filed, and the person takes the child out of the geographical area or county without the court's permission. • the person takes the child out of the U.S. to deprive possession or access from the other parent. • the non-custodial parent persuades the child to leave the custody of the other parent. Increasing alternative solutions for law enforcement allows for more adaptive responses to situations. A penalty is an appropriate response for initial intervention.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 2468 By: Thompson, Ed	Relating to programs established and funded under the Texas emissions reduction plan.	Environmental Regulation Votes: 8 Ayes, 0 Nays, 0 PNV,	Currently, the Texas Commission on Environmental Quality (TCEQ) manages the Texas Emissions Reduction Program (TERP), which is authorized to issue grants to lower vehicle emissions from transportation projects in nonattainment areas (NA) designated by National Ambient Air Quality Standards (NAAQS) though the EPA. Areas designated NA are above federal safety standards for air pollutants like particulate matter (PM2.5), nitrogen dioxide (NOx), and sulfur dioxide that harm public health and the environment. Texas has a large coastal swath of counties that do not meet federal safety air standards. New technology has been developed that successfully addresses	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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		1 Absent	NOx emissions originating from large cargo vessels that will help these counties reach attainment and improve the health of residents. HB 2468 makes several changes to enhance research, monitoring, and the capture of air pollutants. This bill raises research funding for air quality monitoring from $750,000 to $1 million to better understand the air monitoring network and how areas can reach attainment. Additionally, HB 2468 establishes that up to $10 million may be used by TERP to purchase, maintain, upgrade, and operate air monitoring equipment used in NAs. These additions will enable Texas to better direct resources and keep air monitors reliable. This bill also creates a program aimed at improving air quality in coastal areas. The new program will enable TERP funds to be used on fee-based contracts to capture NOx and particulate matter. The payment schedule will be quarterly and based on the tonnage of pollution collected and requires certification of reduction from TCEQ. This new program will fund Advanced Marine Emission Control Systems (AMECS) technology that captures and removes NOx and PM2.5 pollution from oil and cargo vessels. These large vessels are estimated to produce 2,805 tons of NOx per year in Texas ports. To combat the high level of pollution from these ships, AMECS attach a bonnet over the exhaust stack with a vacuum filter system that collects harmful emissions. The program would pay roughly $14,000 per ton of NOx compared to the TERP tonnage cost limit of $17,500. HB 2468 would help Texas cost-effectively reach federal attainment levels and reduce adverse health outcomes for residents in those areas.	
HB 1973 By: Canales	Relating to the investigation of municipal fire fighters.	Urban Affairs Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Texas firefighters protect the lives and property of Texans through fire suppression and prevention, as well as act as emergency medical technicians when needed. Concerns have been brought forward regarding the few rights a firefighter in Texas has when facing an investigation for alleged misconduct. HB 1973 seeks to prohibit municipalities from taking punitive action, such as a disciplinary suspension or demotion in rank, against a firefighter accused of misconduct unless an investigation has been conducted. This would apply to municipalities regardless of whether they are covered by a meet and confer or collective bargaining agreements. The bill would also require municipalities where current firefighters' and police officers' civil service law is not in place, or other municipalities where investigation regulations with substantially similar requirements are in place but not exact, to adopt and comply with current procedures identical to the ones required	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			for cities with a population that is 460,00 or more. A copy of a signed complaint against a municipal firefighter must be given to said firefighter in accordance with adopted procedures. It is important to ensure that prior to any punitive action an investigation into the alleged misconduct takes place to prevent false reports from potentially ruining a career without due process. While it is important that firefighters who have behaved in an unacceptable manner or committed some type of infraction receive proper consequences, it is equally as important for a proper investigation to be conducted.	
