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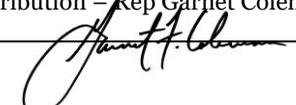
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LSG Floor Report For CONSTITUTIONAL AMENDMENTS CALENDAR- Friday, August 27, 2021				
Author	Caption	Committee	Analysis & Evaluation	Recommendation
SJR 3 Sponsor: Kacal Smith Cook By: Huffman	Proposing a constitutional amendment requiring a judge or magistrate to impose the least restrictive conditions of bail that may be necessary and authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons.	Constitutional Rights & Remedies Vote: 10 Ayes, 0 Nays, 0 PNV, 5 Absent	SJR3 allows magistrates to deny bail to anyone accused of a first-degree felony sexual offense, a violent offense, or continuous trafficking of persons. Although it does require a judge or magistrate to impose the least restrictive conditions for bail it will ultimately put more people with mental illness in jail without being convicted of a crime, instead of directing them to treatment. Texas county jails are already the largest mental health facilities in the state. SJR3 dismisses the fundamental right to pretrial release and the presumption of innocence. Upon passage, it will be submitted to Texas voters on the May 7, 2022, election. SB6, The Damon Allen Act, is enabling legislation for SJR3.	Unfavorable Evaluated By: Brittany Sharp Brittany@TexasLSG.org 210-748-0646
LSG Floor Report For GENERAL HOUSE STATE CALENDAR- Friday, August 27, 2021				
HB 9 By: Bonnen	Relating to making supplemental appropriations relating to border security and giving direction regarding those appropriations	Appropriations Vote: 14 Ayes, 8 Nays, 0 PNV, 5 Absent	During the 87th legislative session SB1 and HB2 provided for one hundred new troopers along the border and a total of \$1.1 billion to border security. HB9 makes additional appropriations related to border security totaling \$1.8 billion. If HB9 is passed, border security funding will increase by \$2.1 billion compared to the 2020-2021 budget cycle, for a total of \$2.9 billion if HB 9 becomes law. Many people migrating to the United States are escaping dangerous situations in their own countries and are looking for stability, economic opportunity, and better living conditions. The humanitarian crisis on our border has increased significantly over the last year and is a multilayered, complex, systemic issue. In response, Governor Abbott issued an unnecessary	Unfavorable Evaluated By: Brittany Sharp Brittany@TexasLSG.org (210) 748-0646

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			<p>disaster declaration, deployed around one thousand Texas troopers, National Guard Members, and state troopers from other states to the Texas border, took over the Texas Department of Criminal Justice (TDCJ) Dolph Briscoe Unit to incarcerate migrants pre-trial for misdemeanor offenses and diverted \$250 million from the Texas Department of Criminal Justice for the construction of border fencing.</p> <p>HB9 fails to address the real issues on our border and instead addresses a harmful, fabricated racist narrative. Only \$100 million out of \$1.8 billion appropriated in HB9 will go to reimburse border communities for funds they have accrued. An overwhelming majority of these funds are for the militarization of our border, border fencing/barriers and the criminalization of migrants and asylum seekers, predominantly men of color. Instead, the legislature should appropriate funds to address humanitarian issues such as mental health services, health care, medical equipment, aiding survivors of sexual assault, preventing the death of migrants, and other humanitarian issues.</p> <p>The funds in HB9 are outlined below: Office of Court Administration - \$32.5 million/6 FTEs</p> <ul style="list-style-type: none"> • \$27.8 million from GR to provide indigent legal representation. • \$2.9 million from GR to provide foreign language interpreters. • \$900,000 from GR for judges that have been assigned to magistrate. • \$150,000 from GR for technology costs for remote capabilities. • Funding for additional administrative assistants <p>\$301 million from GR for the Texas Military Department (TMD) is appropriated for an additional 1,500 service members to support DPS and assist in the building of border fencing/barriers. This would make a total of 2,500 service members deployed to the border. Of those, 2,000 will be directly assisting DPS in detaining and arresting migrants predominantly for criminal trespassing. TMD will be the lead on building temporary fencing with assistance from TXDOT (machinery and equipment) and TDEM (sourcing and procurement).</p> <p>Texas Department of Public Safety - \$154.8 million/79 FTEs</p> <ul style="list-style-type: none"> • \$133.5 million from GR to provide for 52 weeks of Operation Lone Star surge costs. • \$17.9 million from GR for up to 79 special operations troopers. • \$3.4 million from GR to fund the purchase of 6 tactical patrol vessels. <p>Texas Department of Criminal Justice - \$273.7 million</p> <ul style="list-style-type: none"> • \$250 million from GR for the transfer that happened in July for border fencing. 	
