TEXAS LEGISLATIVE STUDY GROUP

An Official Caucus of the Texas House of Representatives

Representative **Desk**

LSG Floor Report For POSTPONED BUSINESS UNTIL 10 AM- Tuesday, May 4 , 2021

Author	Caption	Committee	Analysis & Evaluation	Recommendation
HB 3813 By: Harris | Clardy	Relating to the authority of certain municipalities to impose regulations on amplified sound from certain venues.	Culture, Recreation & Tourism Votes: 5 Ayes, 3 Nays, 1 PNV, 0 Absent	The Texas music industry, which contributes roughly $27 billion to the country's gross domestic product and supports more than 210,000 jobs, has been heavily impacted by the coronavirus pandemic. Some cities have city ordinances limiting the playing of music outside due to noise levels that impact nearby residents. HB 3813 would amend the Local Government Code to prohibit a city located in a county with a population of 1.5 million or less to adopt and enforce an ordinance that allows businesses and venues to produce amplified sounds between the hours of 10 am to 2 am at a level that does not exceed 85 decibels. HB 3813 is a form of state overreach into municipal ordinances. Municipalities know what is best for their communities. Neighborhoods close to these businesses have the right to a quiet environment during these nighttime hours.	**Unfavorable** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 4139 By: Coleman | Rose | Johnson, Jarvis | Howard |	Relating to the Office for Health Equity.	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Research continues to indicate certain groups of people disproportionately experience adverse or harmful impacts in the current healthcare system. Thus, there is a need to further progress in health equity in Texas with the Office of Health Equity. HB 4139 changes the name of the Center for Elimination of Disproportionality and Disparities to the Office of Health Equity. The bill will authorize the Office of Health Equity to collaborate with other entities for the purposes of promoting health equity, collecting, and reporting data related to health disparities in specific populations, pursuing and administering grants for innovative projects, and implementing programs and strategies to eliminate those disparities. HB 4139 will have the Office of	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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Thompson, Senfronia			Health Equity examine the relationship between social determinants of health and disparities in health access, monitor specific trends in marginalized populations, and develop short and long term strategies to improve health equity for those populations. Additionally, the bill requires the completion of a study that examines the disproportionate impacts the COVID-19 pandemic had on certain populations in Texas. HB 4139 directs the Office of Health equity to monitor the progress of the Health and Human Services Commission (HHSC) and its contractors in eliminating health disparities and promoting health equity. Additionally, the Office will advise and assist the HHSC in implementing targeted programs or funding and selecting contractors that progress towards the goals of eliminating health disparities and promoting health equity. Eliminating health disparities and promoting health equity promotes the direction Texas healthcare needs to be going.	
HB 2262 By: Schofield	Relating to the extended registration of certain fleet vehicles.	Transportation Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	Many government vehicles are currently exempt from paying annual county registration fees; however, departments are required to renew registration stickers on each vehicle annually. This can be burdensome to large counties, school districts, and law enforcement agencies that have fleets with hundreds of vehicles. HB 2262 will allow county, municipality, or school districts to register a fleet of vehicles for an extended period from one to eight years while maintaining a yearly inspection. HB 2262 allows local government fleets the same flexibility as commercial fleet vehicles, which the Texas Transportation Code allows to register with the county for multiple years. This bill also mandates that the Texas Department of Motor Vehicles create rules and standards for enforcing yearly inspections for applicable exempt vehicles, semi-trailers, and trailers. This bill will increase local governments' efficiency and save valuable staff time and funds by reducing tedious annual paperwork.	**<u>Favorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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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.	**<u>Unfavorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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			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 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.	

LSG Floor Report For CONSTITUTIONAL AMENDMENTS CALENDAR- Tuesday, May 4, 2021

HJR 140 By: Paddie	Proposing a constitutional amendment prohibiting the enactment of a law that imposes a tax on certain transactions that either convey a security or involve specified derivative contracts.	Ways & Means Vote: 10 Ayes, 0 Nay, 0 PNV, 1 Absent	HJR 140 is the companion legislation for HB 3702, a bill that would prohibit imposing an occupation tax on a registered securities market operator or their securities transactions after January 1st, 2022. General business taxes and taxes on mineral production, insurance premiums, tangible personal property or services, or any tax rates existing before January 1st, 2022 are expressly stated as not prohibited by the bill. Creating constitutional prohibitions of taxing anything Texas is currently not taxing is unnecessary, and handcuffs Texas and future legislatures from addressing potential future finance needs.	**<u>Will of the House</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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LSG Floor Report For GENERAL STATE CALENDAR- Tuesday, May 4, 2021				
HB 3702 By: Paddie	Relating to prohibiting the enactment of a law that imposes a tax on certain transactions that either convey a security or involve specified derivative contracts.	Ways & Means Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Securities are tradable financial assets of any kind: common securities instruments are debt including bonds, equity referring to stocks, or derivatives such as forwards. During a time of nationwide economic struggle, some states are considering offsetting financial loss by taxing securities transactions in the finance sector. HB 3702 is the companion legislation for HJR 140. In order to prevent a potential tax burden on the finance sector, HB 3702 adds a general provision to the tax code prohibiting imposing an occupation tax on securities market operators or their securities transactions after January 1st, 2022. Occupation taxes are currently only levied on services for oil and gas wells but are specifically targeted by this legislation for their applicability to providing services, in this case securities trading. Prohibiting taxes that Texas is not currently collecting is unnecessary, and handcuffs future legislatures from addressing potential future finance needs .	**<u>Will of the House</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 3924 By: Oliverson | Anderson | Middleton | Frank | King, Tracy O.	Relating to the operation of and coverage by a nonprofit agricultural organization.	Insurance Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent	Several states across the nation allow nonprofit agricultural organizations to offer health benefit plans exclusively to members. Since 1993, Farm Bureaus in the self-insured sector of insurance are the only self-funded non-employer-based plan providing members with health service associations and benefits. The Affordable Care Act's impact on the individual market often does not exempt rural Texans, causing premiums that can make coverage unaffordable. Suggestions have been made that alternatives to traditional insurance could provide desired and needed consumer protections for rural Texans with limited health-related coverage options. Though 5 states currently have regulatory laws in place, these exemptions in coverage for Farm Bureau members are yet to be explored in Texas. Employer-based insurance has created the problem of coverage for preexisting conditions across the nation. Testimony from Farm Bureaus in other states indicates that preexisting conditions often have waiting periods around 6-months to 1-year under their benefit plans. HB 3924 amends previous language specifying provisions for health care sharing ministries to read "certain benefits and arrangements that are not insurance," reinforcing that those who provide such services or benefits are not providing insurance coverage. The bill adds a chapter for Farm Bureaus, including definitions, creating the following requirements for state tax exemptions: • must have been domiciled within Texas before 1940	**<u>Unfavorable</u>** Evaluated by: Chelsea Dalton Pederson (512)661-9708 Chelsea@TexasLSG.org

