TEXAS LEGISLATIVE STUDY GROUP
An Official Caucus of the Texas House of Representatives

Representative Desk

LSG Floor Report For POSTPONED BUSINESS UNTIL 10 AM- Wednesday, May 5 , 2021				
Author	**Caption**	**Committee**	**Analysis & Evaluation**	**Recommendation**
LSG Floor Report For MAJOR STATE SENATE BILLS CALENDAR- Wednesday, May 5, 2021				
SB 8 By: Hughes | Bettencourt | Birdwell | Buckingham | Campbell | Creighton | Hall | Hancock | Huffman | Kolkhorst | Lucio | Nelson | Paxton | Perry | Schwertne	Relating to abortion, including abortions after the detection of a unborn child's heartbeat; authorizing a civil right of action.	Public Health 6 Ayes, 4 Nays, 0 PNV, 1 Absent	SB 8 proposes some of the most severe abortion restrictions in the United States. Hundreds of doctors and lawyers across Texas have come out against SB 8 citing potential court system chaos and could prevent women from receiving medical care. Not only would SB 8 ban abortion after 6 weeks, when many women do not yet know if they are pregnant, anyone who is involved in helping a woman access an abortion could be subject to extreme, life-changing civil actions and penalties. **Fetal Heartbeat Detection** SB 8 will prohibit a physician from knowingly performing or inducing an abortion if a fetal heartbeat is detected or if a test for a fetal heartbeat is not conducted. The bill will not supersede other existing abortion restrictions or prohibitions. For the purpose of detecting a heartbeat, SB 8 requires that the test be appropriate for the estimated gestational age of the fetus along with the general condition of the patient and her pregnancy. Additionally, the physician must document, in the patient's medical record, the test used to detect a heartbeat, the estimated gestational age of the fetus, and the method to estimate the gestational age. This record must also include the date, time, and results of the heartbeat test. A physician is not required to adhere to the heartbeat detection and abortion provisions of this bill if there is a presenting medical emergency interfering with compliance. Following the procedure, the physician is required to document that there was an indication of a medical emergency and include the specific condition in the patient's medical record. This records would be required to be included in the physician's	**Unfavorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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r | Springer | Taylor Sponsor: Slawson | Burrows | Klick | Cain | Leach			practice records. This information must be included in a monthly report to the Department of State Health Services (DSHS) per the bill's provisions. **Enforcement Limitations and Civil Liability** The provisions of the bill are not to be enforced by any state entity, political subdivision, or governmental entity. The bill also specifically states that the Health and Human Services Commission (HHSC) is not to enforce the heartbeat provisions of this bill. Exclusive enforcement would be limited to private civil action and the proceedings conducted in a specific venue that could be located in a county where the defendant is not a resident. SB 8 allows any person, as long as they are not a state or government employee, to bring civil action against a person who: • performs or induces an abortion that would violate the provisions of this bill. • knowingly aids or abets in the performance or induction of an abortion including covering costs via insurance or other means. This is only relevant if the abortion violates the provisions of this bill, whether or not the person knew or should have known it was in violation. • intends to commit or aid and abet in a violation. If the court rules in favor of the civil action, the court would: • establish injunctive relief - a restriction placed on a person to prohibit them from doing certain activities - sufficient to stop the defendant from violating the provisions of the bill again. • Require payment of statutory damages equal to no less than $10,000 for each abortion that violated this bill's provisions or for each abortion that the defendant aided and abetted. • Require payment of court costs and attorney fees. SB 8 identifies what is and is not an affirmative defense under this act. Some specific examples of what an affirmative defense is not: • ignorance or mistake regarding the law. • non-mutual issue preclusion or non-mutual claim preclusion. • reliance on any court decisions overruled on appeal or by a subsequent court - a decision that original ruling was not correct and cannot be used as a precedent for other cases. • reliance on state or federal court decisions that are no longer legally enforceable on the court in which the proceedings are occurring. The bill would prohibit the defendant from recouping any court costs or attorney fees. SB 8 would establish that attorneys who represent entities that file actions to challenge abortion laws or against a person	

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			enforcing relevant abortion prohibition or restriction statutes shares responsibility in the coverage of court costs and fees. These attorneys would be responsible for these costs and fees even if the court ruled in their client's favor. **Undue Burden Defense Limitations** SB 8 establishes that a civil action defense asserting the third party rights of women seeking an abortion as non-standing unless: • the U.S. Supreme Court holds that Texas courts must consider the standing of the defendant's assertion of third party rights of women seeking an abortion • the defendant is determined to have such standing via the rational basis test to determine third-party standing from the U.S. Supreme Court. Upon indication the standing is legitimate, then there is an affirmative defense for the defendant under the condition that the claimant's relief would place an undue burden on the particular woman or women seeking an abortion. However, there are specific limitations of this defense. Specifically, if the U.S. Supreme Court overrules *Roe v. Wade* or *Planned Parenthood v. Casey* then the defense is not available. It is the responsibility of the defendant to prove the claimant's relief would either prevent or significantly obstruct a woman or group of women seeking an abortion from obtaining the abortion. The defense is not applicable by proving the claimant's relief would prevent or significantly impact a woman's or group of women's access to support or get assistance from others to obtain an abortion. Despite the undue burden of these limitation provisions, the bill clarifies that the defendant may base a defense on their own personal, state, or federal constitutional rights and cannot be sued if the conduct was within those rights. **Severability** SB 8's provisions regarding fetal heartbeat detection with respect to abortion does not recognize or create a right to abortion before detection of the heartbeat. Additionally, these provisions do not: • authorize seeking or prosecuting an action against a woman that received or attempted an abortion that violated the bill's provisions. • wholly or partly repeal any other relevant statute that regulates or prohibits abortion. • restrict a political subdivision from regulating or prohibiting abortion at the same severity set by the State. In regard to construction and severability, SB 8: • prohibits construing that one state statute that regulates or prohibits abortion to wholly or partly repeal any other relevant statute that regulates or prohibits abortion, unless explicitly stated.	

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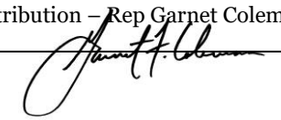

			• prohibits restricting a political subdivision from regulating or prohibiting abortion at the same severity set by the State, unless explicitly stated. • establishes severability of every statute that regulates or prohibits abortion as well as the provisions in this bill. Essentially, each of its applications is isolated to every person, group, and circumstance. This would include circumstances determined to be unconstitutional, facially unconstitutional, or vaguely unconstitutional. • dictates that courts are required to enforce the severability provisions established in SB 8. **Concerns** Detection of a fetal heartbeat can occur around 6 weeks of gestation by ultrasound or as early as 3 weeks through transvaginal ultrasound, creates a time constraint of 3-6 weeks/21-42 days which makes it extremely difficult to receive an abortion under this bill. The number of tasks needed to be completed within three-six weeks to receive an abortion is unrealistic. To have ample time depends on a person's ability to correctly identify an irregularity in their menstrual cycle as a pregnancy as opposed to irregularity due to hormone contraceptives, stress and lifestyle factors, medications, etc. Then, a person would need to find and schedule an ultrasound appointment to comply with the heartbeat detection provision. That appointment would need to be made quickly to ensure being within the 3-6 weeks. The person would also need to make it to the appointment. This takes time out of the person's schedule if they must work or live in an area where there is not a physician or medical facility able to perform the ultrasound nearby. This would all need to be achieved before even getting into the physician's office. Time is further consumed by the scheduling of the abortion, getting to the appointment if the clinic is far away, and the 24-hour waiting period before the abortion. Additionally, to comply with SB 8, a fetal heartbeat would need to be tested at the time of the abortion for verification. The SB 8 provisions for civil action to be brought against them under SB 8 against any person performing or inducing an abortion on a fetus with a heartbeat, a person suspected of aiding and abetting an abortion are extreme. The written language of this bill would allow for rapists, abusers, or even people not in the state of Texas to seek civil action. "Aiding and abetting" would include financial assistance to acquire a safe abortion and many advocacy groups perform this function. Under this bill, these groups would face unnecessary legal proceedings and could be drained of all resources if the original civil action does not work, and another action is filed by a different person. Another harrowing reality is the ability for rapists and abusers to retaliate by suing medical providers or others that supported the survivor. The lack of parameters, protections, or discretion for these suits opens the pathway for frivolous litigation. Abortion is a safe medical procedure. In 2018, the National Academics of Sciences, Engineering, and Medicine released a comprehensive report that found that abortions are extremely effective and pose an	