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			<ul style="list-style-type: none"> • \$23.7 million from GR for increased staffing, jail standards requirements, facility operations and increased medical expenses at the Dolph Briscoe Unit and up to 2 additional facilities. <p>\$214,785/ 3 FTEs from GR to Texas Commission on Jail Standards for training and oversight for converted state facilities - overtime compensation and travel expenses.</p> <p>Trusted Programs within the Office of the Governor</p> <ul style="list-style-type: none"> • \$1.02 billion from GR for border security operations through grants. \$750 million will be used to build additional border barriers, \$170.3 million to create and staff 3 intake centers, and \$100 million through border grants to reimburse border communities for funds that they have accrued. • \$3.8 million/ 27 FTEs from GR for additional training regarding the handling of misdemeanor crimes, predominantly criminal trespass, for district and county attorneys. <p>Department of State Health Services (DSHS) - \$16.4 million</p> <ul style="list-style-type: none"> • \$10.9 million from GR for purchasing ambulances for use at two border security processing centers and TDCJ jail facilities. • \$5.5 million from GR for 2 ambulances at existing processing center and TDCJ jail facilities. 	
<p>HB 7 By: Landgraf</p>	<p>Relating to the transportation, storage, or disposal of high-level radioactive waste.</p>	<p>Environmental Regulation</p> <p>Vote: 6 Ayes, 1 Nays, 0 PNV, 2 Absent</p>	<p>The Nuclear Regulatory Commission (NRC) is considering granting a license as soon as September 13, 2021, to Interim Storage Partners (ISP) to dump high-level radioactive waste in Andrews County. If this license is granted, high-level radioactive waste from across the country could be brought to Texas. HB7 will ban any new high-level radioactive waste from being transported on highways or railways, stored, or disposed of in Texas.</p> <p>A ban is needed in order to stop the issuance of the license mentioned above and to stop high-level radioactive waste from being brought, stored or disposed of in Texas. However, there are concerns that it does not go far enough and that it should include reactor related greater than class c waste and spent nuclear rods to have a larger and more significant impact. Additionally, TCEQ can issue fines if a facility starts being built without the proper authorization, but other fines and penalties should be associated with the transportation and disposal of waste to deter this type of activity.</p>	<p><u>Favorable with concerns</u> Evaluated By: Brittany Sharp Brittany@TexasLSG.org (210) 748-0646</p>



<p>HB 20</p> <p>By: Cain White Burrows Metcalf Shaheen</p>	<p>Relating to censorship of or certain other interference with digital expression, including expression on social media platforms or through electronic mail messages.</p>	<p>Constitutional Rights & Remedies</p> <p>Vote: 9 Ayes, 5 Nays, 0 PNV, 1 Absent</p>	<p>In response to the misuse of social media to spread lies, conspiracy theories, and incite violence social media companies have developed community guidelines to remove false information that promotes violence and banned users who continue to violate these guidelines. Recently, the suspension of Former President Donald Trump's various social media accounts was based on posts relating to incitement and support of the January 6th U.S. Capitol riots, and the safety concern it created. President Trump and others who promoted violence through social media were rightfully removed. There are examples of smaller social media platforms that operate under a limited moderation policy. They tend to be rife with the hate speech, conspiracies, and other objectionable content that major platforms currently attempt to limit. This bill's provisions will facilitate greater extremism on the most highly trafficked platforms, leading to negative individual and social impacts.</p> <p>SB5 would prohibit a social media site with more than 50 million monthly users in the United States from monitoring or otherwise censoring content posted by a user based on "viewpoint," a vague term, or political and religious preferences. Censoring includes any form of de-platforming, demonizing, content removal, account suspension, or removal. Social media sites are currently allowed to censor content that is illegal under federal law, and the First Amendment allowing for free speech does not apply to the contract agreed to by a user when creating an account on a private business' site. This bill would require clearly outlined rules for acceptable content allowed on the site, which users must agree to create an account. Under the bill social media sites can censor expression that is hate speech, directly incites criminal activity, sexual exploitation of children, harassment of survivors of sexual abuse or unlawful expression but cannot censor users based on "viewpoint". If a user believes to have been censored based on their viewpoint the bill allows for said user to file a complaint or suit against the social media site and make the site responsible for attorney's fees.