HB 2702 By: Landgraf	Relating to the protective order registry maintained by the Office of Court Administration of the Texas Judicial System and the removal of certain vacated protective orders from the registry.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	In 2019, Texas passed legislation that created an online protective order registry to be administered by the Office of Court Administration (OCA). This was a searchable and public database for active domestic violence protective orders. Since its establishment in the fall of 2020, it has been deemed successful in helping prevent domestic violence and supporting victims. However, the OCA has stated the need for statutory revisions and clarifications to make the registry more effective. HB 2702 expands the statutory provisions of the registry to include protective orders for victims of sexual assault or abuse, stalking, or trafficking. The bill requires the clerk to ensure that the record is not accessible to the public. In instances where a protective order is vacated as the result of an appeal, the clerk shall notify the office no later than the end of the next business day after the protective order was vacated. The office shall then remove the record from the registry. This bill would ensure the safety of more individuals who are victims of sexual abuse, stalking, or trafficking.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 3287 By: González, Mary | Lozano | Anderson| Frank	Relating to the provision of certain co-navigation services to persons who are deaf-blind.	Human Services Vote: 7 Ayes, 1 Nay, 0 PNV, 1 Absent	An estimated 2,500 Texans are deaf-blind, and many strive to live as independently as possible while facing everyday challenges to complete tasks that seeing and hearing individuals take for granted. The Deaf-Blind Multiple Disabilities Waiver program through Medicaid provides home and community-based services to this population. However, not all qualify and instead rely primarily on untrained and often unavailable volunteers, friends, and family members. HB 3287 will allow all deaf-blind Texans to access co-navigation services by requiring the Health and Human Service Commission (HHSC) to initiate a statewide co-navigation service, a service where specially trained professionals provide individuals who are deaf-blind with visual and environmental information, sighted guide services, and communication accessibility. HHSC would be responsible to reimburse co-navigators for providing services. Reimbursement rates would be set by the executive commissioner using a tiered wage scale based on the co-navigator's training and skill level. To ensure the quality of services, HHSC would monitor compliance of co-navigators	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			with program rules, develop alternative funding sources to reduce reliance on state sources for continuing the program, and provide funding and technical assistance for training programs. The bill would allow the executive commissioner to establish an advisory committee on the development and operation of the program composed of individuals who are deaf-blind and other stakeholders. The executive commissioner may also adopt rules to ensure that co-navigators are adequately trained to provide the necessary service prior to receiving reimbursement. A total of 30 other states have already established similar co-navigator programs that have alleviated serious access issues. During the COVID-19 pandemic, many volunteer agencies restricted hours or stopped services altogether as providers did not have a system in place to continue to provide services during a global health crisis. This left many individuals who are deaf-blind without services to run errands, such as grocery shopping or visiting the bank, causing them to turn to family and friends.	
HB 2044 By: Leman	Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.	Land & Resource Management Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Current law in Texas allows a person whose property was acquired through eminent domain to repurchase the property after 10 years if "actual progress" has not been made toward the use of the land. Currently, the land is considered to have met "actual progress" if two of seven standards are met. There are concerns that the term is too broad and too easily achievable without actually establishing true progress on the project. As it stands, an entity could sit on acquired land for over 50 years without making progress on the project that allowed them to condemn the property to begin with. HB 2044 addresses these issues by requiring that condemning authorities meet three out of the five requirements for "actual progress" to have been made: • performance of significant amount of labor on the property • purchase of materials for development • hiring of services with an architect, engineer, or surveyor • application for state or federal funds for development • application for state or federal permits or certificates The bill includes that navigation districts, port authorities, and water districts are only required to have met one of the five requirements for "actual progress". HB 2044 will ensure that Texans are treated fairly, and that the property being condemned is being used for the purpose in which it was condemned. However, there is a concern that this would have effects on large projects like the City of Fort Worth's Runway Extension Project, which requires cooperation from federal, state, and local jurisdictions.	