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			extremely low risk for rare, severe adverse outcomes. SB 8 establishes unfair litigation practices against health care providers and individuals, establishes provisions that make it nearly impossible to amend the law after passage, is unconstitutional and is bad public policy.	
LSG Floor Report For POSTPONED BUSINESS UNTIL End of Calendar on Tuesday, May 4,2021- Wednesday, May 5, 2021				
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 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	**<u>Unfavorable</u>** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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			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.	
LSG Floor Report For POSTPONED BUSINESS UNTIL 10 AM- Wednesday, May 5, 2021				
HB 2132 By: Ellzey | Harris | Clardy	Relating to the eligibility of the National Hot Rod Association Fall Nationals	Culture, Recreation & Tourism Votes: 8 Ayes, 0 Nays,	The National Hot Rod Association (NHRA) Fall Nationals is the fastest race in Texas, drawing in drag racing fans worldwide and generating significant revenue for state and local economies every year. The Major Events Reimbursement Program (MERP) allows local governments and local organized committees to be reimbursed for certain eligible costs associated with significant events. HB 2132 seeks to add the NHRA Fall Nationals to the list of eligible events under the MERP, allowing for the planning and implementation of the NHRA Fall Nationals competition. Entertainment venues are an	**<u>Favorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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	at the Texas Motorplex for funding under the Major Events Reimbursement Program.	0 PNV, 1 Absent	essential part of the quality of life in cities and states. This change would enhance the quality of life for local communities and generate jobs, income, and economic activities in the area.	
HB 3034 By: Campos	Relating to the establishment of a statewide homelessness data system.	Urban Affairs Votes: 7 Ayes, 1 Nay, 0 PNV, 1 Absent	More than 25,000 Texans are currently experiencing housing instability across the state. The transient lifestyle sometimes experienced while houseless can make it difficult for family and loved ones to locate some people, which causes for concern related to isolation from loved ones, especially those living with mental or physical illness. HB 3034 creates a statewide houseless data system to exchange information between specific local government entities and state agencies with the goal of connecting individuals with services. The Texas Interagency Council for the Homeless and state agencies would be required to consult with representatives of local government entities to identify challenges and solutions for serving unhoused people. The Council and government agencies would only enter into data sharing agreements as necessary and ensure the information stored in the system remains confidential under law. The proposed data system collects data from other housing-related systems maintained by state agencies, local law enforcement, or other state entities. The data collected would be analyzed and shared with entities maintaining system access. By September 1, 2023, the Council must submit a report on the effectiveness of the program to the legislature and the Texas Department of Housing and Community Affairs. A data collecting system could be a good tool for agencies working with people experiencing homelessness to understand how to best target services. However, the Council must ensure confidentiality of data collected to protect the information of individuals within the system. The information stored there must also not be used by law enforcement agencies to profile and harass unhoused individuals in their cities.	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 1653 By: Craddick	Relating to disannexation of certain areas that do not receive full municipal services.	Land & Resource Management Vote: 7 Ayes, 1 Nays,	In 1891 the City of Austin added parts of the Colorado River to the city limits for the sole purpose of maintaining the shores. At this time, an agreement was made to not tax these residents, and they would be responsible for their own water, sewer, and fire services because the city could not provide services when the area was initially annexed. However, many services are now being provided to the residents. Recently, the Austin City council repealed the original agreement and stated that the community would now be subject to city tax. Through this additional tax, the City of Austin could collect $3 million dollars in	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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		0 PNV, 1 Absent	additional funds. The Austin City Council has requested that these funds be directed towards City of Austin priorities. HB 1653 seeks to set disannexing procedures for areas that: • do not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or • was annexed for limited purposes and has not received at any time full municipal service. If the municipality fails to disannex the property after a petition has been filed, the person who filed the petition may bring an action against the municipality to compel disannexation of the property. The limited scope of the bill would only apply to landowners who live along the Colorado River. The homeowners in these communities have avoided paying city taxes for decades even though the city has provided essential environmental and public maintenance services such as spending on Lake Austin and its shores, water quality protection, erosion control, and maintaining public open spaces for years, which benefit the lakeside communities. The claims by the homeowners that they are not being provided essential services were contradicted by testimony at a public hearing by using data from Austin Police Department and other City employees who identified public services being provided to the lakeside residents.	
HB 4492 By: Paddie	Relating to securitizing costs associated with electric markets; granting authority to issue bonds.	State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	During February's winter storm, the price of wholesale electricity rose from $30 per megawatt hour to over $9,000 per megawatt hour because of severely curtailed electricity generation. While most electricity customers are on fixed-rate contracts that protected them from seeing this dramatic fluctuation passed onto their bill, entities that had to purchase electricity at that price have found themselves in difficult or impossible financial positions, in some cases paying more in one week than they would pay in an entire year, causing some to default on payments. ERCOT, Texas's independent grid operator, is responsible for receiving and disbursing payments between generators and direct service providers. When a participant in the ERCOT market defaults on payment, ERCOT rules place the responsibility of repayment on all other market participants, up to $2.5 million per month, through a process called "uplift". At this time, there is nearly $3 billion still owed to electricity generators through ERCOT, which would take almost 100 years to pay off using uplift rules. For many market participants, the costs associated with uplift would further strain their ability to maintain business operations and provide service to customers. To address this, HB 4492 would establish the self-funding Texas Electric Securitization Corporation (TESC) to reduce the costs of financing this immense amount of debt. State-backed securitization will	**<u>Favorable with Concerns</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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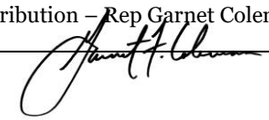

			allow wholesale market participants who are owed money to be paid in a timelier manner by permitting the balance to be repaid over time at a low carrying cost due to the state's high credit rating, low administrative costs, and available financial tools. The TESC would be governed by a board appointed by the Public Utility Commission (PUC) and subject to PUC regulation to ensure that securitization provides benefits greater than what would be available through other financing options. It would be responsible for issuing bonds following financing orders from the PUC to cover all costs that would be uplifted to market participants and paid through more costly private financing. The proceeds of these bonds would go to ERCOT, who would then pay the balance owed to generators for winter storm costs. The debt would be paid through a non-by passable default charge on all wholesale market transactions over a period of no more than 30 years, meaning that market participants themselves would be directly impacted while residential consumers would not see their bills increase. HB 4492 includes stipulations to prevent market participants from avoiding the charges in order to ensure that costs are distributed fairly. All bonds issued by the TESC to cover its own expenses and debt service costs would be recovered through default charges and would not be a debt of the state. This bill offers a mechanism to restore stability to the ERCOT market by ensuring that current debts will be paid Further payment defaults will be mitigated and customers will be protected from the potentially dramatic fallout of market volatility. This bill specifically addresses securing electric market costs and does not directly address specific proposals other than securing electric market costs and is not a vehicle for long term changes in the current grid structure and other changes regarding consumers.	
HB 3915 By: Goldman	Relating to the designation of certain premises as critical load premises for electric service.	Energy Resources Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	February's winter storm demonstrated a significant lack of coordination and communication between the interrelated industries that facilitate electricity generation. For example, electricity was unwittingly curtailed at some natural gas production facilities, which prevented power plants from receiving the fuel they needed to stay online, which further curtailed electricity across the state and prevented quicker service restoration. HB 3915 directs the Public Utility Commission (PUC), in coordination with relevant agencies, to establish eligibility requirements and a process for transmission and distribution utilities (TDUs) to designate a premise as critical load, particularly for facilities that are needed to maintain energy generation. Eligibility criteria must allow facilities related to natural gas production and transportation, fuel production, nitrogen, hydrogen, water supply, and telecommunications to be designated as critical. The PUC is also directed to make an annual report to the legislature regarding the implementation of the critical load designation and prioritization process. TDUs are ultimately responsible for deciding where power is shut off during outages, such as those experienced during the recent winter storm. It is essential that they be able to determine what facilities are	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			critical for the maintenance and restoration of electricity services so as to avoid the cyclical problems experienced during the winter storm.	
HB 2261 By: Wu	Relating to the authority of a municipal management district to provide public education facilities and public education-related supplemental services.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	The legislature created Municipal Management Districts (MMD) to promote, develop, encourage, and maintain employment, commerce, economic development, and public welfare in a commercial area. Currently, state statute prevents MMDs from allocating funds for improvement projects for public school facilities. HB 2261 gives MMDs the ability to fund and oversee improvement projects at public education facilities. HB 2261 will allow MMDs to improve public education facilities as they see fit in alignment with the goal to promote the municipality's welfare.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 2044 By: Leman	Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.	Land & Resource Management Vote: 8 Ayes, 1 Nays, 0 PNV, 0 Absent	Current law in Texas allows a person whose property was acquired through eminent domain to repurchase the property after 10 years if "actual progress" has not been made toward the use of the land. Currently, the land is considered to have met "actual progress" if two of seven standards are met. There are concerns that the term is too broad and too easily achievable without actually establishing true progress on the project. As it stands, an entity could sit on acquired land for over 50 years without making progress on the project that allowed them to condemn the property to begin with. HB 2044 addresses these issues by requiring that condemning authorities meet three out of the five requirements for "actual progress" to have been made: • performance of significant amount of labor on the property • purchase of materials for development • hiring of services with an architect, engineer, or surveyor • application for state or federal funds for development • application for state or federal permits or certificates The bill includes that navigation districts, port authorities, and water districts are only required to have met one of the five requirements for "actual progress". HB 2044 will ensure that Texans are treated fairly, and that the property being condemned is being used for the purpose in which it was condemned. However, there is a concern that this would have effects on	**Favorable with Concerns** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			large projects like the City of Fort Worth's Runway Extension Project, which requires cooperation from federal, state, and local jurisdictions.	
HB 4055 By: Meza	Relating to reporting and investigating certain cases of child abuse or neglect involving a pregnant woman's use of a controlled substance.	Juvenile Justice & Family Issues 7 Ayes, 0 Nays, 0 PNV, 2 Absent	There has been an increase in Child Protective Services (CPS) cases involving substance use. In 2018, 67% of home removals cited substance use as a factor for the removal. Recovery from substance use is complex, and parents should not be punished while in the middle of treatment. There are currently no protections from CPS involvement for expecting mothers who seek or complete substance use treatment. HB 4055 will exempt a professional providing prenatal, mental health, or other medical care from having to report abuse or neglect regarding a woman's voluntary disclosure of using a controlled substance while pregnant if: • the woman either enrolls into or has completed a substance use treatment program. • the professional determines women's substance exposure is not an immediate risk of harming the fetus. HB 4055 will also prohibit the Department of Family and Protective Services from investigating a report of abuse or neglect based on information of a woman using a controlled substance while pregnant. Specifically, the prohibition is in effect if the woman in question enrolled in or successfully completed a substance use treatment program under the supervision of the professional referring or treating the individual. Mothers that willingly seek, enter into, or complete substance use treatment are seeking better lives for themselves and their child and should be given the chance to change.	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org
LSG Floor Report For MAJOR STATE HOUSE BILLS CALENDAR- Wednesday, May 5, 2021				
HB 9 By: Klick | Allison | Shaheen | Harless | Price	Relating to the criminal punishment and conditions of community supervision for the offense of obstructing a highway or other	Criminal Jurisprudence Vote: 6 Ayes, 3 Nays, 0 PNV, 0 Absent	The United States Constitution guarantees the right to free speech and assembly. In the past year, we witnessed nationwide and global protests that often resulted in arrest and criminalization of certain protestors based on racial and ideological factors while protecting other protestors that gridlocked cities and blocked hospitals in response to COVID-19 mandates. In County or District Attorneys are responsible for obstruction of highway or passageway offenses, which is punishable by a Class B misdemeanor, with up to 180-days of county jail time and up to $4,000 in fines. HB 9 pertains to penalties for obstructing a highway or passageway and emergency or healthcare facility access for an authorized emergency vehicle. If an authorized vehicle's audible or visual signals are on, HB 9 will categorize the offense as "knowingly" obstructing access, which enhances the offense from a Class B misdemeanor to a state jail felony, a provision that could lead to an assumption that all protestors have the	**<u>Unfavorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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	passageway; increasing a criminal penalty.		same agenda. The bill also sets a minimum 10-days confinement in county jail as a condition for those granted community supervision. By adopting the term "knowingly," HB 9 presumes that protesting will result in obstruction and incarceration. The bill fails to recognize that law enforcement works in coordination with protestors and places command centers ahead of time to reroute emergency vehicles. HB 9 limits judicial discretion and would likely increase litigation substantially. Overall, HB 9 will require additional resources that negatively impact existing overcrowding issues in jails across the state at the taxpayers' expense. HB 9 was recommitted to the Criminal Jurisprudence Committee, and the substitute adds clarification of what constitutes an authorized emergency vehicle's operation of audible or visual signals. As mentioned in the Transportation Code, the substitute includes clarification around exceptions to signal requirements, permissible conduct, restrictions on the use of lights, and additional equipment requirements for emergency vehicle.	
HB 1925 By: Capriglione | Harless | Lucio III | Geren | King, P.	Relating to prohibitions on camping in a public place; creating a criminal offense.	State Affairs Vote: 9 Ayes, 3 Nays, 0 PNV, 1 Absent	HB 1925 makes intentionally camping in a public space without the consent of managing authorities a Class C misdemeanor. Shelter is defined as "temporarily residing, with shelter." Local government officials may not consent to public camping within their jurisdiction without state approval, though they may enact more stringent prohibitions. Local officials are also prohibited from adopting policies that discourage the enforcement of this bill's provision. Further, the attorney general may issue an injunction against and the comptroller shall deny awarding state grant funds to local entities that do not comply with enforcement. This bill and local public camping bans punish the unhoused for seeking comfort from the elements and do nothing to support more accessible housing or open much needed shelters or treatment centers. Class C misdemeanors are punishable by a fine of up to $500 and, if left unpaid, can result in the issuance of a warrant for the person's arrest. Because these charges add to a person's criminal record, this can have detrimental consequences for one's ability to access employment and housing. The issue of houselessness needs to be addressed, but excessive state overreach and punitive measures are undoubtedly a step in the wrong direction. This bill was recommitted to the State Affairs Committee and passed out with no additional amendments.	**<u>Unfavorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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HB 492 By: Wu	Relating to the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.	Criminal Jurisprudence Vote: 7 Ayes, 2 Nays, 0 PNV, 0 Absent	The use of no-knock entry warrants creates a life-threatening and hazardous situation for homeowners, bystanders, or neighbors, and is increasingly dangerous for peace officers entering the home unannounced. The purpose of no-knock entry is to catch the individual accused of an offense off-guard by entering their home and, ideally, catching them in the act of committing the said offense. After establishing probable cause, law enforcement seeks an affidavit for search, seizure, or arrest through no-knock entry from judges that allow ease in obtaining these warrants. This mechanism is often used in drug manufacturing, trafficking, or distribution cases. Due to recent statewide events, several counties currently require approval from the city's Chief of Police to secure an affidavit for these warrants. HB 492 alters definitions in criminal procedure regarding arrest under search warrants and the ability of peace officers to enter without notice to execute a warrant by revising definitions for no-knock entry. The bill prohibits magistrates from issuing arrest or search warrants for no-knock entry. However, District Court Judges may authorize a no-knock entry warrant if an affidavit is submitted alongside a statement of approval signed by a law enforcement agency's Chief Administrator (CA) or their designee. In addition to Fourth Amendment rights, Texas' Castle Doctrine gives property owners the ability to use deadly force to protect against an armed intruder. The additional requirement of approval from a law enforcement CA or designee could reduce further federal investigation of botched drug raids initiated by no-knock entry warrants statewide.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 1280 By: Capriglione | Klick | Noble | Hunter | Bonnen	Relating to the prohibition of abortion; providing a civil penalty; creating a criminal offense.	Public Health 6 Ayes, 4 Nays, 0 PNV, 1 Absent	HB 1280 would deny women the right to make their own medical decisions. Abortion has been a controversial topic for decades. Unfortunately, the policy debate has spawned numerous unfounded medical claims. Texas should empower and trust women and medical providers to make these most personal and often difficult medical decisions. **Conditions of Execution** HB 1280 serves as a trigger bill – an unenforceable law that would exist until a key change is made to allow its enforcement. In this case, HB1280 would only go into effect automatically 30 days following one of these conditions if: • the US Supreme Court, wholly or partly, overrules the decision of *Roe v. Wade* and give the state authority to prohibit abortion • the US Supreme Court, wholly or partly, overrules other relevant, prior Supreme Court decisions that would give state authority to prohibit abortion	**<u>Unfavorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			• a U.S. Constitution amendment is adopted that would, wholly or partly, give the state authority to prohibit abortion
			