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			• that membership must be composed of residents in at least 98% of counties in the state • collect annual dues from members • was created to promote and develop the most profitable and desirable system for those in agriculture industries. Farm Bureaus are required to disclose in a written notice that benefits are not considered insurance to an individual applying for health benefits. Before enrollment, the individual must sign and return the notice, and the Farm Bureau must maintain a copy of this signature for the duration that benefits are received and provide a copy of this notice to a member upon request. Farm Bureaus may contract with a company authorized to engage in the business of insurance in Texas that is not under common control with the nonprofit to transfer to that company all or a portion of the organization's risk arising from benefits offered or obtain insurance coverage from a company guaranteeing the nonprofits obligations arising from health benefits. There are concerns based on reports that Farm Bureaus in other states require complicated provisions and charge individuals with preexisting conditions at higher rates if they are not immediately outright denied. Allowing Farm Bureaus to offer coverage incapable of meeting state and federal mandates would create an environment allowing alternative non-insurance to discriminate against preexisting conditions again.	
HB 3752 By: Frank | Oliverson	Relating to the offering of health benefits by subsidiaries of the Texas Mutual Insurance Company.	Insurance Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent	The Texas Mutual Insurance Company (TMIC) was established by the legislature in the 1990s as an insurer of last resort in response to workers' compensation rates and an unstable market, similar to today's healthcare marketplace. In later years, TMIC was granted authority to operate as a mutual company fully owned by members to provide domestic insurance thoroughly regulated by the Texas Department of Insurance (TDI). Near-monopoly conditions in many parts of Texas have contributed to higher healthcare costs and health insurance premiums with limited affordable and accessible care options for rural Texans and employees of small businesses across the state. HB 3752 authorizes TMIC to become a subsidiary providing non-insurance alternative health benefits. The bill reinforces that TMIC would not be providing insurance and associated benefits are subject to laws governing workers' compensation. Further provisions restrict TMIC to only offering benefits to individuals, small businesses with less than 250 full-time employees, or TMIC's current policyholders or employees. TMIC may create, acquire, and otherwise own or operate one or more subsidiaries offering accident and non-insurance health benefits or health benefit plans as specified by the bill. In Texas, subsidiaries of TMIC only need a certificate of authority to become an issuer.	**<u>Unfavorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			HB 3752 explicitly states that TMIC may not be held liable for any act or obligation of their subsidiaries. While employing TMIC as the insurer of last resort for Texas regions without a competitive market is an innovative idea, it is essential to realize that TMIC could provide health benefits without this legislation. They are essentially asking the State for permission to offer alternative insurance not capable of meeting current state regulatory standards. TMIC reports several ways to create plans that are not subject to the restrictions of the Affordable Care Act (ACA), which will result in cherry-picking Texans to insure and reopens the door for discrimination against those with pre-existing conditions. Alternative options evading the ACA often result in coverage gaps and rare or limited co-pay caps, significantly increasing out-of-pocket expenses. The last round of COVID funding capped poverty levels at 400% and issued premium tax credits. Since this provision was lifted for the next 2-years, with hopes of permanency, it limits the need for HB 3752 because no one will have to pay above 8.5% of their income for health care coverage. Allowing TMIC to carve out statutory provisions to compete on an uneven playing field could have a disastrous effect on small businesses struggling to offer coverage, which may quickly act on this option without any surety.	
HB 1340 By: Leach | Thompson, Senfronia | Dutton | Smithee | Collier	Relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in a capital murder case.	Criminal Jurisprudence Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Currently, the "law of parties" (LOP) is a legal pathway of charging an individual with an offense if it was determined that they solicited or attempted to aid another in committing an offense. LOP can be applied to capital offenses regardless of an individual's awareness of the possibility that a capital offense would be taking place. LOP is often an influential factor in the overrepresentation of incarcerated youths serving life sentences or facing death row for charges that they were not solely responsible for. These cases should be seen as infringements on the 8th amendment of the US Constitution. HB 1340 adds specific required conditions for an individual (a conspirator) to be considered guilty of a LOP capital murder offense: • a major participant in the original felony offense. • acts with reckless indifference towards human life while committing the offense. • in order to continue committing the original felony, another involved individual committed a capital murder offense Additionally, HB 1340 removes the requirement of a court to direct the jury to determine if the defendant anticipated that human life would have been taken - for the purpose of determining if the	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			defendant is guilty of a LOP capital murder offense. The bill also explicitly excludes LOP from holding others criminally responsible for the conduct of another in capital murder offenses. To impose a death sentence, the jury must find that the conspirator actually caused the death or intended to kill the victim. HB 1340 would protect future individuals from the current effects of LOP practices as well as provide potential exploration to re-review and resentence those currently on death row for LOP offenses.	
HB 3354 By: Burrows	Relating to the location of certain justice courts.	County Affairs Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 3354 seeks to update the statutory population bracket allowing Lubbock's Justice of the Peace courts to continue conducting business in buildings outside of the court's precincts, such as the county courthouse, as allowed under Local Government code. The bill changes the qualifying language from "a county with a population of at least 275,000 persons but no more than 285,000 persons" to "a county with a population of at least 305,000 persons and the county seat of which is located in the Llano Estacado region of Texas." This change is necessary since the Lubbock population has increased in recent years.	**Favorable** Evaluated by: Jenny Catchings (925) 628-0628 Jenny.Catchings_HC@house.texas.gov
HB 1300 By: Guillen	Relating to the reading and marking of a ballot by a person occupying a voting station or by the person's child.	Elections Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	It is common for parents to use their right to vote as a teaching tool for their children. Encouraging civic engagement in our youth is an important aspect of democracy. Currently, children are permitted to accompany their parents to the voting booth, but there is ambiguity surrounding whether they are able to read or mark the ballots at their parent's direction. HB 1300 would clarify that children 14 or younger are able to read and mark ballots under the direction of their parents. Children actively participating in the voting process would allow parents to instill civic engagement values and habits in their children. Additionally, this will provide relief for parents unable to find childcare, making voting more accessible for these parents.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 3535 By: Hunter	Relating to the availability of dates of birth under the public information law.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Public access to dates of birth held in public records, including such records as criminal databases or voter registration rolls, has been restricted following a court ruling that public citizens' birthdates are protected by common-law privacy. This has had the unfortunate consequence of limiting the ability to verify an individual's identity, which is needed for a variety of purposes such as certain business transactions or employee background checks. This issue has even led to a few cases of news organizations incorrectly identifying individuals wanted for crimes and, further, has caused the withholding of some unrelated public information from which a tangentially attached birthdate could not be redacted.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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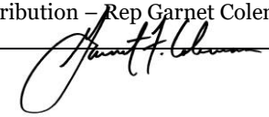

			HB 3535 clarifies that governmental bodies may not withhold birthdates from public information requests unless explicitly provided by law. Medical records, personal information withheld by public employees, and other protected records would still remain private. This measure will reasonably protect the public interest to access information needed to verify identity.	
HB 2924 By: Dutton	Relating to certain grounds for the involuntary termination of the parent-child relationship.	Juvenile Justice & Family Issues 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Parent-child relationships are terminated if a parent knowingly places or keeps a child in a dangerous environment or with others that physically or emotionally endanger a child. Currently, courts are authorized to use a ruling related to one child as grounds for terminating parental rights related to other children. HB 2924 removes this justification for terminating a parent-child relationship for a child that was not placed into dangerous conditions by the parent. If a parent is trying to improve their ability to care for their children, previous actions should not be used against them.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
HB 1509 By: Murphy	Relating to enhancing the criminal penalties for certain repeat and habitual offenders.	Criminal Jurisprudence Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	Currently, if an individual commits a Class A misdemeanor offense, they are often sentenced to imprisonment in county jails, while felony convictions require time in state jail facilities. At any time, someone has a prior felony conviction, any subsequent sentences are automatically increased. Individuals who habitually cycle in and out of jails need to be connected to services, not sentenced to harsher punishments. HB 1509 will enhance Class A misdemeanor sentences to a state jail felony under certain conditions: the defendant was charged with subsequent 3 Class A misdemeanors and 1 felony offense within 10-years, regardless of suspended imposition of sentence. The bill includes that previous conviction of 2-state jail felonies is a basis for enhancing certain state jail felonies to a third-degree felony. It has been proven that harsher punishment does not fix repeat offenses and does not improve public safety. This bill will only increase our state jail populations, costing the state significant funding and pushing more people into longer terms in the criminal justice system. Additionally, many repeat offenders struggle with mental illness or use substances, and this bill does nothing to connect these individuals to services in hopes of rehabilitation.	**Unfavorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 3923 By: Oliverson | Shaheen | Rogers	Relating to multiple employer welfare arrangements.	Insurance Vote: 5 Ayes, 3 Nays, 0 PNV, 1 Absent	Multiple employer welfare agreements (MEWAs) offer a way for small businesses and sole proprietorships to join together in negotiating better rates and pulling risk when providing non-insurance benefit coverage for employees. Recently, the federal government finalized new rules establishing more criteria flexibility under the Employee Retirement Income Security Act (ERISA) that makes it easier for a common profession, same association, or geographic locations to form an arrangement together. Even though MEWAs are not categorized as insurance, self-funded MEWAs are regulated by the Texas Department of Insurance (TDI), and 2020 provisional changes now regulated MEWAs under TDI's commercial rates. This change required the 8 MEWAs in Texas to	**Unfavorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			follow ERISA provisions and mandated state benefits, prohibiting MEWA plans with minimal coverage. HB 3923 adds the applicability of certain laws to MEWAs, issuing initial certifications of authority on or after January of 2022 unless they choose to be bound by the bill. Also, MEWAs will be subject to solvency, liability, utilization review, and quality of care laws in the same manner as healthcare insurers. HB 3923 amends the MEWA application form, and the information required by the Commissioner to demonstrate an applicant follows all applicable federal and state laws. The bill adds that MEWAs must have a principal place of business in the same region that does not exceed the boundaries of this state or metropolitan area. The bill maintains that if employers in the MEWA are members of an association, the association must have been in existence for at least 2-years before engaging in any activities relating to providing employee health benefits. HB 3923 adds and expands eligibility in MEWAs beyond current provisions to allow "working owners" of a trade or business without employees to qualify as both an employer and employee of the trade or industry. To qualify for this addition, the working owner must: • have ownership rights of any nature in a trade or business, incorporated or unincorporated, including a partner and other self-employed individuals. • earn wages or self-employment income from the trade or business for providing personal services; and • either work at least 80-hours per month or have income that equals the individual's cost of coverage for participation in MEWAs. MEWAs pose a threat to the 28% of Texans with preexisting conditions, opening the door to discrimination and the stability of the Texas insurance market by cherry-picking healthy customers and employer groups. Cherry-picking drives up costs for other privately insured consumer's small businesses as healthier people are siphoned out of the risk pool. MEWAs often expand limited benefits, but these coverage gaps negatively impact coverage quality and expose people to catastrophic costs and medical debt when they get sick. If attempts are repeated to remove ERISA compliance in the future and Affordable Care Act ratings are allowed to occur at MEWA levels rather than traditional health employee levels, HB 3923 will allow non-ERISA authorized MEWAs to exist in Texas. The bill also allows working owners, which is not currently permissible by state law. HB 3923 could negatively impact those without similar interest by not providing an incentive to improve coverage quality. HB 3923 erodes insufficient state guardrails for a type of coverage notorious for fraud, abuse, unpaid medical bills, and insolvency.	