**<u>Favorable with Concerns</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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HB 2219 By: Canales	Relating to the issuance of Texas Mobility Fund obligations.	Transportation Votes: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	The Texas Mobility Fund (TMF), a revolving fund meant to accelerate the development of mobility projects throughout the state, was established in 2001, with the constitutional amendment being approved overwhelmingly by voters in that same year. The TMF allowed TxDOT to issue bonds secured by revenues dedicated to the Fund by the Legislature. The 84th Legislature, prohibited the issuance of additional debt from the TMF. Since then, dedicated revenue streams to transportation infrastructure have not been able to meet growing demand. As vehicles become less dependent on fossil fuels, the state motor fuel tax, the state's second-largest transportation revenue behind federal reimbursements- may not meet revenue needs to provide critical transportation infrastructure. By 2050 the Texas population is projected to nearly double, and highway cargo is expected to double by 2045. Low estimates suggest that by 2050 Texas will have a transportation deficiency that would cost $111 billion, averaging $9.3 billion per year. The growing disparity between funding and transportation will increase traffic congestion and put the safety of drivers and the Texas economy at risk. HB 2219 reinstates the TMF's ability to issue bonds. This bill provides the Texas Transportation Commission (TTC) a tool to close the funding gap between the growth of the Texas population and much needed wide-scale transportation projects. The TMF operates as a revolving fund that is regularly replenished with dedicated funding streams from, certificate of title fees, motor vehicle inspection fees, driver license fees, driver record information fees, other fees, and interest. State law requires that, before any new debt can be issued, the Comptroller must certify that the Fund's annual revenue is projected to be at least 110% the estimated annual debt service throughout the 30 years the bonds are outstanding. The estimated current borrowing capacity of the Fund is approximately Fund is approximately $7.5 billion. This number could be higher or lower if there is a substantial change in the revenue forecast for the TMF or interest rates. Additionally, Texas statute limits the capacity of individual maximum bond issuance to $3 billion. The LBB estimates from the Texas Department of Transportation that $1.5 billion new TMF obligations would be issued in fiscal year 2022, with a final maturity date in 2045 (23 years), and $1.5 billion would be issued in fiscal year 2024, with a final maturity date in 2042 (18 years), with an aggregate interest rate of 3.2%. This analysis estimates TMF would result in $4.5 billion in repayment. Interest rates are currently at record lows which would benefit Texas taxpayers through an immediate influx of transportation funding and an affordable bond to repay.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 1505	Relating to attachments for	State Affairs	Despite the increasing necessity of broadband access, full deployment into rural areas has been delayed by the high cost of constructing broadband infrastructure. While there is a federally	**Favorable** Evaluated by:

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By: Paddie	broadband service on utility poles owned by an electric cooperative.	Vote: 10 Ayes, 0 Nays, 0 PNV, 3 Absent	regulated process allowing broadband providers to attach equipment onto existing electricity infrastructure in order to facilitate the provision of broadband service, rural electric cooperatives are not subject to the same guidelines, which has complicated the process and costs related to expanding affordable broadband service to rural Texans. HB 1505 clarifies the ratemaking and operational procedures allowing broadband providers to attach equipment to electricity poles owned by electric cooperatives while maintaining the co-ops' independence from state or federal regulation. Broadband providers and co-ops must enter into contracts to determine rates, terms, and conditions for renting pole space before attaching broadband equipment. A co-op may deny access if it lacks capacity to support more attachments unless issues may be addressed through make-ready activities. Since the co-ops' electricity customers would be the presumed beneficiaries of expanded broadband service, the co-op must consider their interests when deciding on rates so as to avoid unnecessarily high costs to their own customers and members and must also consider safety codes and the costs associated with maintaining reliability of both broadband and electric service. Any non-recurring charges to the broadband provider, such as an installation fee, must be cost-based. If a co-op does grant access to its poles, it shall be responsible for maintaining the poles to a standard that supports pole attachments. The co-op may require financial security from a broadband provider in case abandoned equipment must be moved or disposed of and must meet federal standards for allocating costs for replacing poles. The Public Utility Commission shall have rulemaking responsibility if these federal rules significantly change to disadvantage one of the parties. The bill also outlines procedures for mediating contract disputes and obtaining rights-of-way. HB 1505 would facilitate the expansion of broadband to rural areas by establishing statewide procedures and standards.	Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3069 By: Holland | Leach | Moody | Johnson, Julie | Harris	Relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, Texas law states - under the statute of repose - that building owners have within 10 years of a building's completion to discover any alleged design defects and file a lawsuit against architects, engineers, or contractors. An additional two years is granted under the statute of limitations if a defect is discovered in the last year, for a total of 12 years to file a claim. However, there are concerns that after 12 years it becomes difficult to distinguish between what would be considered poor maintenance and repairs on the building and actual defects that are at the fault of the architects, engineers, designers, or contractor.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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	attached to real property.		HB 3069 shortens the time period that a governmental entity can bring a suit for defective or unsafe conditions against an architect, engineer, designer, or landscape architect who designed, planned, or inspected the construction of the property to 8 years after its completion. This shortened time period also applies to a person who repairs or improves the property. HB 3069 decreases the extension of the statute of limitations to a one-year period that a suit can be filed if a defect were to be discovered in the last year. HB 3069 does not apply to contracts that Texas Department of Transportation enters into, projects that receive money from the state highway fund that are designed for highway and mass transit spending, or a civil works project, such as water infrastructure projects. Under current law, Texas has one of the longest statutes of repose in the country. Without shortening the time frame there is the possibility that architects, engineers, designers, and landscape architects could be held liable for the normal wear and tear of a building. HB 3069 would help ensure that lawsuits do not occur for reasons that are outside of the control of architects, engineers, designers, and landscape architects.	
HB 2199 By: Parker | Capriglione | Anchía | Stephenson | Wilson	Relating to the establishment of the digital identity work group.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 2199 establishes a "digital identity work group" to explore the potential benefits to government agencies, industry, and individuals of digitizing physical credentials and verifications such as passports, drivers' licenses, notarized signatures, and vehicle registrations. Digitizing could increase efficiency and security in the credentialing process and promote the portability and interoperability of credentials. The work group would be composed of 15 unpaid members from the legislature, various educational, local, and state government entities, and the public, including those with relevant expertise or representatives of industries that could benefit from the use of digital identity technology. It would develop and report legislative recommendations for digital identity policy and investments in the state by September 2022 and be abolished shortly thereafter. This group could take steps toward easing administrative burdens and privacy concerns that agencies and Texan's face when obtaining and using credentials by exploring new, more efficient technologies.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 2705 By: Stucky | Crockett | Johnson, Ann | Parker | Raney	Relating to the establishment and administration of the Texas Woman's University System.	Higher Education 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Texas Woman's University offers many types of degrees, serving primarily women. Texas Woman's University is working to become an independent system to increase enrollment and graduation rates. Texas Woman's University has a significant student population in health programs that prepare many nurses and health care professionals to serve Texans. HB 2705 would lead to establishing the Texas Woman's University System and make the necessary codifying changes in the Education, Agriculture, and Health and Safety Codes to reflect this. The	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			system would include Texas Woman's University, Texas Woman's University at Dallas, and Texas Woman's University at Houston. HB 2705 would aid in the development of higher education opportunities for Texas and furthering the opportunities for women. Additionally, this would serve as an innovative method of addressing the nursing and medical professional shortage in Texas.	