			Associated Penalties and Liabilities
			Should HB 1280 become effective, it would stipulate a set of criminal and civil penalties and permit civil action for violations of this bill. HB 1280 establishes:
			• a second degree felony for individuals that knowingly perform, induce, or attempt an abortion. The offense is upgraded to a first-degree felony if the fetus does not survive the procedure.
			• a civil penalty of no less than $100,000 for each violation of the bill's provisions.
			• the authority for the Attorney General to file an action to collect the penalty as well as recover any costs associated with filing the action.
			• that the civil and criminal penalties will not interfere with seeking civil remedies against individuals who violate this bill's provisions. Lastly,
			• a requirement that relevant licensing authorities revoke the license, permit, registration, certificate, or any other form of licensure from physicians or other health care professionals that violates the bill's provisions.
			
			Abortion Prohibition
			Upon enactment, HB 1280 would:
			• prohibit a person from knowingly performing, inducing, or attempting an abortion.
			• establish the conditions for an exception to the abortion prohibition which includes:
			  ○ it was determined that the abortion was necessary to save the life or prevent substantial physical impairment of the mother
			  ○ the abortion was required to save the fetus unless this poses significant risk of death or substantial physical impairment for the mother abortion performed by a physician would not be exempted if the abortion was done with the knowledge that the patient would engage in conduct that would result in death or substantial physical impairment of themselves. exempt doctors from violation of this bill if the injury or death of a fetus was due to unintended or accidental impacts of medical treatment.
			
			Concerns
			The felony criminal penalties and the civil penalties outlined in HB1280 are excessively severe for a procedure that would have been constitutional for a month following the bill going into effect. In addition to criminal penalties, a medical professional subject to licensure revocation and potential civil action, one infraction under this draconian law could destroy a person's life and career. Even though this bill is dependent on a US Supreme Court decision or a US Constitutional amendment, the fact that it could	

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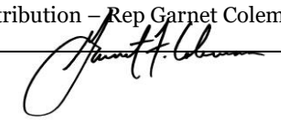

			become effective requires a very serious policy debate that recognizes the impact this bill could have on women and medical providers in Texas. One needs to consider the fact that abortions are amongst the safest medical procedures available. In 2018, the National Academics of Sciences, Engineering, and Medicine released a comprehensive report about the safety and quality of abortion care in the United States. The report– concludes that all current abortion procedures are more than 95% effective and poses only an extremely low risk of rare or severe adverse outcomes. Abortions are performed for a range of personal reasons, ranging from saving a life to making a personal, informed medical decision. As written, the bill would not even allow abortions for cases of rape and incest. HB 1280 would impose a particular ethical and moral code on individuals that face a difficult personal medical choice that should be left to a woman and her doctor.	
LSG Floor Report For GENERAL STATE CALENDAR- Wednesday, May 5, 2021				
HB 3131 By: Cole	Relating to the information required to be included in the certificate of formation of a filing entity.	Business & Industry 7 Ayes, 0 Nays, 0 PNV, 2 Absent	A certificate of formation must be filed with the Texas Secretary of State's Office to form a business entity in Texas. The mailing address on a certificate of formation is often the address for the registered agent of the entity at the time of filing. There are concerns regarding communication from the comptroller of public accounts not being received by the taxpayer at the address that is on file. This could be due to the registered agent of the entity or an address not being updated with the comptroller, leading to negative consequences like forfeiture of charter. HB 3131 would require the certificate of formation to state the entity's preferred mailing address. The bill could lead to a temporary increase in certificate of amendment filings, and the associated fees, in addition to an increase in rejected filings until new requirements are known. Over time, this could improve efficient correspondence between the comptroller and the entity.	**Favorable** Evaluated by: Audrey Erwin (928) 210-4303 Audrey@TexasLSG.org
HB 2628 By: Thierry	Relating to the administration and collection of motor vehicle sales and use taxes.	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Taxes for motor vehicles purchased by an individual or by car sellers, renters, and lessors are due the 20th working day after the initial vehicle delivery date. Vehicle tax assessments for tax-assessor collectors are required within 30 working days of the purchase date. This provisional language and lack of uniformity in due dates has caused confusion across counties when vehicle sales taxes are collected and remitted, especially considering the same forms are used for both transactions. HB 2628 revises the tax assessor-collector vehicle registration deadline to occur 30 days after the vehicle is delivered to the purchaser or brought into the state as applicable. The motor vehicle tax due date is also revised to the 30th calendar day after the vehicle is: • brought to Texas.	**Favorable** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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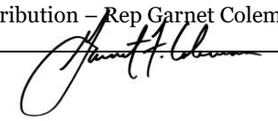