</p> <p>This bill has good provisions in terms of business practices and complaints and an easily accessible complaint system, disclosure about censorship data, and transparency about business practices. However, this bill would do more harm than good. Posts that incite violence, or otherwise spread political or religious misinformation are dangerous but would be allowed under this legislation.</p>	<p>Unfavorable</p> <p>Evaluated By: Brittany Sharp Brittany@TexasLSG.org (210) 748-0646</p>
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LSG Floor Report For GENERAL SENATE STATE CALENDAR- Friday, August 27, 2021

<p>SB 6</p>	<p>Relating to rules for setting the amount of bail, to the release of certain defendants on a monetary bond or</p>	<p>Constitutional Rights & Remedies</p> <p>Vote:</p>	<p>SB6, also known as the Damon Allen Act, seeks to overhaul the state's bail system. The bill contains some positive reforms. Unfortunately, provisions that could lead to more personal bonds for low-risk defendants will likely be outweighed by harsh restrictions on which defendants can qualify for personal bonds in the first place. Likewise, provisions ostensibly written to protect indigent defendants instead violate the equal protection and due process</p>	<p>Unfavorable</p> <p>Evaluated By: Brittany Sharp Brittany@TexasLSG.org</p>
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<p>Sponsor: Smith Cook Harless Kacal</p> <p>By: Huffman</p>	<p>personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.</p>	<p>9 Ayes, 5 Nays, 0 PNV, 1 Absent</p>	<p>clauses of the U.S. Constitution by forcing them to prove that they cannot afford bail after it has already been set, rather than requiring magistrates to consider ability to pay before setting money bail.</p> <p>HB5 appropriates \$2.3 million and up to 6 FTEs from GR, \$2 million from the GRD Statewide Electronic Filing System Account to Office of Court Administration contingent upon the passage of SB6.</p> <p><i>Training Course Requirements</i> Anyone charged with setting bail should be trained on the duties of magistration, and one of the bill's positive reforms sets that requirement. SB6 standardizes and provides additional training and continuing education to magistrates on their responsibilities with respect to setting bail. The curriculum would be developed or approved by the Office of Court Administration and would include an eight-hour initial training course and a two-hour continuing education course to be completed every two years.</p> <p><i>Public Safety Report System</i> SB6 creates a statewide public safety report system, allowing all magistrates to review defendants' criminal histories when setting bail. The report must include the statutory rules for setting bail, the defendant's identifying information, the defendant's eligibility for bail, applicability of bond conditions, and a summary of the defendant's criminal history, and the state must provide the reporting system to all counties at no cost. Magistrates are required to review the report before setting bail, although it may not be the only tool used to make bail decisions. This is a worthwhile change that allows magistrates to make more informed decisions and could lead more magistrates to issue personal bonds to low-risk non-violent defendants. It could be improved by allowing the report to include a risk assessment, although magistrates will still be able to use a separate risk assessment tool if they choose.</p> <p><i>Right to Bail</i> SB6 severely restricts magistrates' ability to issue personal bonds, which defendants are only required to pay if they miss their court date. Under the bill, no one accused or previously convicted of an offense involving violence would be eligible for a personal bond, and while the goal is to keep violent offenders off the streets, the bill's definition of an "offense involving violence" is far too broad. In particular, people with mental illness or intellectual disabilities often act in ways perceived as threatening by others when there is no violent intent, leading to arrests for "violent offenses" that are actually just symptoms of the illness or disability. During the regular session, the legislature passed HB2831, acknowledging that Texas needs to do more to protect people with intellectual and developmental disabilities in county jails and taking several actions to do so. Denying magistrates, the ability to consider such individual</p>	<p>(210) 748-0646</p>