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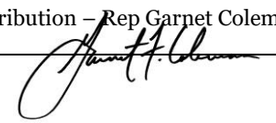

HB 1518 By: Dutton	Relating to the hours for selling alcoholic beverages in certain establishments.	Licensing & Administrative Procedure Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	Currently, Texas law mandates that establishments licensed to serve liquor must stop serving and close to the public at 2AM. In certain environments such as hotels, requiring bars to close at 2AM is impractical considering many hotel guests continue drinking from the wet bars in their rooms after hours. HB 1518 provides an exception allowing hotel bars to continue serving alcohol after 2AM to hotel guests only. Guests would be required to provide proof they are registered guests of the hotel to buy drinks from the hotel bar, and any guests of guests would not be able to purchase drinks. This change would generate more revenue in the hotel industry, which is currently suffering losses caused by the COVID-19 pandemic.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 3046 By: Middleton | Burrows | Metcalf | Harris	Relating to the identification of and prohibited cooperation by state and local entities with certain federal acts that violate the United States Constitution.	State Affairs Vote: 8 Ayes, 3 Nays, 0 PNV, 2 Absent	HB 3046 directs the Office of the Attorney General (OAG) to issue monthly reports to the governor and the legislature identifying certain rules adopted by federal agencies within that month that were adopted in response to a presidential executive order and violate constitutional rights. The bill provides no method for determining a constitutional violation , but the report must also provide the status of any lawsuit filed against the federal government relating to identified rules, including whether the rule was found by any court to be unconstitutional. The report shall be published on the OAG's website and in the Texas Register, and would only include rules relating to: • pandemics and public health emergencies • the regulation of natural resources, including coal and oil, the agriculture industry, firearms, and the financial sector as it relates to environmental, social, or governance standards • the use of land • the freedom to exercise religion, including to congregate The bill further orders that state agencies and local governments may not cooperate with federal implementation of identified rules that any court has found unconstitutional. This could force Texas's government entities to defy currently binding rules that are still in the appeals process or even those that are ultimately found to be constitutional despite lower court rulings. Beyond the legal gray area in which that would put the state, such actions could cause Texans to lose critically needed federal funds at a time when state and local budgets are still recovering from the pandemic.	**Unfavorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 1564 By: González, Mary	Relating to the appointment of a receivership for and disposition of certain platted lots that are	Land & Resource Management Vote: 7 Ayes,	Beginning in the 1960's buyers from all over the world were deceived into buying land in the American South West, including El Paso, with the promise that there would soon be future development. These promises never materialized and as a result El Paso County now has more than 90,000 abandoned lots, totaled at over 50,000 acres. These abandoned lots may remain undeveloped and unoccupied for many years to come if there is no effort to put the land back into productive use. Without the legislature addressing the issue, the original buyers may not be able to	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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	abandoned, unoccupied, and undeveloped in certain counties.	2 Nays, 0 PNV, 0 Absent	recoup any of their initial investments. El Paso is in immediate need of growing room due to the rapid growth and economic development and these abandoned lots could serve as a solution. HB 1564 allows a commissioner's court to implement an expedited process to determine if a lot is abandoned, unoccupied, and undeveloped if the lot: • has remained undeveloped for 25 years or more • is part of a subdivision where at least 50% of the lots are undeveloped or unoccupied and less than 10 acres • has a value less than $1,000 • as of January 1, 2021, was not valued for ad valorem taxation as land for agriculture. HB 1564 states that before El Paso County can make any determination that a lot is abandoned, they must hold a public hearing and make reasonable efforts to notify each owner of the time and place of the hearing. At the hearing, an owner may provide testimony and present evidence to refute any of the required elements listed above. The county shall also provide notice of the hearing to each record owner of the lot by personal delivery, certified mail, delivery to the last known address, publish notice of the hearing in a newspaper, and file in property records notice of the hearing. At this point in the process, an owner is presumed to have received notice of the hearing. No later than the 14th day after the hearing is a lot determined to be abandoned, unoccupied, and undeveloped. HB 1564 allows an owner to file a suit alleging that the decision is illegal, within 60 days of the order. If a suit is not filed within that time period, the order is then deemed to be final. HB 1564 states that after a final determination that a lot has been abandoned, the county shall then have the lot placed in a receivership, where an appointee of the court would hold possession of the property. At this point in the process rights and interests would be extinguished. HB 1564 also lays out the duties of the receiver that consist of making repairs or improvements to the lot and exercising all other authority that an owner of the lot could have, including the authority to sell. All proceeds from the lot shall be placed in a trust and remain there for at least 3 years, unless claimed before the expiration of the trust period. When there are proceeds available, the court must make additional notice attempts to the owner of the lot to notify them of possible reimbursements. HB 1564 states that the sale of the lots must be made by public auction, sealed bid, or proposal and must be approved by the court. The bill requires the receiver to exercise best efforts to provide notices of the sale to those who might have interest in developing on the property, in order to maximize the price at which the property is sold.	