HB 1776 By: Bell, Keith | Allison | Harris | Toth	Relating to the inclusion of an elective course on the foundation principle of the United States in the curriculum for public high school students and the posting of the founding documents of the United States in public school buildings.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Concerns have been raised that high school students are graduating without the essential knowledge of citizenship to participate in democracy. HB 1776 requires public school districts and open-enrollment charter schools to offer an elective course on the founding principles of the United States that meets the requirements for one-half elective credit under the Foundation High School Program. The course is required to focus on the United States government, including topics such as the Declaration of Independence, the U.S. Constitution, the Federalist Papers, and the writing of the founding fathers of the United States. HB 1776 would require open-enrollment charters schools and the board of trustees of school districts to permit and encourage the posting of United States founding documents in classrooms and school buildings. The provisions of this bill are presently required by the FSP and the State of Texas Assessments of Academic Readiness (STAAR) test in eighth grade and eleventh grade. Creating a new elective course requires additional resources such as new curriculum, curriculum supplies, and teachers designated to teach the course.	**<u>Will of the House</u>** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 3502 By: Lambert | Darby	Relating to organization of, meeting of, and voting by condominium unit owners' association and property owners' association.	Business & Industry 7 Ayes, 0 Nays, 0 PNV, 2 Absent	During the COVID-19 pandemic, Texans had to adapt to the use of telephone and internet-based communication such as Zoom. HB 3502 will allow for electronic communication and telephone communication to be used by condominium units and property owners' associations to hold meetings. Voting at these meetings is also permitted to be completed electronically. Keeping Texas statute updated to reflect the evolution of our technology is efficient and can help keep Texans safe during times of crisis.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 957 By: Oliverson | Hefner |	Relating to local, state, and federal regulation of firearm suppressors.	State Affairs Vote: 8 Ayes, 2 Nays, 0 PNV,	Firearm suppressors, also known as silencers, reduce the loud sound and recoil produced from firing a gun. Suppressors are subject to federal regulation under the National Firearms Act and must be sold by a dealer possessing a Federal Firearms License to purchasers 21 years of age or older. Consumers must be legally eligible to purchase a firearm, capable of passing a background check, and pay a one-time $200 federal transfer tax. Texas does not currently place any further restrictions on suppressor sales.	**<u>Unfavorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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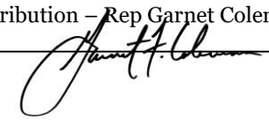

White | Guillen		3 Absent	HB 957 removes the offense of possessing, manufacturing, transporting, repairing, or selling a firearm suppressors unless a person follows federal law. HB 957 deregulates the production and sale of suppressors solely manufactured in Texas, which it defines as any device designed or adapted to muffle the report of a firearm manufactured without any major part being imported from another state. The bill states any suppressor manufactured and maintained within this state is not subject to federal law, regulation, or registration under the authority of the United States Congress to regulate interstate commerce. Such accessories must have the words "Made in Texas" clearly stamped. Any state agency or institution created by the state, including higher education systems, are strictly prohibited from adopting rules attempting to enforce federal suppressor regulation. Citizens are permitted to file complaints with the Attorney General (AG) against a state entity who seeks to regulate the sale of suppressors at any capacity. The AG is authorized to bring action against these state entities, seek recovery of any related costs, and the appellate court is required to render a final judgement as quickly as possible. Additionally, state entities who attempt to create rules, ordinances, policies, or regulation related to firearm suppressors could be denied grant funding for the following fiscal year. This bill prevents state entities from enforcing federal law or creating policy in regard to the sale of suppressors but does not create any regulation at all for suppressors made in Texas. There is no age restriction set and no background check required, which is likely related to reports that many people can already produce accessories similar to suppressors at home through buying online kits. Restricting state and local government entities from creating policy restricting suppressor sales in any manner also means that local governments could not respond to any safety hazards resulting from deregulation of suppressors made in Texas for purposes of consumer protection. Furthermore, this is unlikely to hold up against federal scrutiny, considering the Biden administration's gun control priorities, the $200 tax loss resulting from each suppressor sold outside the scope of federal regulation, and continued federal oversight over licensed dealers.	