			• delivered to the purchaser; and • eligible to be registered under the Transportation Code with certain equipment. Creating uniformity in due dates streamlines the motor vehicle sales tax collection and assessment process to remedy confusion for businesses, consumers, and tax assessor collectors alike.	
HB 3997 By: Bonnen	Relating to the transfer of certain functions relating to state employee leave from the state auditor to the comptroller.	State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	Currently, the state auditor's office is charged with providing uniform interpretation of state employee leave policy, while the comptroller's office manages payroll and related policies. Because employee leave is functionally tied to payroll processing, this division creates the possibility for misalignment or redundant interpretive work between the two agencies. HB 3997 transfers the state auditor's powers and duties relating to leave for state employees to the comptroller, including all property, records, and funds appropriated for those duties. These duties include but are not limited to interpreting relevant laws, assessing state agencies' extended leave policies, and assisting state agencies with emergency leave decisions. The auditor and the comptroller shall, by September 10, 2021, enter into a memorandum of understanding to identify transferable duties and establish a plan for turning over relevant property, records, and unspent appropriations. All applicable rules and policies under the state auditor remain in effect under the comptroller's purview, and any existing statute referencing the state auditor as it pertains to state employee leave means the comptroller. This bill will alleviate administrative issues and potential interpretive misalignments caused by this division of interrelated powers and duties.=	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3578 By: Guerra	Relating to the payment methods for cigarette and tobacco products permit fees.	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Retailers selling tobacco products must obtain a permit from the comptroller related to the collection of associated taxes. The tax code has not been modernized in this area, so retailers are currently restricted to paying with cash or money order. HB 3578 allows retailers to pay comptroller tobacco permit fees with a credit card. This change allows for greater convenience and less wasted resources.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 2743 By: Metcalf	Relating to the salary of certain employees who transfer within a state agency.	State Affairs Vote: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	State employees are divided into position classifications based on their education, work experience, skills, and work performed. This classification system is intended to promote salary parity for similar positions across agencies. HB 2743 seeks to provide flexibility to state agency management by clarifying that if a classified employee transfers within their executive or judicial state agency to a position in the same salary group with the same position title, the employee's salary immediately after transfer may be set at any rate in the appropriate salary group. The provision applies to positions publicly posted by the Texas Workforce Commission for which the employee voluntarily applied and accepted at the publicly listed salary.	**<u>Will of the House</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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			Current standard practice in this situation would allow the employee to maintain their salary if it was higher than the publicly listed salary, which can vary based on factors such as an area's cost of living. This bill would allow an agency to set an employee's post-transfer salary at any rate in the relevant salary group, which may be lower than their current compensation. The provision stipulating that this bill only applies if an employee voluntarily accepts the new position's publicly listed salary offers some protection to those who would prefer to transfer and maintain their current compensation, but more specificity would ensure that the flexibility offered to state agencies by this bill is not to the employee's detriment.	
HB 3474 By: Thierry	Relating to motor fuel taxes.	Ways & Means Vote: 10 Ayes, 0 Nays, 0 PNV, 1 Absent	The comptroller's office ensures collection of specialty taxes, such as motor fuel transaction taxes, and investigates potential tax fraud. There is a current lack of legal clarity and conforming language for certain terminology regarding conduct related to fraudulently or illegally acquiring motor vehicle fuel. HB 3474 updates certain definitions and imposes backup taxes to streamline the investigation process for fraudulently purchasing motor vehicle fuel. The first point of clarification better states that taxes imposed on gasoline or diesel must be paid by each person receiving the fuel in subsequent sales until the tax is paid by the ultimate consumer. The second overarching clarification occurs in the revision of definitions as they related to motor fuel taxes, as many of these definitions occur in other areas of the tax code or do not clearly indicate the circumstance they refer to. Backup taxes are imposed for individuals who acquire fuel in the following circumstances: • acquiring gasoline or diesel fuel with unpaid taxes from the original or subsequent sale • regardless of whether taxes were previously paid, unlawfully acquiring gasoline or diesel fuel in any manner, including purchased by unauthorized credit card, debit card, or other money These changes seek to remove statutory ambiguity and better help the comptroller investigate motor fuel tax fraud.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 3134 By: Cole	Relating to the methods by which the comptroller may provide notice of a hearing on the revocation or suspension, or of the revocation or	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Modernizing comptroller policy and procedure has been a major legislative priority this session, especially expanding electronic communications for many tax notices currently restricted to mail. HB 3134 authorizes the comptroller to adopt modern procedures by providing license revocation or suspension hearing notices via email. The comptroller may choose to provide electronic means for a taxpayer with certain violations to be served notice of a hearing regarding their license being suspended or revoked and must use an email address provided by taxpayers. This change reduces mailing expenses and increases efficiency for the comptroller, all while providing greater convenience to taxpayers.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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	suspension, of a permit or license.			
HB 2287 By: Thompson, Senfronia | Hunter | Dutton | Allen | Coleman	Relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Last session, Texas established a task force to evaluate the efficacy of state-funded, school-based mental health programs in promoting positive behavior and ensuring taxpayer dollars were well spent. During the task force's evaluation, the data collected related to accounting rather than the actual outcomes of these programs. With the allocation of funds for the next biennium, it is essential to put in statute the types of data the task force needs to gather to honestly evaluate the outcomes of these public school mental health services. HB 2287 expands the data collection duties of the Collaborative Task Force on Public School Mental Health Services. It authorizes the task force, or the Texas Education Agency (TEA) on behalf of the task force, to request data from or to consult with districts, charter schools, regional education service centers, local mental health authorities, and other entities that possess information relevant to the task force's duties. The bill prohibits the task force or TEA, in carrying out those actions, from disclosing a student's medical or educational information and requires the task force and TEA to ensure that any request or consultation complies with federal and state law privacy and confidentiality of student information. HB 2287 would ensure that the Collaborative Task Force on Public School Mental Health collected appropriate data without compromising student confidentiality, ensuring taxpayer dollars are effectively utilized.	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 2954 By: Thompson, Senfronia | Hunter | Dutton | Coleman | Allen	Relating to suicide prevention, intervention, and post-intervention program for certain public elementary schools.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	The national rate of suicide among the youth population has increased at an alarming rate over the last twenty years. Suicide is now the second leading cause of death among youth. In Texas, among youth, suicide rates have increased by almost 42% between 2008-2018, even before the pandemic. Mental Health Advocates is concerned that the pandemic, and now the winter storm, isolations, and disruptions will only exacerbate this deadly problem. To prevent the progression of mental health struggles that lead to suicide, HB 2954 seeks to provide additional assistance to elementary school districts affected by incidents of suicide and districts with a reasonable concern about suicide among elementary school students. HB 2954 requires the Texas Education Agency (TEA) to designate appropriated state and federal funds to establish suicide prevention, intervention, and postvention programs - in coordination with the Health and Human Services Commission (HHSC) - for school campuses that have experienced a suicide loss or has reasonable concerns regarding the risk of suicide among elementary school students may apply. HB 2954 establishes that district participation is 100% voluntary, the impacted school has full authority to determine which support would be most beneficial to the school community, that funds would solely be	**Favorable** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org

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			used for prevention, intervention, and postvention of youth suicide, and that parental notification of any program implemented by the district or charter school is required. This bill would provide additional resources to support school communities that experienced a student death by suicide, ensuring the well-being of all students, family, and community involvement.	
HB 3520 By: Hunter | Jetton | Thierry | Shaheen| Hernandez	Relating to restrictions on the age of persons employed by or allowed on the premises of a sexually oriented business; creating a criminal offense.	Licensing & Administrative Procedure Vote: 7 Ayes, 0 Nays, 0 PNV, 4 Absent	Research shows the environment of sexually-oriented businesses negatively impacts the lives of young people by causing detrimental trauma and allowing human trafficking to flourish. Alcohol sales are a major source of revenue for these clubs and minors under 21 are often encouraged to drink with customers so they will spend more money, which has resulted in many fatal drinking and driving accidents impacting the lives of young women and their families. Human trafficking is promoted by the business model: sex buyers prefer the controlled environments of these clubs, specifically targeting young people under the premise they do not have sexually transmitted diseases. Many start as dancers needing short-term financial solutions but are then groomed and trafficked by club regulars. Research has shown 100% of interviewed dancers reported experiencing physical and sexual abuse at sexually-oriented businesses. All these issues can result in serious legal ramifications, carceral recidivism, and trauma that impacts people for the rest of their lives. There is a dire need to better protect young people from damage caused by negligent sexually-oriented businesses. HB 3520 seeks to promote better public safety by requiring people employed by sexually-oriented businesses to be at least 21 years old and prohibiting people under 18 years old to be on the premises of a sexually oriented business. The bill prohibits any permit or license holder under the Alcoholic Beverage Code from knowingly or recklessly allowing individuals younger than 18 on premises where a sexually-oriented business is operating. The Texas Alcoholic Beverage Commission is required to provide notice and hearing following violation allegations, and depending on the quantity or nature of findings, to completely cancel or suspend licensure for 30 or 60 days. HB 3520 additionally creates a Class A misdemeanor offense for sexually-oriented business allowing individuals younger than 18 years of age on business premises. The bill authorizes the attorney general and appropriate district or county attorneys to bring action against people committing or threatening to commit this offense. The prohibited age for a sexually-oriented business to enter a contract for work or the provision services with an individual will be changed from younger than 18 to younger than 21 years of age. An exemption is included for independent contractors solely performing repairs, maintenance, or construction services at the business. HB 3520 creates a Class A misdemeanor offense for sexually-oriented businesses employing or contracting people younger than 21 years old. For purposes of employment considered harmful to	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org

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			children, the Penal Code definition of "child" is conformingly changed to a person younger than 21 years of age. HB 3520 additionally establishes that a person is categorized as maintaining a common nuisance if they perpetuate an environment where people knowingly tolerate or do not make reasonable attempts to stop activities related to hiring employees under 21 years of age or permits people younger than 18 years old on the premises of a sexually-oriented business. These changes will potentially reduce the harm and trauma caused by sexually-oriented businesses currently impacting the lives of many young people in Texas.	
HB 1348 By: Deshotel	Relating to the applicability of certain laws to open-enrollment charter schools.	Land & Resource Management Vote: 6 Ayes, 1 Nays, 0 PNV, 2 Absent	Charter schools are governed by board members who are not elected, and many do not even live in the community, but HB 1348 would grant these charter leaders the same privileges as a local school district by requiring a political subdivision to consider an open-enrollment charter school a school district for the purposes of zoning, project permitting, utility services, contract requirements, regulations, fees, signage, and even eminent domain. HB 1348 would remove any management authority elected officials may have in the approval of a new charter campus, which will result in charter schools receiving more privileges not given to public schools. Additionally, this bill denies local communities from having their voices heard when a charter school campus is proposed in their neighborhood Many charter schools are governed by private members who do not even live in the community, but the supporters of HB 1348 would grant these unelected charter leaders the authorities the same privileges as a local school district by requiring a political subdivision to consider an open-enrollment charter school a school district for the purposes of zoning, project permitting, utility services, contract requirements, regulations, fees, signage, and even eminent domain. These provisions essentially allow a charter school to be built anywhere because approval by local elected officials would no longer be required. By giving charter schools eminent domain authority, they would be able to assume ownership of land without any government regulations, oversight, or approval from voters, an extraordinary amount of power that will be addressed by an amendment. HB 1348 states that a political subdivision may not take any action that prohibits an open-enrollment charter school from operating a campus within the political subdivision jurisdiction. Included in what is encompassed in the "political subdivision" are school districts, which means that HB 1348 would prohibit a school district from submitting an impact statement to their local government officials, The School Board of Education, or the Texas Education Agency (TEA). HB 1348 states that a political subdivision shall grant	**<u>Unfavorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			approval in the same manner and follow the same timelines as if the charter school were a school district. These provisions apply to owned and leased property of the open-enrollment charter school. HB 1348 also states that at the request of an open-enrollment charter school governing body, a municipality shall enter an agreement with the governing body to establish review fees, review periods, and land development standards ordinances. The charter school would be exempted from all land development ordinances in this agreement. HB 1348 expands the definition of land development standards by including that it also extends to building heights, traffic impact analyses, parking requirements, and signage requirements. The means that a multi-story building could be constructed in the middle of a residential neighborhood, despite local zoning ordinances, without local government or voter approval. Under HB 1348, open-enrollment charter schools would be exempt from impact fees imposed unless the governing body of the charter school consent to the payment of the cost by contract. HB 1348 does not affect the authority granted by state law to regulate open-enrollment charter schools regarding health and safety ordinances. Additionally, the bill does not grant the authority for fee waivers for fire, safety, health, or building code ordinances for open-enrollment charter schools. HB 1348 would deny the public an opportunity to provide input into the location of a charter school facility proposed in their neighborhood and would allow charter schools to build almost any kind of facility without any accountability to local taxpayers and local elected officials regarding zoning city ordinances, regulation, or policy. The role of local government in charter school approval provides the only opportunity for the public to become aware of plans for new charter school campuses to be built in their city. By exempting charter schools from paying these fees, it forces the taxpayers to pick up the tab. Presently local voters must approve funding for new school district facilities, but not for charter schools, even though they are both funded by taxpayers. HB 1348 inequitably applies a public school funding mechanism to charters without requiring them to meet the same standards as public schools, resulting in a dangerous lack of accountability.	
HB 3615 By: King, P. | Hernandez	Relating to certain rates charged by and programs offered by municipally	State Affairs Vote: 12 Ayes, 1 Nay, 0 PNV,	HB 3615 addresses concerns that certain municipally-owned utilities (MOUs) have withheld from ratemaking proceedings information regarding their chilled water programs due to their relation to competitive matters. These services are offered to customers to promote energy efficiency and reduce peak demand by cooling water at night to be used during the day for air conditioning and are at this point only offered by one MOU - Austin Energy.	**<u>Favorable</u>** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org