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			HB 1564 ensures that property owners are provided due process, amble notice, and provides judicial oversight of all decisions affecting their private property rights. The bill prohibits County ownership of the land, minimizes conflicts of interest, promotes transparency, and maintains the goal of restoring some of the original investments made by the buyer decades ago.	
HB 3215 By: Geren	Relating to energy efficiency building standards.	Energy Resources Vote: 9 Ayes, 0 Nays, 0 PNV, 2 Absent	Buildings in the state of Texas are required to meet certain energy efficiency standards to ensure that energy usage and costs are reasonable. To ensure that efficiency standards are met, current law describes certain certification programs that may be used to demonstrate compliance with the energy standards or "ratings" outlined in building codes. HB 3215 replaces one of the programs that may currently be used for this with the more current Standard 301 of the American National Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index, commonly cited as ANSI/RESNET/ICC 301. This simply updates the measures that builders may use to demonstrate compliance. Past legislation offered builders of single-family residential buildings the option of gradually transitioning into compliance over several years. This option allowed builders the flexibility to maintain slightly lower standards through 2025, after which they would presumably be required to meet the higher energy ratings outlined in statute. HB 3215 as it is currently written removes that 2025 deadline, which could allow certain builders to continue operating below the standard in perpetuity. As energy ratings are updated to reflect current efficiency goals and technological advancements, the legislature must not continue to subject Texans to outdated building standards that negatively impact their electricity bills and the reliability of the state's electric grid.	**Favorable with Concerns** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 1193 By: Wu | Rose | White | Leach | Moody	Relating to the jurisdiction of a juvenile court over certain persons and to the sealing and non-disclosure of certain juvenile and criminal records.	Juvenile Justice & Family Issues 7 Ayes, 1 Nay, 0 PNV, 1 Absent	Currently, there are limited methods and time for juvenile courts to make decisions outside of determinate sentencing - jail or prison time. Additionally, should youth get charged, these charges could have a lifelong impact on them. Youth that go through the justice system often have underlying trauma, behavioral health, or other interactions taking place the court cannot consider in the current structure. HB 1193 seeks to give courts the adequate time to consider all possible solutions and provide an opportunity for juvenile criminal records to be sealed. HB 1193 allows juvenile courts to have no fault extensions to retain jurisdiction over an individual, regardless of their age, if they are in the middle of a juvenile case. A proceeding can be extended in the interest of achieving an alternative solution to the case as opposed to a determinate sentence. HB 1193 will require courts to review applications and consider the sealing of juvenile records if: • the individual received a jail or prison sentence as a juvenile, and • their case was not transferred to district court.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			If the court determines that sealing the individual's records is in their best interest and is the most just decision, then the court may seal the records. HB 1193 allows courts to be more responsive and adaptive to juvenile cases.	
HB 1646 By: Lambert | Price | Vo | Thompson, Senfronia	Relating to modification of certain prescription drug benefits and coverage offered by certain health benefit plans.	Insurance Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	At the beginning of each year, health benefit plan (HBP) insurers often change their drug formulary, increasing out-of-pocket payment or implementing new prior authorization (PA) requirements where beneficiaries are forced to delay or go without their necessary prescription drugs. HBPs can modify drug coverage under the beneficiaries' plan if the modification occurred at the time of renewal and is uniform across sponsors, plans, or individuals. Current provisions include that no later than the 60th day before modification, HBP issuers must provide written notice to the Texas Department of Insurance (TDI) Commissioner, each affected sponsor, enrollee, and individual. HB 1646 adds that the statement notices for other drugs not precluded in a plan, except for the continuation of coverage, require an indication that the HBP issuer is modifying coverage, explains the modification, and recognition that the HBP may not modify contracted benefit levels for any approved or covered prescription drug from the immediately preceding year's plan. If a modification occurs, the notice provided to beneficiaries must include an explanation of an increase to co-insurance, co-payments, deductibles, or other out-of-pocket expenses that an enrollee must pay for a drug and reductions in the maximum drug coverage amount. HB 1646 would allow HBP modifications affecting drug coverage that are more favorable - additions to the formulary, reducing out-of-pocket expenses, or removal of PA requirements - to be done at any time without prior notice. HB 1646 also adds that during an HBP renewal, the issuer may not modify the contracted benefit level for any approved or covered prescription drug under the beneficiaries' plan from the prior year for a medical condition or mental illness of an enrollee if the enrollee was still covered until the renewal and if the prescription is determined to be medically necessary and appropriate by the physician or prescriber. HB 1646 modifies that HBPs are prohibited from: • removing a drug from a formulary. • adding a PA requirement or step-therapy as restrictions for an enrollee to receive a drug. • imposing or alter a quantity limit for a drug or moving a drug to a higher cost-sharing tier that increases out-of-pocket expense that an enrollee must pay for a drug.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			• reducing the maximum drug coverage amount. The bill clarifies that these provisions do not prohibit an HBP from: • adding a new drug to a formulary. • removing a drug from its formulary or denying an enrollee coverage for the drug if the drug manufacturer or the Food and Drug Administration (FDA) has stated clinical safety risks or potential discontinuance of the drug and the removal of the drug from the market. • prohibiting physicians or prescribers from prescribing a medication outside of the formulary or plan. • requiring a contractual written policy, procedure, agreement, or course of conduct that a pharmacist must provide an interchangeable biologic product or therapeutically equivalent generic product substitute for a prescription drug-as determined by the FDA. • require a health benefit plan to provide coverage to an enrollee under the circumstances not previously disclosed in the continuation of coverage and other drugs not precluded. The provisions of HB 1646 will ensure that Texans have reliable access to needed prescription drugs.	
HB 2867 By: Raymond | Guillen	Relating to the issuance of a temporary license for an assisted living facility that has a change in ownership.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, when an assisted living facility changes ownership the Health and Human Services Commission (HHSC) allows the new owner to temporarily operate under the previous owner's license. The discrepancy in the information between the new owner and the previous owner on the license raises concerns from external entities on the validity of the license the facility holds. HB 2867 would address these discrepancies by requiring HHSC to issue a temporary license to a new owner of an existing facility which is already licensed. An inspection of the facility for the temporary license is not needed unless HHSC determines one is needed. The issuance of a temporary license to new owners would streamline the transition process of owners for these establishments and prevent questioning of the validity of the license from vendors or potential residents.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 246 By: Murr| Cook	Relating to the prosecution of the criminal offense of improper relationship between educator and student.	Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Current state statutes do not encompass the full range of situations in which the offense of an improper relationship between educators and students (IRBES), in primary or secondary schools, could apply. There is a need to add clarification for the purpose of proper enforcement of the law There is difficulty in certain cases prosecuting indecency with a child or other relevant sexual offenses due to current statutory loopholes that do not cover consensual sexual engagement between educators and students over the age of 17-years old. Although there is a current statute in place that addresses the sexual contact of students by educators, HB 246 expands the definition to include any	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			offense of IRBES. The new definition includes acts committed with the intent to arouse or gratify the sexual desire of any person. HB 246 will ensure that teachers may not use their position over a child to evade current provisions by having a student consensually arouse them without explicitly engaging themselves.	
HB 622 By: Gervin-Hawkins	Relating to creating abbreviated educator preparation programs for certification in marketing education and certification in health science technology education.	Public Education Votes: 10 Ayes, 0 Nays, 1 PNV, 2 Absent	Recent reports have projected that over the next decade, a number of technical skill workers will be needed to prevent a skills gap from leaving many of these jobs unfilled. Some contend the shortage of technical skill educators has resulted in a shortage of trained workers in the technical professions. As the aging population grows, skilled employees are becoming eligible for retirement, creating a pool of potential teachers for those respective fields. HB 622 seeks to address the shortage of technically skilled teachers by creating an abbreviated educator preparation program for candidates seeking teaching certification in marketing and health science. HB 622 requires the State Board of Educator Certification (SBEC) to create an abbreviated educator program for certification in marketing and health science for grades six-twelve. The SBEC shall propose rules for the program to include 200 hours of coursework or training for candidates. This bill will address the shortage of marketing and health science technology teachers in our state and allow more schools to have these programs. As with any abbreviated certification program concerns exist that it could lower the standards of obtaining a certification. Currently, districts that have applied and have been granted a district of innovation status can already waive the certification requirement for career and technology professionals that have two or more years of experience in their professions.	**Favorable with Concerns** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 2497 By: Parker | Oliverson | Metcalf | Landgraf | Lambert	Relating to the establishment and duties of the Texas 1836 Project.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 2497 would establish the 1836 Project, an advisory committee charged with promoting patriotic education and increasing "awareness of the Texas values that continue to stimulate boundless prosperity across this state." It will be funded by and receive administrative support from the Texas Education Agency (TEA) to the extent that funds are available. Its membership, who would be uncompensated apart from travel expenses, would be appointed by state leadership but is otherwise undefined, except that members may not be removed except for inefficiency, neglect of duty, or malfeasance. The Project's duties would include: • promoting awareness of Texas history and civics as they relate to the history of prosperity and democratic freedom of the state • advising the governor on the core principles of the founding of this state and how those principles further enrich the lives of its residents • facilitating the development and implementation of the Gubernatorial 1836 Award to recognize student knowledge of Texas Independence	**Will of the House with Concerns** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			• advising state agencies with regard to their efforts to ensure patriotic education is provided at locations important to the Texas War for Independence and the state's founding The Project would additionally be tasked with creating a pamphlet summarizing Texas history and civics, including descriptions of vaguely defined concepts like Texas's "legacy of economic prosperity" and "abundant opportunities." The pamphlet must also explain the significance of nonspecific policy decisions that "promote liberty and freedom," and would be distributed by the Department of Public Safety to every person receiving a driver's license. The Project would also be required to issue a report of its activities, findings, recommendations, and legislative proposals, to be viewable on the TEA's website. The Project would be abolished in September 2036. These provisions would divert needed TEA resources to create an entity to tell Texans what their values are, with virtually no oversight or qualifying requirements for members and broad direction to use an undefined amount of taxpayer dollars to achieve ambiguous goals. Rather than trusting families, teachers, and historians to engage in nuanced discussions about patriotism, history, and civics, this bill would have nine political appointees with inherently subjective points of view tell Texans how "Texas values" - decided upon without public engagement - have led to supposedly "boundless prosperity" and "democratic freedom," without space to reflect on how the pursuit of certain values has for some resulted in oppression, disenfranchisement, and economic hardship. Paying for unqualified appointees to travel around the state performing nonspecific advisory duties and for the mass distribution of a pamphlet full of unverified generalizations would not be an efficient or worthwhile use of taxpayer dollars.	
HB 1374 By: Minjarez | Guillen | Cole	Relating to the confidential and privileged communications and recordings of victims of certain sexual assault offenses.	Judiciary & Civil Jurisprudence Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	In the 85th legislative session, domestic abuse survivors were granted complete confidentiality of communications on record. However, current Texas law does not afford sexual assault survivors these same protects when seeking assistance from crisis centers. Roughly 85% of crisis centers in Texas provide services to sexual assault survivors and domestic abuse survivors. Concerns have been raised by providers who serve these survivors about the confusion that these current inconsistencies in the statute are causing. HB 1374 would extend confidentiality and privacy protections to sexual assault survivors, including all oral and written communication and any record created by, provided to, or maintained by an advocate. The bill states that in any civil, criminal, administrative, or legislative proceeding, a survivor has the privilege to refuse to disclose and to prevent another from disclosing a communication that is confidential. Under HB 1374, the unauthorized disclosure of a portion of confidential communication does not constitute a waiver of privilege. If a portion of confidential	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			communication is disclosed, a motion may be requested that the privilege be waived. In this case, the hearing officer may only wave the privilege if the disclosed portion is relevant to the matter and if a waiver is necessary for a witness to be able to respond to questioning. Additionally, the crisis center may only disclose confidential information if the survivor waves the privilege. HB 1374 authorizes disclosure to an employee or volunteer of the sexual assault program if it is determined that the disclosure is necessary to facilitate the provisions of services to the survivor. Under the Texas Rules of Evidence, confidentiality does not extend to an expert witness who relies on facts or data from the communication or record to form the basis of the expert's opinion. This bill addresses discrepancies in the law by expanding these confidentiality protections to sexual assault survivors. This will ensure that these individuals are receiving the best assistance support from providers.	
HB 1397 By: White	Relating to the required disclosure of entities with an ownership interest in a vendor of voting system equipment.	Elections Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	In the 2020 elections certain voting machine companies were under scrutiny regarding the ownership of certain voting hardware and the possibility of interference from foreign actors. HB 1397 would require voting systems contracts to disclose each entity or person who holds at least a 5% ownership interest in either the vendor, the vendor's parent company, or each subsidiary or affiliate of the vendor. This bill aims to address potential cyber security abuses in voting by requiring increasing transparency in the purchasing of voting technology systems.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 2843 By: Canales	Relating to the donation to the United States of certain facilities relating to a toll bridge by certain municipalities.	Transportation Votes: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	There have been calls to clarify a municipality's authority to donate property to the federal government, particularly related to toll bridges commonly used as ports of entry, or other property on or near the border. The federal Donations Acceptance Program permits Customs and Border Protection and the U.S. General Services Administration to collect donations from local entities to facilitate partnerships for port of entry infrastructure, but there is a need to clarify state law regarding a municipality's ability to participate. HB 2843 allows any municipality with boundaries wholly or partially within 15 miles of the U.S.-Mexico border to donate property, buildings, structures, or other facilities to the federal government for government functions in the municipality or relating to a toll bridge. This also applies to property acquired through bond proceeds, which is already explicitly authorized to be leased or sold to the U.S. government in this manner. This bill will allow better cooperation between communities and federal authorities to manage operations safely and efficiently at ports of entry.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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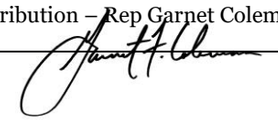