HB 158 By: Thierry | Hull | Neave | Rose	Relating to a pilot program to provide Medicaid coverage of doula services.	Human Services Vote: 6 Ayes, 1 Nays,	The Texas Maternal Mortality and Morbidity Review Committee recommended the increased use of doula services to mitigate the rate of pregnancy-related deaths and maternal morbidity in Texas. Doulas provide essential non-medical services to meet the emotional and physical needs of a mother throughout the course of a pregnancy. Private insurers typically cover doula services however, Medicaid does not. Doula services without insurance assistance are financially not accessible for lower income people.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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		0 PNV, 2 Absent	HB 158 will create a medical assistance pilot program for doula services. The Health and Human Services Commission (HHSC) will be responsible for establishing the program and developing the eligibility qualifications for participants. The HHSC executive commissioner, in consultation with the existing Perinatal Advisory Committee, will determine the qualifications of a doula and doula services for the purposes of the program. The pilot program will take place in the most populous county and the county with the greatest maternal support needs. Lastly, HHSC will prepare an electronic report regarding the total costs and the impact of the program as well as a written report about the results and recommendations for the program. Pregnancy is a demanding experience that can be daunting without some form of support. HB 158 is a step towards addressing the widespread issue of maternal mortality and morbidity.	
HB 2505 By: Smith | Metcalf	Relating to creating the criminal offense of boating while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.	Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	As Summer approaches, concerns will surface once more around public safety while boating in Texas. Currently, there is an offense codified for driving a motor vehicle while intoxicated that is enhanced when a child is a passenger—boating while intoxicated results in a Class B misdemeanor offense, however, there are no penalty enhancements when a child is on board. HB 2505 adds a new offense and amends statutory provisions in the Penal, Alcoholic Beverage, Transportation, Parks, and Wildlife Codes and the Code of Criminal Procedure to make boating while intoxicated with a passenger younger than 15-years old a state jail felony. • Regarding driver's license (DL) suspension, once acquitted, the suspension may not be imposed; if a suspension is imposed, the bill maintains the ability to petition, specifying the length of time that the suspension must stay on appeal • Includes minors that operate a boat or watercraft while intoxicated with a child, imposing a minimum of 60-days for DL suspension • Protocols and procedures for alcohol content collection, circumstances where the collection is no longer voluntary, and if the actor fails to pass an intoxication test • After a conviction, requires conditions for ignition interlock devices on the boat or the vehicle most regularly driven. There are concerns that HB 2505 limits judicial discretion by making deferred adjudication community supervision or diversion for particular circumstances ineligible as well as credit towards a period of suspension.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			Overall, HB 2505 will provide proper accountability and safety for Texans on our waterways and ensure that this accountability is addressed, through conditions or past justice history records, driving on roadways.	
HB 4055 By: Meza	Relating to reporting and investigating certain cases of child abuse or neglect involving a pregnant woman's use of a controlled substance.	Juvenile Justice & Family Issues 7 Ayes, 0 Nays, 0 PNV, 2 Absent	There has been an increase in Child Protective Services (CPS) cases involving substance use. In 2018, 67% of home removals cited substance use as a factor for the removal. Recovery from substance use is complex, and parents should not be punished while in the middle of treatment. There are currently no protections from CPS involvement for expecting mothers who seek or complete substance use treatment. HB 4055 will exempt a professional providing prenatal, mental health, or other medical care from having to report abuse or neglect regarding a woman's voluntary disclosure of using a controlled substance while pregnant if: • the woman either enrolls into or has completed a substance use treatment program. • the professional determines women's substance exposure is not an immediate risk of harming the fetus. HB 4055 will also prohibit the Department of Family and Protective Services from investigating a report of abuse or neglect based on information of a woman using a controlled substance while pregnant. Specifically, the prohibition is in effect if the woman in question enrolled in or successfully completed a substance use treatment program under the supervision of the professional referring or treating the individual. Mothers that willingly seek, enter into, or complete substance use treatment are seeking better lives for themselves and their child and should be given the chance to change.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 3306 By: Middleton | Rose	Relating to the disclosure of certain information regarding the occurrence of communicable diseases in residential facilities.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	During the COVID-19 pandemic concerns were raised about transparency within residential facilities, such as nursing homes, assisted living, and long term care facilities regarding COVID 19 outbreaks. To address this issue HB 3306 intends to establish that protected health information does not include: • the name or location of a facility in which residents have been diagnosed with a communicable disease • the number of residents who have been diagnosed with a communicable disease Residents and family members have a right to know if an outbreak has taken place within their facility. It is a safety and health concern that prevents them from making informed decisions	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			regarding health and housing. Full transparency is needed when making such life changing decisions.	