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	owned utilities.	0 Absent	This bill clarifies that information regarding an MOU's chilled water services shall not be defined as information related to a competitive matter for the purposes of exclusion from open records requests. It definitively includes any chilled water program as part of the MOU, addressing the assertion that this service can be offered by the utility but managed completely separately. Finally, HB 3615 clarifies that any information reasonably related to the municipalities or MOU's rates for electricity or chilled water services and to the rate review process shall be subject to disclosure. All services provided by a utility can impact its revenues and expenditures, and therefore its rate-making process. It is only fair to make related information public so that customers can determine that their rates are being set in compliance with legal requirements - with transparency, based on costs of service, and at just and reasonable prices.	
HB 2256 By: Guerra | Guillen | González, Mary	Relating to creating a bilingual special education certification to teach students of limited English proficiency with disabilities.	Public Education Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	A teacher who wishes to work with English learners who have disabilities must acquire two certifications, one in special education and one in bilingual education. Currently, the number of English learners has grown to 20% of all Texas students, and among those students, 8% are receiving special education services. With the shortage of qualified teachers to address student needs, we need to remove barriers for educators in serving students. HB 2256 seeks to merge two certifications into one, encouraging teachers to receive those training. HB 2256 requires the State Board of Educator Certification (SBEC) to establish a bilingual special education certificate to prepare teachers with specialized training in providing instruction for students with disabilities and who have limited English proficiency. The bill establishes eligibility for the certification and specific matters that must include in course instruction. The bill requires SBEC to propose rules and requirements for examining a bilingual special education certificate and establishes standards to govern the approval and renewal of such certificate. HB 2256 would help Texas maintain qualified teachers in bilingual and special education and serve an emerging population of students here in Texas.	**<u>Favorable</u>** Evaluated by: Phuong Nguyen 832-302-9940 Phuong@TexasLSG.org
HB 2301 By: Parker| Meyer | Shaheen | Raymond | Rose	Relating to a change of name for participants in the address confidentialit y program administered by the office	Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The Office of the Attorney General (OAG) offers an "address confidentiality program" service where victims of familial violence, sexual assault, abuse, human trafficking, or stalking victims are provided a confidential post office box address to receive mail from. The OAG forwards mail from the confidential address to vulnerable participants, ensuring they are protected from having to disclose their addresses to entities or persons that could unintentionally provide this information to their abuser. Unfortunately, the safeguards this program creates for a victim's privacy do not cover circumstances where their abuser can locate them by using their name.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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	of the attorney general.		To receive a name, change in Texas, a victim must submit a petition to the court, alongside other information, which includes their street address. This disclosure required for a name change poses risks for those enrolled in the program. HB 2301 excludes participants in the OAG's program from having to provide their residential street address or the reason for the name change request, as required for submission of the petition. As long as a copy of an authorization card is provided, certifying participation in the program, the court is prohibited from releasing information to any person, regardless of whether the petitioner continues participation in the program after obtaining their name change. HB 2301 ensures that additional protections are statutorily in place to limit abusers from finding their victims.	
HB 302 By: Collier	Relating to the prosecution of the offense of sexual assault.	Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	The Penal Code lists numerous applicable circumstances constituting the offense of non-consensual sexual assault. Concerns have been raised about the difficulties prosecutors face when charging and trying these cases. HB 302 provides additional circumstances to expand circumstances constituting non-consensual sexual assault: • The bill expands impairment from substance use circumstances to include when an actor knows the victim is incapable of appraising the nature of the act • The bill expands exploitation and dependency circumstances to include when the actor is a caregiver hired to assist in daily-life activities and causes the victim to submit or participate in this manner • The bill adds the circumstance when the victim withdraws consent, and the actor persists even though the actor knows consent has been withdrawn HB 302's expansions and addition could encourage victims of non-consensual sexual assault to report such acts, knowing that Texas laws will cover circumstances to ensure justice.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 1824 By: Price| Smith | Coleman | Rose | Allison	Relating to the continuity of services received by individuals at state hospitals and state	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Behavioral health requires adaptive models to respond to the immediate needs of patients. Current frameworks are too rigid to allow for easier transitioning between levels of care. HB 1824 authorizes the Health and Human Services Commission (HHSC) to establish the Temporary Transfer Between Residential Care Facilities Pilot Program. The program would design the framework for patients to temporarily transfer from one facility to an alternate for the purpose of receiving psychiatric and behavioral health services. HB 1824 establishes a minimum number of facilities, intake requirements, and residential facility requirements for the program. The bill will prohibit a temporary transfer, done for	**<u>Favorable</u>** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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	supported living centers, the establishment of a pilot program to provide behavioral health or psychiatric services to certain residential care facility residents, and court orders for psychoactive medication for certain patients.		the purposes of this program, to be considered a permanent transfer or a discharge from the original facility. Voluntary facility residents must consent to the transfer if participating in the program.
			
			Prior to transfer, the original facility's multidisciplinary team must determine the patient's level of care - specifically if they still need intensive residential services or another lower level of care - as well as if the patient is at risk to cause significant harm to another person. The justification and evidence for this decision must be recorded.
			
			The HHSC executive commissioner will establish a work group that will consult the commissioner on rule adoption as well as identifying the necessary information to be reported. The commissioner will be responsible to determine an exception to require program participation based on a patient's risk to harm others. The commissioner will be involved in the construction of residential facility requirements and will have the authority to extend a patient's temporary placement if extenuating circumstances prevent the patient's return to their original facility.
			
			HB 1824 will add patients in the program to provisions relating to psychoactive medication administration to a patient via court order as applicable. This change will have the following results:
			• medication cannot be administered to a patient unless the patient is
			  ○ experiencing a medication-related emergency.
			  ○ under an order to take the medication despite the patient's wishes.
			  ○ the ward of a person that authorizes the administration of the medication despite the patient's wishes.
			• allow for physicians to file an order to authorize medication administration regardless of if the patient refuses.
			
			HB 1824 establishes due process procedures for patients to petition against required program participation, being transferred to an intensive behavioral health unit, or to contest against a placement extension at the alternate residential facility. HB 1824 will guide further development of behavioral health services in Texas.	

HB 678 By: Cortez | Clardy | Price	Relating to the administration of a medication and the ordering and	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	In the wake of the COVID-19 pandemic, to keep up with recommended vaccination for children 3 years or older, the federal government has authorized pharmacists to provide recommended vaccines to young children. In Texas, pharmacists are only allowed to administer a flu shot to children 7 years of age or older. HB 678 would expand a pharmacist's authority from only being allowed to administer an influenza vaccination to being able to administer any immunization or vaccination that is authorized by the Food and Drug Administration or listed on the routine immunization schedule. The bill also expands the age	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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	administration of an immunization or vaccination by a pharmacist.		range at which a pharmacist may administer a vaccine without already having an established healthcare provider-patient relationship from older than 7 years of age to at least 3 years of age. However, supervision by a delegating physician with an established relationship to the patient is still required for a pharmacist to administer a vaccine to a patient younger than 3 years of age. A pharmacist must notify the prescribing physician that the vaccination has been administered no later than 14 days after the administration. This is an extension from the current 24 hour notification requirement. HB 678 revises the specified conditions the Texas State Board of Pharmacy (TSBP) has instituted for pharmacists to administer medication only applicable to ordering or administering an immunization. The bill removes certain conditions that limit a pharmacist's ability to administer immunizations promptly and conveniently, while maintaining relevant safety standards. The bill removes the prohibition delegating a pharmacist's authority to administer medication and replaces it with an authorization for a certified pharmacy technician to have authority with respect to an immunization or vaccination. TSBP would be required to extend the current minimum standard and continuing education standard for pharmacists who administer an immunization or vaccination to include a pharmacist who orders an immunization or vaccination. The definition of "practice of pharmacy" is also updated to allow the Texas Pharmacy Act to account for the additional authority to order and administer immunizations and vaccinations granted to pharmacies. Texans need to keep up with recommended vaccinations for their children. Allowing pharmacists to administer all recommended vaccines to a wider range of patients can help prevent individuals from requiring hospitalization and taking up beds needed for COVID-19 patients.	
HB 4245 By: Frullo	Relating to municipal registration of vacant buildings in certain municipalities.	Urban Affairs Vote: 5 Ayes, 2 Nays, 0 PNV, 2 Absent	Currently, only municipalities located in a county with a population of over 2 million may adopt ordinances that require owners of vacant buildings to register them. The city of Lubbock is currently located in a county with only 310,000, the city making up about 254,000 of that. Locating owners of vacant buildings in the downtown area have been difficult as the city of Lubbock moves to develop its downtown. Adopting an ordinance to require vacant building owners to register with the city officials will be able to locate these owners more efficiently for future developments. HB 4245 allows municipalities with a population of 250,000 or more or located fully in a county with a population less than 320,000 that does not contain an international border, to adopt an ordinance requiring vacant buildings owners to register their buildings with the city.	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 2577	Relating to the light-duty motor vehicle	Environmental Regulation	Currently, the Texas Emissions Reduction Plan (TERP) provides $2,500 as a financial incentive to individuals to purchase or lease light duty electric vehicles (LLDEV) with four wheels. This program has a	**Favorable** Evaluated by: Joy Fairchild