HB 1080 By: Patterson | Lozano | Talarico | Bernal	Relating to the eligibility for participation in University Interscholastic League activities of certain public school students who receive outpatient mental health services.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	HB 1080 ensures a student receiving outpatient mental health services from a mental health facility who is enrolled in a school district or open-enrollment charter school cannot be prevented from participating in UIL activities. The bill specifies that the UIL may not exclude the student from the eligibility to participate based solely on the student receiving those services. Mental illness is prevalent among all communities and is all too often stigmatized. Behaviors that discriminate against mental health services negatively impact students who are seeking help which can impact other aspects of a student's education. HB 1080 seeks to prevent the discrimination of a student seeking mental health services by allowing them to participate in UIL activities which enhances the wellness of a child.	**<u>Favorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org
HB 2692 By: Landgraf | Harris | Patterson	Relating to the regulation of radioactive waste; reducing a surcharge; reducing a fee.	Environmental Regulation Votes: 6 Ayes, 2 Nays, 0 PNV, 1 Absent	The for-profit company Waste Control Specialists LLC (WCS), operator of the Low-Level Radioactive Waste (LLRW) Compact Commission facility in Andrews, TX, is the only waste disposal facility operator in Texas. Due to the federally mandated Low-Level Radioactive Waste Disposal Compact agreement with Vermont, the state of Texas is responsible for this compact waste facility remaining operational. WCS has asked for fee breaks from Texas to stay competitive. However, it faces little competition as the only licensed disposer of Class B and C radioactive waste in the nation and one of only two Class A disposal facilities. The Texas Commission on Environmental Quality (TCEQ) has identified nearly 100 nuclear power sites that are either in the decommissioning process or will be in the future, which will eventually bring high volumes of decommissioned waste and disposal revenues to Texas. Further, within the compact decommissioning, the Vermont Yankee Nuclear Power Station, owned by WCS-NGS LLC (Waste Control Specialist and Northstar Group Services), was shut down in 2014 and will be shipping low-level radioactive waste to the Andrews facility. Additionally, WCS helped form Interim Storage Partners and in 2016 applied for a federal license to store high-level radioactive waste above ground. The current version of HB 2692 seeks to prevent incoming high-level radioactive waste and boost income to WCS to offset financial solvency concerns. This bill reduces the surcharge on nonparty state waste (states outside of Texas and Vermont) from 20% to 5% and removes a 5% state fee that transfers to the general revenue fund. The bill also requires that the waste disposal facility operator conduct a comparison of party and nonparty fees. If findings conclude that nonparty states have paid fewer fees than Vermont or Texas, a refund will be issued to the party states for the difference. This bill eliminates the authority of TCEQ to approve rates and terms of fee negotiations. Currently, fee schedules are based on the projected annual volume of low-level radioactive waste received by volume and the radioactive intensity curie, the relative hazard presented by each type of	**<u>Unfavorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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			LLRW generated by the users of radioactive materials, and the costs associated with the decommissioning process. HB 2692 eliminates the requirement for the secure storage of LLRW containerization, a critical safety mechanism to protect groundwater, communities and prevent disasters. The bill also eliminates volume limits and requirements for compaction for the Andrews facility. If the facility reaches less than 3 years of capacity based on the previous 5 years, then the bill states that additional capacity must be constructed before accepting nonparty compact waste, which will increase the already large footprint of this facility. HB 2692 adds to the Texas Health and Safety Code section on "Responsibilities of Persons Licensed To Dispose of Low-Level Radioactive Waste" to state that a facility license holder may not dispose of or store high-level radioactive waste or spent nuclear fuel in Texas. This bill does not currently address an enforcement mechanism. The bill establishes reserved use of the compact waste disposal facility to be 80% for Texas waste and 20% for Vermont. Additionally, the bill requires correcting for radioactive decay during calculations of licensed disposal capacity. HB 2692 exposes Texas to lawsuits and vulnerabilities to environmental disasters. Because federal policy preempts state policy, any suit brought by the facility operator or its parent company will effectively strike the ban language from this bill. In recent Texas Senate testimony, the president of WCS confirmed that he would not be withdrawing the application for above ground high level nuclear waste storage should this bill pass. This would subject Texas to not only an influx of hazardous materials transported by train at the same time that funds meant to clean and maintain these facilities would be reduced. This bill provides a financial savings of approximately 67% to WCS and cuts funding to the environmental radiation and perpetual care account within the general revenue fund, severely impacting Texas's ability to respond to decontamination and maintenance of radioactive waste. The repeal of containerization requirements will demand more cleanup funding as LLRW will be highly vulnerable to leaks and accidents. The fiscal note for HB 2692 estimates that Texas will lose nearly $1.5 million each year but does not account for the decommissioning of multiple nuclear sites on the horizon, or the impact of accepting radioactive waste that has not been properly secured through containerization.; however, by using data from a similar site going through decommissioning, conservative estimates for the Vermont disposal facility can be extrapolated. Using the proposed surcharge of 5% Texas would stand to lose over $15 million on just one site.	