HB 30 By: Talarico	Relating to educational programs provided by the Windham School District in the Texas Department of Criminal Justice for certain inmates.	Corrections Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	Windham School District (WSD) is a TEA and state-funded school system that operates within the Texas Department of Criminal Justice (TDCJ). According to WSD, there are nearly 350 students that were adjudicated as adults under the age of 18 or are eligible to receive federal special education services between the ages of 18-to-22.Unlike their peers in juvenile facilities, those adjudicated under 18 do not have access to a high school diploma program within WSD and instead must pursue a high school equivalency. Although some students may be close to completing the requirements to earn a high school diploma, they are not currently provided this opportunity. HB 30 requires WSD to develop and provide an educational program that results in a high school diploma or high school equivalency examination for each individual under 18 in TDCJ or those eligible to receive special education services under 22-years old. The bill codifies WSD's current provisions to develop an educational program that considers the duration of confinement and current level of education while expanding considerations for each individual's educational goals or preferences. Unlike public education across the state, WSD was impacted by the 5% state reductions. If WSD continues to fall outside of exemption for funding cuts, HB 30 will give WSD the flexibility to develop education plans, enter departmental agreements, and foster collaboration with state agencies like the Texas Education Agency. By prioritizing high school diplomas, HB 30 could ensure equitable work opportunities in the future. Providing opportunities for these students is a step towards providing every person a quality education.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 1225 By: Campos	Relating to an evaluation by the housing and health services coordination council of the 2-1-1 services provided by the Texas Information and Referral Network.	Human Services Vote: 6 Ayes, 1 Nay, 0 PNV 2 Absent	2-1-1 Texas is a program which connects Texans with community-based health and human services and provides information during a disaster. Significant improvements have been made in past legislative sessions to improve how 2-1-1 services can support Texans during disasters. However, as shown through winter storm Uri, improvements are still needed. HB 1225 aims to require the housing and health services coordination council, which exists to increase state efforts to offer service-enriched housing by coordinating housing and health services, to complete and submit an annual report of the 2-1-1 services to the Texas Department of Housing and Community Affairs (TDHCA). The report would consist of an evaluation of services provided by the Texas Information and Referral Network (TIRN) using:	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			• data collection from user calls and website visits • the Texas Information and Referral Network database • 2-1-1 Texas user interviews and recommendations • referral outcome statistics for 2-1-1 Texas users • interviews and recommendations from 2-1-1 Texas leadership In coordination with TDHCA, TIRN will determine what information not identified could be included in the evaluation. The bill also intends that TDHCA will consider ways to improve the delivery of community resource information and referrals by considering the results of the evaluation during the development of the department's biennial plan. Ensuring that this system runs efficiently during high demand times is essential in ensuring that all Texans are able to keep informed on current disasters affecting their area or how to connect with social services.	
HB 2990 By: Morales Shaw | Bowers | Reynolds | Price	Relating to a requirement to make certain environmental and water use permit applications available online.	Natural Resources Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	Applicants seeking environmental or water usage permits from the Texas Commission on Environmental Quality (TCEQ) must provide public notice of their intent to obtain a permit by publishing in a local newspaper, while the TCEQ must mail the notice of intent to certain officials. Currently, a person wishing to see the application itself must travel to a particular location in the county where the permit is being sought and view or copy it in person. During the pandemic, TCEQ has made these applications viewable on their website to make it easier for the public to access. To permanently make applications easier to access, HB 2990 would require the applicant or TCEQ to post the permit application, along with supporting materials and any revisions, on a publicly accessible website to be viewable until TCEQ takes final action on the application. The applicable website address must also be included in any printed public notices regarding the application. This will allow the public to be more easily informed on permits that could impact their community and the state's natural resources.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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