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By: Kuempel	purchase or lease incentive program.	Votes: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	limit of 2,000 vehicles per biennium; however, TERP awarded only 1,800 of these incentives in the former biennium. HB 2577 expands this program to apply to electric motorcycles with two wheels, except a motor-assisted scooter, pocket bike, or mini motorbike, to take advantage of underutilized incentives. This bill also requires recipients of the LLDEV incentive to pay a onetime fee of $750 to the comptroller for deposit in the State Highway Fund. This fee on electric vehicles is intended to substitute the funds from the oil and gas tax that are not collected.	(713)817-3842 Joy@TexasLSG.org
HB 3084 By: Larson	Relating to the proposal by the Texas Water Development Board of a process to identify and evaluate multiregional water supply projects.	Natural Resources Vote: 8 Ayes, 0 Nays, 0 PNV, 3 Absent	HB 3084 directs the Texas Water Development Board (TWDB) to submit a report to the legislature proposing a framework to incorporate a state-level planning component into the current regional water planning process that would identify and evaluate multiregional water supply projects. Independent regions may share water sources and impact each other's supply, but they do not always communicate or plan for these interdependencies. A new planning structure is sorely needed to address the interrelated usage and conservation needs strategically and efficiently of the entire state, especially as those needs continue to grow with the population. In developing this new multiregional framework, TWDB would be required to consider current water plans, potentially available unused or new water sources, and the potential for these types of projects to provide for future water supply and droughts beyond what water plans currently address. TWDB may consult with the interregional water planning council, which is made up of one member from each of the state's regional water planning groups, to improve coordination in meeting the entire state's water needs. While this existing group is beneficial in protecting water resources for all Texans, it only meets temporarily and for limited purposes. A more permanent, robust, multiregional planning effort is needed to manage our long-term, growing water needs, and this bill's report takes a step in the right direction.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 3713 By: Canales | Cain | Craddick | Perez | Thompson , Ed	Relating to the conveyance of certain real property by certain navigation districts.	Transportation Votes: 12 Ayes, 0 Nays, 0 PNV, 1 Absent	Texas port infrastructure is vital for the state's economy and accounts for nearly 2 million jobs and 25% of state GDP. The Port of Houston was last expanded to 530 feet wide in 1968 and has grown in traffic and needs. In order for the Port of Houston and its ship channel to meet modern shipping standards, the port should be expanded to 700 feet which would provide for two way traffic of large oil and cargo vessels. Currently, 5 ports in Texas including the Port of Houston have authorization from the federal Water Resources Development Act (WRDA) – the agency that approves flood systems, navigation, and ecosystem restoration projects and may provide a portion of funds. These projects cost up to $800 million and, while federal funding can be allocated for use, receiving the funds can take decades. HB 3713 will enable ports to sell land to entities that are already committed to long term leases (20+ years), providing that the money from the sale in excess of fair market value be used on projects related to deepening or widening that port. Long term land leases have been identified as usable assets due to the	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org

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			already encumbered surface. HB 3713 will enable projects that have been federally approved for deepening and widening port channels but are stalled due to funding shortages to leverage existing assets and jump start these urgent infrastructure projects.	
HB 2535 By: Sanford | Burrows	Relating to the appraisal for ad valorem tax purposes of real property that includes certain improvements used for the noncommercial production of food for personal consumption.	Ways & Means Vote: 10 Ayes, 1 Nay, 0 PNV, 0 Absent	Some taxpayers have raised concerns over inconsistent property appraisal when chicken coops or rabbit hutches are added to property for noncommercial food production. These property owners argue that these improvements could be interpreted as trade fixtures, which are excluded from real property value during appraisal. HB 2535 requires a chief appraiser to analyze and exclude the value of chicken coops or rabbit pens added to existing property for the noncommercial production of food for personal consumption when determining real property market value. This change will allow people more agency in producing their own food without having to pay more property taxes.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 547 By: Frank | Dutton | Huberty | González, Mary | Burrows	Relating to authorizing equal opportunity for access by home-schooled students to University Interscholastic League-sponsored activities; authorizing a fee.	Public Education Votes: 7 Ayes, 6 Nays, 0 PNV, 0 Absent	University Interscholastic League (UIL) exists to provide educational, extracurricular academic, athletic, and music contests. It represents quality educational competition administered by the school on an equitable basis. The contest rules for UIL activities and standards of eligibility to be met by students who earn the privilege of representing their school in interschool contests prohibit home-schooled students from participating. Some homeschooling families across Texas have requested the ability to participate in UIL activities. HB 547 would honor that request by requiring: • a public school that participates in an activity sponsored by UIL to provide a home-schooled student with an opportunity to participate in the activity on behalf of the school similar to a student enrolled in the school. • a home-school student who wishes to participate in a league activity on behalf of the school to be subjected to the following relevant policies that apply to the student enrolled in the school (registration, age eligibility, fees, insurance, transportation, physical condition, qualifications, responsibilities, event schedules, standards of behavior, and performance). • home-schooled parents are responsible for oversight of academic standards related to the student's participation in league activity. • UIL league may not prohibit a home-schooled student from participating.	**<u>Unfavorable</u>** Evaluated by: Phuong Nguyen (832)302-9940 Phuong@TexasLSG.org

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			While the bill's intent would provide access to UIL activities for home-schooled students, HB 547 may lead to inequitable accountability practices such as passing grades and attendance between a private home-school and a public school entity. HB 547 does not specify provisions that would ensure that the home-schooler would be subjected to the exact requirement as a public school student, ensuring they participate on a level playing field. The bill also gives the homeschooling parent the responsibility for their children's academic eligibility, which would be problematic and unfair to other students. HB 547 would not be equitable to all students.	
HB 2581 By: Kacal	Relating to civil works projects and other construction projects of governmental entities.	State Affairs Vote: 11 Ayes, 0 Nays, 0 PNV, 2 Absent	HB 2581 aims to provide more transparency and uniformity in construction and civil works contracts. For contract selection methods other than competitive bidding, this bill requires all government agencies to publish a detailed methodology for scoring applications. Currently, this is only required of state agencies. It also authorizes those who submit a bid or proposal for a construction contract to, after the contract is awarded, request access to documents related to the evaluation of their submission, which the relevant governmental entity shall deliver within 30 days. Additionally, governmental entities using the competitive sealed proposal method for selecting contractors are currently required to assign a weighted value to all selection criteria to make more objective, uniform decisions. This bill would require all entities to assign a weighted value of 50% to the project's price but allows some flexibility for civil works projects, like roads and utilities, for which the relevant governing body determines a lower value would be in the public interest. For these projects, the weighted value of price may not fall below 40%, which is already at or near standard for most civil works contracts. This bill also requires a governmental entity that issues a contract under the competitive sealed proposal method to make its evaluations public and provide them to all offerors within seven days of the contract being awarded. If these provisions are not complied with, a person has within 15 days of the contract being awarded to file for relief. HB 2581's provisions will encourage transparent contracting practices and promote cost-sensitive decision-making.	**Favorable** Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org
HB 237 By: Bernal | Neave	Relating to student access to certain academic records; authorizing a fee.	Higher Education 10 Ayes, 0 Nays, 0 PNV, 1 Absent	Access to transcripts and other training completion documentation is essential for future education opportunities and obtaining employment. Currently, these records are withheld from individuals until outstanding institutional debt is completely paid. This practice inhibits an individual's career progress and subsequent ability to start addressing the debt. HB 237 creates a pathway for students to access necessary records regardless of debt status. HB 237 would require a Postsecondary Educational Institution (PEI), which includes higher education institutions and career schools, to release a transcript or training completion certificate to a student upon request. The bill additionally repeals the ability to withhold this information until debt is paid or denying a	**Favorable** Evaluated by: Devan Daniel (419) 566-5465 Devan@TexasLSG.org

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			student their transcript due to standing nonresident tuition obligations resulting from an erroneous residency status. PEIs may charge a reasonable fee equitably applied to all students. The following requirements must be met for students with outstanding debt to have their records released: • the student has not been enrolled at the institution for at least five years. • a notification of applying for employment or to transfer to another institution is provided, upon which these records must be sent directly to the identified employer or institution • there is evidence of good faith, such as entering a payment plan, for addressing any financial obligations HB 237 will reduce barriers to seeking better opportunities so people can better remedy any outstanding debt.	
HB 4272 By: Klick	Relating to requirements for information contained in the immunization registry.	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	The ImmTrac2 is the Texas immunization registry that only authorized personnel, such as doctors and schools, may access. Currently, the consent procedures for participation in the registry relies on physicians to indicate if a patient has given consent to be placed on the registry. This process burdens physicians and prevents patients from having direct say on what information about them is placed in it. The registry's electronic medical records could be updated to serve a more functional purpose for providers and patients. HB 4272 would make the following changes to requirements for individual's information contained on the state immunization registry: • Removes the executive commissioner of the Health and Human Services Commission (HHSC) responsibility of determining the period of time that applicable information remains in the immunization registry following specific events such as a declared disaster or terrorist attack. Instead that information will remain on the registry for 7 years following the end of such an event. • The executive commissioner would develop procedures to obtain necessary consent from an individual, or their legally authorized representative, to continue including them in the registry beyond the 7 year period. • Prior to the expiration of time for individual's whose consent has not been obtained, the Department of State Health Services (DSHS) must make at least 2 attempts to provide notice via phone, e-mail, or postal mail. The notice must inform the individual, or their representative, that their immunization record will be removed from the registry unless consent has been given. DSHS must make a reasonable effort to obtain current contact information for notices returned due to incorrect address information. HB 4272 would make changes to the verification process for an employer of a first responder in providing direct access to the employee's immunization information in the registry after affirming the employee is	**<u>Favorable</u>** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			currently employed with them. DSHS would also be authorized to establish a process to provide an immediate family member access to the first responder's immunization information. HB 4272 requires DSHS to develop and maintain a secure internet portal through which an individual, or their representative, has authorization to request to exclude their records from the registry. The bill specifies that a "yes" or "no" field must be included to indicate a patient's consent has been obtained to be included in the registry. The fields and specific data standards related to a patient's consent prohibit the inclusion of demographic information relating to the patient. The consent and confidentiality of a patient's immunization record should be left in the hands of the patient to ensure that they can choose whether their information is included in the registry or not. Establishing a more functional portal for patients to operate through relieves the burden on providers to inform ImmTrac2 of patient consent. It also reduces the risk of including information for patients who have not consented from being added to the registry.	
HB 2064 By: Leach	Relating to the amount of a hospital or physician lien on certain causes of action or claims.	Judiciary & Civil Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Concerns have been raised regarding the calculation of the amount hospitals and physicians can charge individuals who receive medical care for injuries caused by another person's negligence. Current law states that a hospital can charge the lesser of two options: the number of charges for services provided to the individual during their first 100 days of their hospital stay or 50% of all amounts recovered by the injured individual through a cause of action, judgement, or settlement. Instances have occurred where both of these options are significantly larger than what a jury reasonably awards to the injured individual, leaving the injured person with no money left over. HB 2064 revises the method for which a hospital can charge a person who receives medical care for injuries that have been caused by another person's negligence. HB 2064 adds the reduction of any attorney's fees and other expenses incurred while pursuing the claims in the original two options for what a hospital can charge. HB 2064 also adds a third option for the hospital to charge lesser of three options. This third option that a hospital can charge is the amount awarded by the jury for the services provided to the injured individual by the hospital, less the pro rates share of attorney's fees and expenses the injured individual incurred in pursuing the claim. This means that the hospital could only be able to charge what the jury deemed to be reasonable and necessary. HB 2064 would help root out abuses that currently take place when hospitals are recovering payment and help ensure that money awarded to the injured party is spent on their recovery process and not on outrageous medical bills.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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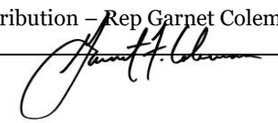