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HB 3777 By: Noble | Guillen	Relating to eligible costs and expenses for purposes of the franchise tax credit for the certified rehabilitation of certified historic structures.	Ways & Means Vote: 10 Ayes, 1 Nay, 0 PNV, 0 Absent	Historic buildings undergoing rehabilitation projects are permitted a 25% tax credit towards renovation costs. This credit helps offset insurance taxes and other costs associated with rehabilitating certified historic structures. HB 3777 clarifies that this tax credit cannot be used by nonprofit or government entities leasing historic buildings. This bill would render schools, government entities, and nonprofits less capable of taking on projects to renovate the complex historic structures they are housed in. The onus for this change is unclear, especially considering many historic buildings are utilized by nonprofit groups providing tourism opportunities or schools. The Attorney General previously released an opinion stating not-for-profit entities are permitted to use this tax credit, and legislation was enacted last session allowing further access for these groups. Restricting this tax credit for private-sector use as an economic development tool is a bad policy decision that impacts groups who rely on this credit to affordably update their buildings.	**Unfavorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 1695 By: Raney	Relating to establishing reimbursement rates for certain child-care providers participating in the subsidized child-care program administered by the Texas Workforce Commission.	International Relations & Economic Development Vote: 6 Ayes, 0 Nays, 0 PNV, 3 Absent	Currently, the Texas Rising Star Program reimbursement formula is determined per child by age group through four levels based on the quality of care through a star rating system. There are inconsistencies between what the Texas Workforce Commission (TWC) and the Health and Human Service Commission's (HHSC) Child Care defines as age ranges and maximum ratios of child-to-caregivers. This difference causes inadequate reimbursement rates for subsidized child-care providers deterring many from participating in the Texas Rising Star Program. HB 1695 requires each workforce development board to establish and implement graduated reimbursement rates for child-care providers participating in the Texas Rising Star subsidized child-care program. The age groupings of children to determine reimbursement rates will align the TWC age ranges to the regulations adopted by HHSC to ensure adequate reimbursement is awarded. The graduated rate must provide the highest reimbursement rate to the providers that provide care to children in the age group with the lowest child-to-caregiver ratio, since Texas Rising Star Program providers with a three-star or four-star rating often incur higher costs due to higher quality of care. HB 1695 requires HHSC to examine and implement strategies to address this increased cost to provider care with one of these ratings for infant and toddler care. This is due to the low child-to-caregiver ratios for children in those age groups. Low reimbursement rates are often a discouraging factor for child-care providers to participate in the Texas Rising Star program. Aligning TWC's age ranges with HHSC while providing the highest reimbursement rate for certain age groups will encourage providers to join the subsidized program.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			Child-care is an essential service for working families who may not be able to afford it without a subsidized cost. Attracting more providers to join Texas Rising Star will give families more options and expand child-care options in regions where there are currently none.	
HB 3893 By: Hinojosa | Cyrier | Rodriguez | Talarico	Relating to the modification of a 99-year lease of certain state property to the City of Austin and the grant of a 99-year lease of certain state property and certain easements to the Capital Metropolitan Transportation Authority.	Land & Resource Management Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	In 1913 the 33rd Texas Legislature granted The City of Austin the right to maintain a "Public Municipal Auditorium" on the land that is now known as Republic Square Park in downtown Austin. In 1917, the Texas Legislature officially granted a 99-year lease of the property to the City of Austin. In 2013, the 83rd Legislature modified the lease to also include Brush Park and Woolridge Park and extended the term of the lease by an additional 99 years beginning August 2016. However, neither the original lease nor the extension of the lease explicitly grants the rights to the land's easements or the subsurface of the land. In November 2020, Austin voters overwhelmingly approved funding for the Capital Metropolitan Transportation Authority's Project Connect, which includes two line-rail lines that would operate underground the Central Business District of Austin. There is now a need for the legislature to grant a lease for easements and subsurface rights of the property currently known as Republic Square Park as well as underneath Brush Park to Capital Metro to accommodate the voter-approved underground station and light-rail project. HB 3893 grants Capital Metro subsurface rights for the land underneath Republic Square Park and Brush Square Park for a period of 99 years. HB 3893 also grants Capital Metro surface rights for easements on the property so that they would be able to reasonably use the surface of the property for the purposes of constructing, maintaining, and/or repairing the transportation facility. Being able to operate rail service underneath the streets of the congested Central Business District of Austin will provide benefits to the business community, roadway users, pedestrians, and riders throughout downtown Austin and ensure safety and operational benefits for its users. The provisions in this bill are necessary in order to fulfill the scope of the public transportation project voted upon and approved by Austin voters.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 3276 By: Parker | Cain | Schofield | Fierro	Relating to the security of voted ballots.	Elections Votes: 7 Ayes, 1 Nays, 0 PNV, 1 Absent	HB 3276 would require the county elections clerk to implement a live feed video stream posted on the county election website to retain a record of all areas containing ballots voted from the time the last voter has cast their ballot until the canvass of precinct election returns. The live stream will continue while ballots are transferred from one location to another. HB 3276 also mandates that a licensed peace officer guard the ballot boxes containing voted ballots. The Secretary of State would adopt rules to implement the video recording provisions.	**Will of the House** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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			This bill could create a false sense of security and put a burden on smaller counties who may have limited staffing capacities and resources for elections or licensed peace officers. This bill could divert law enforcement from other duties that may arise over a 24 hour multi-day process.	
HB 1488 By: Dean | Raymond	Relating to state agency reports submitted to the legislature.	State Affairs Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	There have been concerns around state agencies being directed to make regular reports to the legislature for indefinite periods of time. Agency reports provide policymakers with vital data and insight, but changes in agency functions, legislative priorities, and other context may render some reports obsolete, redundant, or at least in need of revisiting. HB 1488 states that state agencies that are directed to submit reports to the legislature for indefinite periods are no longer required to submit those reports after ten years. Each agency must include in required reports the date after which submission would no longer be required. This measure will reduce unnecessary reporting while maintaining or updating reports that the legislature continues to deem essential, ensuring that agency resources are used efficiently.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 216 By: Ortega | Parker | Capriglione | Muñoz, Jr. | Rodriguez	Relating to residential mortgage loans, including the financing of residential real estate purchases by means of a wrap mortgage loan; providing licensing and registration requirements; authorizing an administrative penalty.	Pensions, Investments & Financial Services Votes: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	A wrap loan is a mortgage lending product that can be used in owner-financing transactions. This type of loan involves the seller's mortgage on the property and adds an additional incremental value to arrive at the total purchased price that must be paid to the seller over time. While these mortgage loans are legal in Texas, they have been vehicles of fraud that many homeowners and homebuyers have fallen victim to. HB 216 seeks to protect buyers and sellers from predatory lenders using these mortgage loans by subjecting wrap loans to regulations equal to other loans. HB 216 establishes regulation for wrap mortgage loans used for residential property purchases and modifies existing exemptions from residential loan regulations by the following provisions: • prohibits a person from making a wrap mortgage loan unless the person is licensed and registered to make residential mortgage loans • requires a wrap lender to provide the borrower a written disclosure statement. • If a wrap lender fails to provide the required disclosure statement in a timely manner, then the statute of limitation of certain causes of action against the wrap lender would be delayed until the 120th day after the statement is provided. • requires the consent of the original lienholder when securing a wrap loan. • authorizes the Finance Commission of Texas to adopt and enforce rules necessary for compliance with the bill's provisions. • requires that the closing of a wrap loan be handled by an attorney or a title company. • establishes fiduciary responsibility by requiring wrap payments be held in trust. HB 216 also gives authority to the savings and mortgage lending commissioner to conduct audits of registered wrap lenders at their discretion.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org