HB 2327 By: Frullo	Relating to increasing the criminal penalty for operating a watercraft while intoxicated with a child passenger; changing the eligibility for deferred adjudication community supervision.	Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Currently, upon arrest, operating a boat while intoxicated requires minimum confinement of 72-hours and often results in a Class B misdemeanor or, if the defendant is eligible, deferred adjudication community supervision. HB 2327 enhances the penalty for operating a boat while intoxicated with a passenger aboard that is younger than 15-years to a state jail felony. There are concerns that HB 2327 limits judicial discretion by prohibiting the eligibility of defendants for deferred adjudication community supervision. Overall, HB 2327 reflects the seriousness of operating a boat with a child aboard and could provide protection from harm for young Texans in waterways by next Summer.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 679 By: Gervin-Hawkins	Relating to the standards for attorneys representing indigent defendants in certain capital felony cases.	Criminal Jurisprudence Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	When a county does not have sufficient attorneys to take on capital cases, defendants must wait extensively for trial. Since the Texas Fair Defense Act (TFDA) implementation in 2001, indigent Texans are appointed attorneys to resolve defendants from languishing in jail for weeks or months before proper representation handles their cases. TFDA requires the judiciary in all criminal courts to appoint attorneys from within a Public Defender's Office or the private bar. Sometimes, attorneys from other regions assist counties in avoiding unconstitutional detainment allegations due to extended wait times. In Texas, particularly in rural counties, there is a lack of qualified first-chair attorneys, and concerns have been raised, suggesting that poorly performing attorneys' frequent appointment to represent indigent defendants is negatively impacting outcomes in capital cases. To be lead counsel or first-chair, in a capital case, trial and appellate attorneys are required to have prior experience of investigating and presenting mitigating evidence during the penalty phase or in the direct appeal of such cases. Currently, these attorneys are required to have 5-years of experience in capital trials to become first-chair in these cases.	**Favorable** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org

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			HB 679 expands first-chair eligibility for these attorneys by adding standards that state if a capital trial resulted in judgment or dismissal, or if the court waived the death penalty that these circumstances would still count as experience. By opening up current statutory qualifications and maintaining existing standards, HB 679 will ensure that Texas builds an adequate attorney bench to serve indigent Texans in capital cases.	
HB 2595 By: Price | Smith | Allison | Meza | Rose	Relating to a parity complaint portal and educational materials and parity law training regarding benefits for mental health conditions and substance use disorders to be made available through the portal and otherwise; designating October as mental health condition and substance use disorder parity awareness month.	Insurance Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	In 2020, a state-composed working group was created to address mental health conditions (MHCs) and substance use disorders (SUDs) across Texas. HB 2595 seeks to implement recommendations to strengthen parity, provide basic parity training, raise public awareness, and establish a designated MHC and SUD awareness month. HB 2595 amends the Government and Insurance Codes to: • designate October as MHC and SUD Parity Awareness Month. • create an MCH and SUD parity complaint portal (PCP) to ensure equitable resolution; and • develop educational materials on MHC and SUD parity; training on these parity laws, and establishes reporting requirements The designation of an awareness month will increase awareness of and compliance with state and federal rules and regulations of MCH and SUD parity. Disclosure of best practices and included educational and training material, including the rights and responsibilities under an applicable insurer's plan, will provide timely and accurate information for those with MCHs and SUDs to receive the best quality of care, regardless of where they live in Texas. By establishing an integrated submission process through the PCP, insured Texans may electronically submit MCH, or SUD coverage violations based on their knowledge through the developed educational and training materials. The Texas Department of Insurance (TDI) Commissioner requirements, in collaboration with the Health and Human Services Commission (HHSC), to include submission, status, and resolution for the processing of complaints will ensure Texans that MCH and SUD parity violations are being addressed. The bill also requires the Commissioner, and HHSC, to conduct reporting assessments of the PCP, and similar public or private systems, to develop best practice standards for violation submissions. Overall, HB 2595 provides multiple steps in the right direction to ensure protection for Texans with MHCs or SUDs.	**<u>Favorable</u>** Evaluated by: Chelsea Dalton Pederson 512-661-9708 Chelsea@TexasLSG.org
HB 700	Relating to the eligibility	Human Services	The Preparation for Adult Living (PAL) program aims to prepare older youth in substitute care for their inevitable departure from the Texas Department of Family and Protective Services (DFPS) care. PAL	**<u>Favorable</u>** Evaluated by:

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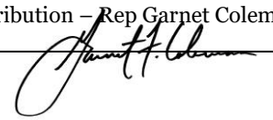

By: Johnson, Jarvis | Lopez | Frank	of foster children to receive college credit for completing the Preparation for Adult Living Program.	Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	services are designed around an independent living skills assessment of each foster youth's preparedness to live independently. Based on results, a specific plan and training are developed to prepare the youth for adult living. HB 700 requires DFPS to coordinate with the Texas Higher Education Coordinating Board to establish a work group that would develop a plan to ensure foster youth who complete the standardized curriculum for PAL are eligible to receive college credit for program completion. Members of the work group must include representatives from both urban and rural higher education institutions. During the development of its evidence-based recommendations, the work group must consider the feasibility of implementing each recommendation, a foster youth's access to PAL, and the average length of time youth will remain in a foster placement. Current and former foster youth in the conservatorship of DFPS are eligible for a state college tuition waiver that exempts or waives payment of tuition and fees at a state-supported college or university. However, many youth are unaware that they are eligible for such a waiver and fail to enroll in college by their eligibility expires. Enabling youth to receive college credit during their conservatorship with DFPS ensures that the waiver has already been activated and will remain available to them until they have completed their undergraduate degree.	Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org
HB 3240 By: Klick	Relating to the composition of the Long-Term Care Facilities Council and rules related to and the imposition of administrative penalties against certain long-term care facilities.	Human Services Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	The Long-Term Care Facilities Council was created during the 86th legislative session to study and make recommendations regarding the informal dispute resolution process for long-term care facilities. Legislation was also enacted during that session to clarify intent and restore caps on the total amount of penalties that can be assessed for violations in various types of facilities. However, in both instances, intermediate care facilities for individuals with intellectual and developmental disabilities (ICF-IID) were left out of the council. Standards and consistent application of penalties for violations were also not explicitly defined for ICF-IIDs. HB 3240 is a clean-up bill that adds at least one member to the Long-Term Care Facilities Council who is a community-based provider at an ICF-IID. The bill also changes the essence of the cap on the total amount of certain penalties the Health and Human Services Commission (HHSC) may impose on an ICF-IID to a cap on the total amount of penalties assessed for an on-site regulatory visit or complaint investigation. This change from the current cap on the total amount of certain penalties determined based on a penalty assessed for each day a violation occurs. HB 3240 would also require that the rules developed and adopted by the executive commissioner would ensure standard and consistent interpretation of service delivery rules and consistent application of	**Favorable** Evaluated by: Maddox Hilgers (512) 739-4885 Maddox@TexasLSG.org