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			HB 216 would protect buyers and sellers, particularly in the underserved communities from predatory lending practices.	
HB 1681 By: Harless	Relating to the construction of certain assisted living facilities within a 500-year floodplain in certain counties.	Human Services Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	Texas experienced three 100 year floods between 2013 and 2018 including the 2016 Tax Day Flood when a storm system dumped more than a foot of rain on the Houston area. The catastrophic flooding trapped residents at several nursing and assisted living facilities. The same thing happened the following year in the wake of Hurricane Harvey. As climate change continues to affect inconsistent weather patterns and cause severe natural disasters, it is important for both the government and businesses to start thinking about where it is appropriate to build. HB 1681 would require the executive commissioner of the Health and Human Services Commission by rule to prohibit developers from constructing an assisted living facility within a 500-year floodplain. The area of the floodplain would be determined by maps and data from the Federal Emergency Management Agency and soil maps from the United States Department of Agriculture. This would only apply to facilities being constructed in a county with a population of 3.3 million which currently only applies to Harris county, owned, or operated by a commercial entity, that has 2 or more residents. Potential residents at times do not know that the facility they are moving into is built in a floodplain. While facilities may have evacuation plans in place for such situations, plans may not always run as anticipated and priceless valuables may be lost. Building residential facilities in regions that are flooding more frequently than initially predicted puts vulnerable populations at risk. Regulating where such facilities may be built will help prevent incidents such as those experienced in past storms from occurring again. However, these decisions are best made at the local level. Additionally, damage can be minimized or avoided if these facilities are properly built and maintained. Finally, many areas of Harris County and other coastal counties fall under the 500 year flood plan, and this bill could decrease the ability for new assisted living facilities to be built in communities where they are needed.	**<u>Will of the House</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 211 By: Thierry | Burrows | Noble	Relating to sales and use taxes on e-cigarette vapor products and alternative nicotine products and the computation of	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, e-cigarette vapor products are not taxed in the same manner as traditional nicotine products that have been on the market for decades. “Vape” products have been known to cause significant health risks and are heavily consumed by young patrons at a higher rate than traditional nicotine products. Many liquid vape products are produced in sweet flavors that are more consumable, placing youth at a higher risk of becoming addicted to nicotine. Aside from the need to perpetuate fair taxation by closing this loophole, creating a financial disincentive is an important public health initiative for preventing youth vaping.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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	taxes imposed on modified risk tobacco products; imposing taxes; reducing the rates of certain taxes imposed on modified risk tobacco products.		HB 211 seeks to impose consistent taxation by setting a state excise tax of 7 cents per milliliter and $1.22 per ounce or fraction of an ounce for e-cigarette and nicotine-based products. Tax rates are applied by units of measure listed by manufacturer due to the varying physical forms of vapor products, many of which are liquid. This rate falls in the mid-range of similar taxes collected by 29 other states for the same products and is considered high enough to create a disincentive for consumers while still maintaining fair taxation standards. The bill introduces a statutory definition for “alternative nicotine product" as a nonflammable product containing nicotine that is intended for human consumption in a non-leaf form, whether chewed, absorbed, dissolved, inhaled, snorted, sniffed, or otherwise ingested. “Vapor product" is defined as consumable nicotine liquid or other material used for an e-cigarette. Proceeds from remitted taxes will be directed to the General Revenue fund. The bill additionally provides a tax rate reduction for products designated by the Federal Food and Drug Administration (FDA) as "modified risk tobacco products", encouraging companies to apply for this designation while encouraging manufacturers to bring less harmful products to the market. The reduced amount would be half the tax rate for the following: • the cigarette tax • the cigar tax • taxes imposed on tobacco products other than cigars • the vapor product sales and use tax • the alternative nicotine product sales and use tax. Sellers, retailers, and purchasers must collect or pay the vapor product or alternative nicotine product tax and are additionally required to file a state sales and use tax report. The bill specifies information that must be included for comptroller reports and record-keeping requirements. This bill implements a tax on tobacco vape products providing better regulating mechanisms and creating disincentives for customers, especially youth, from purchasing harmful nicotine products.	
HB 2136 By: Thompson, Ed	Relating to marine vessel projects in the diesel emissions reduction incentive program.	Environmental Regulation Votes: 8 Ayes, 0 Nays, 0 PNV,	The Texas Emissions Reduction Program created financial incentives for individuals, businesses, and local governments to reduce emissions with the goal of meeting federal air quality standards. Some concerns have been reported that requirements for Diesel Emissions Reduction incentive grants are too restrictive for many Texans with boats utilizing old diesel engines primarily within bays and waterways.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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		1 Absent	Current cost-effectiveness requirements stipulate a marine vessel or engine involved in a proposed project under the Diesel Emissions Reduction incentive program must be operated in certain waterways or bays for a "sufficient amount of time" during the life of the project. HB 2136 reduces the amount of time vessels are required to spend in non-attainment areas to a minimum 55%, rather than what is subjectively deemed sufficient by the Texas Commission on Environmental Quality. This bill provides more access to Diesel Emissions Reduction grants for boats in non-attainment areas. These changes are designed to expand incentives to the many old shrimp boats around Galveston, Brazoria, and Beaumont ports.	
HB 1812 By: Swanson	Relating to filing fees for certain candidates for office in primary elections.	Elections Votes: 5 Ayes, 1 Nays, 0 PNV, 3 Absent	Currently, third party candidates do not participate in primaries or pay filing fees because they are typically appointed by party convention. The candidate filing fees offset the cost of primary party election administration, but convention nominations are not supported by funds or support from the state. HB 1812 requires a candidate who is nominated by convention to submit a petition with the correct number of signatures congruent to the level of election contest or pay a filing fee to the county judge for local elected office or in a statewide race to Secretary of State. This bill creates a burden for nominated third party candidates and will suppress voters' choices.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 4346 By: Leman | Cain | Paul | Vasut | Schofield	Relating to the possession, carrying, or transportation of a firearm by certain persons during the use of an easement.	Homeland Security & Public Safety Vote: 9 Ayes, 0 Nays, 0 PNV 0 Absent	Some private properties do not have direct access to a main road, and easements are roads passing through private property to address this issue. Landlocked property owners often have to follow restrictions put in place by the grantor of the easement, such as the restriction to possess, carry, or transport a firearm while using the easement. Restrictions on firearms for easement users prevent landlocked property owners from lawfully transporting weapons to and from their property. HB 4346 would prohibit the grantor of an easement from restricting or prohibiting an easement holder or any of their guests from possessing, carrying, or transporting a firearm while using the easement. Texans have the right to carry, possess, or transport firearms around their personal property. Landlocked property owners should be able to safely transport their firearm to their property using an easement.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 463 By: Shaheen | Swanson| Clardy	Relating to ineligibility to serve as a poll watcher.	Elections Votes: 5 Ayes, 4 Nays,	A poll watcher is a registered voter appointed by a candidate, party, or other support measure. In current statute, an individual cannot serve as a poll watcher if they have been convicted of an offense related to elections. HB 463 would extend this prohibition to all individuals convicted of first and second degree felonies regardless of the offense. Additionally, those seeking to become poll watchers	**Unfavorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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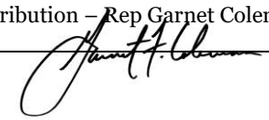

		0 PNV, 0 Absent	must provide an affidavit indicating they have never been finally convicted of first or second degree felonies or election related offenses. One's right to vote is restored following successful sentence completion or is fully discharged from parole. Active registered voters should be allowed to engage in their civic duties if they have fully paid their dues to society. Furthermore, filing an affidavit is a burden on certain abiding citizens who may not have the ability to easily attain one. .	
HB 368 By: Sherman, Sr. | Reynolds | Romero, Jr. | Bucy | Talarico	Relating to the issuance of a driver's license to a state legislator or prosecutor that includes an alternative to the license holder's residence address.	Homeland Security & Public Safety Vote: 7 Ayes, 1 Nay, 0 PNV 1 Absent	Peace officers are permitted to use their office address as their residence on their driver's license to avoid potential harassment or other dangerous situations. HB 368 expands this ability to prosecutors and legislators and give them the ability to use their office address as an alternative address. This change would protect government officials from having their personal information unintentionally exposed, keeping government officials and their loved ones safe.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 1477 By: Bell, K. | Leach | Cyrier | Romero, Jr. | Raymond	Relating to performance and payment bonds for public work contracts on public property leased to a nongovernmental entity	State Affairs Vote: 13 Ayes, 0 Nays, 0 PNV, 0 Absent	There has been a growing trend wherein public entities lease public-owned property to nongovernmental entities for the purpose of managing public works construction without requiring extensive public debt. While authorizing the private, leasing entity to enter into contracts for these projects has in many cases proven to be more efficient, it has had the effect of removing certain protections that are required of larger public works contracts that meet a certain cost threshold. Specifically, because such a contract is between two private entities and therefore not defined as a public works contract, the nongovernmental entity is not obligated to require the prime contractor to execute payment bonds. These bonds provide insurance that certain laborers, suppliers, and subcontractors will be compensated since mechanic's liens, the standard mechanism for protection under private contracts, cannot be issued against public property. To address this, HB 1477 extends the definition of a public work contract to include those entered by a nongovernmental entity for authorized work on a leased public property, whereas it currently only includes contracts directly with government entities. This would require a lessee to assess a payment bond from the prime contractor for projects based on the same cost standards that government entities currently use. This change will guarantee that due compensation is provided to all workers and suppliers that help build or maintain public projects, regardless of whether the prime contract is with a governmental or nongovernmental entity, which will promote higher quality work and ensure project completion.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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HB 1128 By: Jetton | Harris| Lozano	Relating to persons permitted to be in a polling place or a place where ballots are being counted.	Elections Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	After recent elections, some election poll workers raised concerns over the lack of clarity in Texas election code to who is permitted in facilities where election activities are taking place. HB 1128 seeks to clear up confusion by consolidating election code requirements so that presiding judges and election officials can easily reference individuals who are authorized to be present in a polling place for the entirety of the election process. It also clarifies who is authorized to be present in the meeting place of an early voting ballot board or central count during operation. The bill prohibits bystanders, except as permitted by the Election Code, from being in a central counting station or early voting ballot board while ballots are counted. HB 1128 clarifies who is allowed in election areas at particular election process times to ensure election security.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 2365 By: Lopez	Relating to the participation and reimbursement of certain military medical treatment facilities and affiliated health care providers under Medicaid.	Human Services Vote: 7 Ayes, 0 Nays, 0 PNV, 2 Absent	The Brooke Army Medical Center in San Antonio is the only military medical facility verified as a Level 1 trauma center, which is capable of providing complete care for every aspect of injury, in Texas and services over 2.2 million people across San Antonio and the 22 counties surrounding that region. Currently, military medical treatment facilities are not considered a Medicaid provider and do not receive reimbursement for services provided to Medicaid recipients. HB 2365 establishes that a military medical treatment facility verified by the American College of Surgeons as a Level 1 trauma center is considered a provider under Medicaid. The facility would receive reimbursement for inpatient emergency services and outpatient services as long as those services are not available at that time from an enrolled Medicaid provider. In the event a Medicaid recipient experiences an injury that requires them to receive inpatient emergency services, the Health and Human Services Commission may not impose the 30-day stay limitation during the treatment period. Military medical treatment facilities are not allowed to negotiate payment options with patients who are not insured, including Medicaid recipients. This results in these facilities having uncompensated care being billed to the United States treasury for collections. Allowing reimbursement by Medicaid would lower the levels of uncompensated care and prevent the U.S treasury from having to foot the bill.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 2308 By: Gates	Relating to procedures in certain suits affecting the parent-child	Juvenile Justice & Family Issues 8 Ayes,	The removal of children from their homes can be a severely traumatic event for children and their families. However, there are limited options available to maintain the safety and security of a child in cases of potential abuse or neglect by a parent. HB 2308 creates a mechanism to mitigate the removal of children in cases of abuse or neglect.	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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	relationship filed by the Department of Family and Protective Services.	0 Nays, 0 PNV, 1 Absent	HB 2308 creates a process for a parent accused of neglect or abuse to voluntarily comply with an order that removes an alleged perpetrator from the home. The order would be civilly or criminally enforceable, would not be an indication of guilt for the alleged abuse or neglect, and could be terminated by the court. HB 2308 adds two new facts or findings that would justify the filing of certain suits regarding the possession or the return of the child by the Department of Family and Protective Services (DFPS). The two new items are: • if a child would not be adequately protected in a home if there was a protective order or a removal of the alleged perpetrator, and • if placing a child with a caregiver under parental child safety placement agreement was not possible due to certain conditions. There is a need for adaptive and creative solutions when addressing child safety and security. The ability for children to stay with a parent will prevent further trauma and significantly impact their lives.	
HB 2063 By: Ordaz Perez | Howard | Shaheen | Lucio III | Patterson	Relating to the establishment of a state employee family leave pool.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Employees often struggle to balance work obligations and the need to care for family members due to limited opportunities to take leave without forgoing pay. There have been calls to increase the leave time available to state employees who are new parents or have other significant family obligations. HB 2063 directs the governing body of each state agency to create a family leave program to provide state employees the opportunity to take leave following the birth, adoption, or foster care placement of a child or to care for family members due to serious illness or pandemic-related needs. The program must allow employees to voluntarily transfer their unused, earned sick days or vacation time into a family leave pool. State employees are eligible to pull from their agency's pool if they have exhausted their eligible compensatory, discretionary, sick, and vacation leave because of: • the birth, adoption, or foster care placement of a child • the placement of an adult requiring guardianship • the employee's or immediate family members' serious illness, including pandemic-related illness • extenuating circumstances related to an ongoing pandemic, including the need to care for family members • previous donation to the family leave pool	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			The employee seeking to use family leave time must apply to the pool administrator and provide documentation of family relation, illness, or need. Withdrawals are limited to 90 days or one third of the total time in the pool, whichever is lower. This bill will allow state employees to use donated leave time at no extra cost to the state, to care for their families, which can improve morale, retainage, and general welfare.	
HB 4534 By: Gates | Capriglione | Parker | Stephenson	Relating to a study by the Employee Retirement System of Texas of certain state retirement system reforms.	Pensions, Investments & Financial Services Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The Employee Retirement System (ERS) facilitates retirement saving and benefit distributions for government employees. Contributions into ERS are shared between employers, employees, and the state. The Unfunded Actuarial Accrued Liability (UAAL) or net liability of the ERS pension fund has inflated to $14.5 billion, consisting of wholly outstanding debt. ERS is predicted to run out of money entirely by 2061. HB 4534 requires the ERS to conduct a study to evaluate potential reforms including the feasibility and financial impact of such reforms to improve the financial health of ERS. It also requires ERS to conduct a study of other state retirement systems to ensure best practices. The reforms that the study would evaluate would be the implementation of transitioning from providing retirement benefits to ERS members under a defined benefits plan to provide benefits under the following: • a defined contribution plan • a hybrid pension plan that combines the element of a defined contribution plan and a defined benefits plan • a cash balance pension plan and another retirement plan commonly used by the state HB 4534 would require the study of the adoption of changes to the existing defined plan that is designed to reduce unfunded liabilities accrued by ERS to achieve actuarial soundness. The study would also assess the feasibility and anticipated financial impact of implementing a pension revenue enhancement plan under which a life insurance policy or other financial product or benefits is purchased for eligible ERS members who elect to enroll. HB 4534 is a step toward addressing the unfunded liability shortfall of ERS and fulfilling the constitutional pension obligation of the legislature upholding the pension promise to all state government employees by studying the root of the problem and evaluating what is the best system and how it has been implemented.	**<u>Favorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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