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			administrative penalties throughout Texas. The rules must include interpretative guidelines for regulatory staff and providers regarding the imposition of administrative penalties. This clean-up would ensure ICF-IIDs have a voice within the council to put forth their recommendations on how to better the current processes in place for long-term care facilities. It would also establish consistent intent to ensure that ICF-IIDs are held accountable, but not in such a way that penalties financially impact a facility to an extent that a facility is unable to continue operations.	
HB 1447 By: Minjarez	Relating to the use of remote technology when conducting probate or guardianship proceedings.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Due to concerns about holding in-person hearings during the COVID-19 pandemic, the Texas Supreme Court issued a temporary emergency order that allowed court proceedings to take place remotely in certain cases. Due to the effectiveness and efficiency, that remote hearings have had, there is now a need to extend this option permanently. HB 1447 allows the option for probate and guardianship proceedings to be conducted through remote technology. Additionally, the bill states that a court conducting proceedings virtually must ensure the public maintains access to the proceeding and that the court must establish guidelines regarding the conduct of the proceedings through remote technology. HB 1447 would provide an option to those who have difficulties attending in-person hearings, such as the elderly, disabled, and those with mobility and transportation challenges. A lack of in-person access should not prevent individuals from having their day in court.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2619 By: Wilson	Relating to the creation and administration of the On-The-Ground Conservation Program by the State Soil and Water Conservation Board.	Agriculture & Livestock Vote: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Studies have shown that healthy soil increases water absorption, which is a helpful tool during floods. The healthier the soil, the faster it can absorb water. It has been suggested that there are not enough efforts in statute that promote or encourage best soil practices. HB 2619 instructs the Texas State Soil Water and Conservation Board to develop and administer the On-The-Ground Conservation Program to maximize public health benefits by facilitating priority conservation measures and other improvement measures by landowners and operators in the state. The board would be required to provide technical and cost-share assistance, establish cost-share rates, direct grants, and create policies and procedures necessary for the administration of the program. The bill would allow the board to obtain funding from state or federal entities, through gifts or donations, and work with nonprofits. HB 2619 requires the board to designate and give priority to conservation measures that maximize public benefits to the state. These measurements include improving soil health characteristics, preventing, and managing flooding, reducing soil erosion, and restoring land damage. HB 2619 states that the board shall establish standards and specifications for each priority conservation measure designated by the bill. Additionally, the board shall include information regarding the program's activities in the annual report.	**<u>Favorable</u>** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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			HB 2619 encourages and promotes good practices for maintaining healthy soil. This bill serves as a proactive measure to better prepare Texas for future floods and droughts.	
HB 674 By: Ramos | Beckley | Johnson, Julie | Ordaz Perez	Relating to informing the public about the availability of provisions in protective orders, including provisions regarding pets and other companion animals.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Research shows that some victims of domestic violence often do not leave an unsafe environment due to concerns that the perpetrator may harm the pet as a means of intimidation or to gain leverage over the victim. Removing the threat of something happening to a survivor's pet would make it easier for domestic abuse survivors to leave the home. In the current statute, a protective order for a pet can be granted in some situations, but this information is known by few people. HB 674 would require the Texas Attorney General and the State Bar of Texas to develop a better method to better inform the public about what is included in a protective order. Including the ability of a court to render a protective order prohibiting a party from removing a pet from the possession of a person named in the order. HB 674 would also require the prosecuting attorney to let the potential applicant for a protective order know that pets are included. Currently, Texas ranks in the top 10% of domestic violence rates with approximately 60% of homes where domestic violence has been reported having pets. HB 674 would provide encouragement for a survivor to leave their unsafe environment because they would no longer have to worry about their pet not being protected.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org
HB 2059 By: Bucy	Relating to the date of runoff elections.	Elections Votes: 9 Ayes, 0 Nays, 0 PNV, 0 Absent	Texas holds elections on standard days in May and November elections in local jurisdictions, but runoff elections are not held on a standard date. These races can take place between 3 and 6 weeks after a general election with discretion from the host municipality. HB 2059 standardizes the date for runoff elections for the May and November elections that take place in the same jurisdiction. This bill does not affect primary elections or federal elections. HB 2059 requires these runoff elections to fall on the 6th Saturday after the canvass confirming results are confirmed. This bill reduces confusion for voters and eliminates redundant costs and logistical complications for election administrators and county clerks.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 1802 By: Domingue z | Klick | Burrows | Price	Relating to a study on the use of alternative therapies for treating post-traumatic stress disorder.	Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent	PTSD is more prevalent in military personal and first responders, but many of these individuals do not respond to the treatment currently available or have treatment-resistant PTSD. Current approved PTSD treatment consists of two medications, Prozac, and Zoloft, used in conjunction with psychotherapy. Both medications have a low efficacy and been proven ineffective in treatment-resistant PTSD. New and innovative treatment options are needed. HB 1802 would direct Health and Human Services Commission (HHSC) and Baylor College of Medicine to work in partnership with a military veteran's hospital or medical center serving veterans to conduct a study on the efficacy of using alternative therapies, including the use of 3,4-ethylenedioxymethamphetamine	**Favorable** Evaluated by: Audrey Erwin (928) 210-4303 Audrey@TexasLSG.org

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			(MDMA), psilocybin, and ketamine, in the treatment of PTSD. HB 1802 would require the study to include a clinical trial on the therapeutic efficacy of using psilocybin in the treatment of treatment-resistant post-traumatic stress disorder in veterans, a review of current literature on the safety and efficacy of MDMA, psilocybin, and ketamine treatments, as well as the access veterans have to these treatments for PTSD in the US. HB 1802 additionally would require reports quarterly on progress and a report on the results of the study no later than December 1, 2024 provided to state leadership and the members of the legislature. Psilocybin has been designated by the FDA as a "breakthrough therapy" due to its impressive results with treatment-resistant depression. Psilocybin has not yet been studied as a potential treatment for veterans with PTSD in the US while MDMA and ketamine have. Exposure therapy is the most common psychotherapy done in combination with medication for PTSD, but 40-60% of patients do not respond well to this emotionally challenging experience. Using these psychedelic drugs as a catalyst for psychotherapy can increase the capacity for processing trauma by decreasing fear and arousal, increasing trust and rapport with their therapy provider, or targeting the fear extinction and memory consolidation process. Suicide is one of the top ten leading causes of death in the US and the potential impacts of this groundbreaking research could have in the treatment of PTSD for all veterans may eventually help other individuals suffering from PTSD and combat the increases in suicide over the past decade throughout the US.	
HB 1090 By: Bailes	Relating to the appraisal for ad valorem tax purposes of real property that was erroneously omitted from an appraisal roll in a previous year.	Ways & Means Vote: 11 Ayes, 0 Nays, 0 PNV, 0 Absent	Properties can be accidentally skipped over when property tax appraisals are conducted, and these mistakes can go unnoticed for several years. Appraisers are required to correct erroneous omissions within five years, but this lengthy period can cause severe financial burden for taxpayers by the time of the correction, at which point penalties, interest, and back taxes are owed. HB 1090 reduces the time frame for appraisers to correct erroneous property tax appraisal omissions from five years to three years. It also clarifies that a year means a tax year for these purposes. Discovering an omission triggers requirements that an appraisal must be performed by January 1st for each missing year and the chief appraiser must enter appraisal records within the new window of three years. These changes help reduce the financial burden for taxpayers left off the appraisal role and promote better appraiser accountability for these errors.	**<u>Favorable</u>** Evaluated by: Cassidy Kenyon (760)429 8388 Cassidy@TexasLSG.org
HB 3610 By: Gervin-Hawkins |	Relating to the applicability of certain laws to open-	Ways & Means Vote: 7 Ayes, 3 Nays,	HB 3610 provides a property tax exemption for certain real property leased with funds provided by a charter holder. Proponents claim that millions of dollars of state allocated funds could be kept in classrooms if open enrollment charter schools were exempt from paying property taxes on their leased school buildings. They assert that state funds could—and should— be used on teacher salaries, improved technology, instructional materials, and other critical classroom needs.	**<u>Will of the House with Concerns</u>** Evaluated by: Cassidy Kenyon (760)429 8388

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Sanford | Middleton	enrollment charter schools.	0 PNV, 1 Absent	Current law provides certain property tax exemptions for properties owned by local schools. However, local property tax exemptions are not permitted in certain circumstances for leased spaces used by public schools or open-enrollment charter schools. There are concerns that not providing property tax exemptions for facilities leased by charter schools would decrease property tax revenue available for public schools and by making changes that benefit charter schools that do not receive funds from property taxes. Although charter schools are not accountable to locally elected school boards whose members live in the community, the bill classifies an open enrollment charter school as a "political subdivision" with respect to public property tax exemptions and includes civil provisions that grant charters the authority to bring action regarding any property leased, constructed, or renovated using state funds. These changes allow open enrollment charter schools to exempt leased facilities from property taxes with the same scope of legal authority granted to actual, locally accountable political subdivisions, including public school districts. This legislation intends to create parity for open-enrollment charter schools and public schools regarding local property tax exemptions. However, many public schools do not receive exemptions for leased property. Subsequently, the bill creates unique local tax exemptions for charters only. Charter schools frequently lease property and receive a per-student state funding allotment to help with the cost of all elements of educating students. Additionally, several charter schools have successfully filed comptroller appeals to be refunded remitted property taxes eligible for exemption from existing state law. The need to provide exceptional tax treatment to charter schools in statute is unfounded and unfair to local property taxpayers. HB 3610 would result in property tax savings for open-enrollment charter schools at the expense of local taxpayers. Significant decreases in property tax revenue will reduce the tax base for local governments, decrease public school funding, and pass off the cost to taxpayers. Finally, this bill faces legal obstacles. A constitutional amendment may likely be required to create property tax exemptions for charters, and there is currently no such companion legislation. Several courts have ruled that open-enrollment charter schools are legally subject to property taxes for leased properties, and the case is currently before the Texas Supreme Court. Before adopting changes proposed by HB 3610, legislators should avoid making an end run around the court. If there is a need to provide property tax exemptions to open-enrollment charter schools, these changes should be applied equitably for all schools without impacting the property tax system that plays a major role in funding public schools and local governments.	Cassidy@TexasLSG.org

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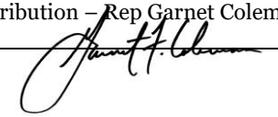

HB 2306 By: Fierro	Relating to the denial of the registration of a motor vehicle based on certain information provided by a county to the Texas Department of Motor Vehicles.	Transportation Votes: 12 Ayes, 1 Nays, 0 PNV, 0 Absent	In the past few years, County Tax Assessor-Collectors have reported large losses due to past due fines, fees, and taxes, and those losses were exasperated in 2020 due to the pandemic, resulting in over $150,000 in losses. These offices are currently authorized to refuse or renew a vehicle registration if the owner is past due on payment to the county. However, the online vehicle registration renewal portal from the TxDMV does not ask personal information about the individual renewing. This can leave Texas drivers vulnerable for accruing new penalties and creates a funding vacuum for counties who are unable to check if an individual owes the county additional payment. HB 2306 would require the TxDMV to develop a database to check the driver's license and date of birth that would allow counties to check in real time for online registration renewals if an individual owes additional payment. The personal information provided to TxDMV is prohibited from being disclosed. The database would work in conjunction with the online renewal portal and reject applications where money is owed until the payment is received by the county. HB 2306 would help counties eliminate revenue loss through this online loophole.	**Favorable** Evaluated by: Joy Fairchild (713)817-3842 Joy@TexasLSG.org
HB 2375 By: Johnson, Ann	Relating to meals provided to jurors during deliberation of a civil case in certain district courts.	Judiciary & Civil Jurisprudence Vote: 8 Ayes, 0 Nays, 0 PNV, 1 Absent	Currently, Texas counties can provide meals for jurors serving in certain civil cases, however, meals are capped at $3 per juror. The outdated cap has been law since 1977, making it extremely difficult for a county to provide meals for jurors at the current prices. Additionally, no such cap exists for jurors serving on criminal cases. HB 2375 removes the $3 cap in statute and now allows a judge to spend "a reasonable amount" per meal for a juror serving on a jury in a civil case. The county court would still be responsible for paying the cost of meals provided to jurors.	**Favorable** Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org

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