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			<p>circumstances would undo that work to protect one of our state's most vulnerable groups and will likely lead to more people being jailed without a conviction.</p> <p><i>Bail Proceedings</i> Streamlining the deadlines in bail proceedings would be an improvement over the current process, and SB6 requires magistrates to either grant or deny bail within 48 hours after the defendant's arrest, and it contains several procedural and reporting requirements. It also outlines procedures for defendants to request a hearing to lower the bail amount if they are unable to pay. However, this protection is not enough. The Fifth Circuit Court of Appeals has held that the equal protection and due process clauses of the U.S. Constitution require magistrates to consider defendants' ability to pay, and provide other procedural protections, before setting money bail. It is unconstitutional to hold someone in jail because they are unable to pay bail while releasing another person in the same circumstances because they have more money. SB6 violates this ruling by limiting the ability of magistrates to use personal bonds, only allowing indigent defendants to request a hearing after bail is issued, requiring them to fill out the complex affidavit to do so before they typically have access to a court-appointed attorney, and not requiring magistrates to notify defendants that they can request lower bail.</p> <p><i>Charitable Bail Organizations</i> The House committee substitute removes restrictions and discriminatory provisions aimed at charitable bail organizations.</p>	
<p>SB 15</p> <p>Sponsor: Bell, Keith</p> <p>By: Taylor</p>	<p>Relating to virtual and off-campus electronic instruction at a public school, the satisfaction of teacher certification requirements through an internship teaching certain virtual courses, and the allotment for certain special-purpose school districts under the Foundation School Program.</p>	<p>Public Education</p> <p>Vote: 9 Ayes, 1 Nays, 0 PNV, 3 Absent</p>	<p>The COVID 19 pandemic has caused many parents to seek remote learning opportunities to avoid the increased risk of attending classes in-person that is presented by the delta variant's impact on the health of students, teachers, and school staff and their families. Their concern fueled by reports that many campuses have been closed because teachers and staff have been forced to quarantine and/or seek treatment in response to COVID transmission on school campuses. A week ago, the Department of Health Services reported 8,102 positive COVID school-related cases: including 4,729 students and 3,373 teachers and staff. The actual number of cases is likely higher than the number of cases reported.</p> <p>SB15 allows a student to enroll in a virtual course provided by a local remote learning center operated by a school district or open enrollment charter school provided that the student:</p> <ul style="list-style-type: none"> • is enrolled in the district or charter school • has reasonable access to in-person services for the course at a district or school facility, and • meets any other reasonable criteria established by the district or charter school. <p>A local remote learning program operated by a school district or open enrollment charter school must:</p>	<p>Favorable with Concerns</p> <p>Evaluated By: Brittany Sharp Brittany@TexasLSG.org (210) 748-0646</p>



			<ul style="list-style-type: none"> • have an overall "C" rating • include one grade level that is subject to an assessment instrument • have a complete high school program with an end of course assessment instrument <p>A school district may offer virtual courses in combination with in-person courses and must periodically assess student performance and return a student to in-person learning if the virtual course is not meeting academic standards.</p> <p>Students enrolled in off campus courses will count for ADA calculations that determine state funding levels. Teaching candidates will be allowed to meet certification requirements through an internship that provides the candidate employment teaching virtual courses under the state virtual school network.</p> <p>The bill has a sunset date of September 1, 2023, which would allow the option to be available until the conclusion of the pandemic, hopefully, and would allow the legislature to revisit these provisions during the next regular session.</p> <p>Concerns have been raised that the bill may not adequately protect against this program being used to expand low-performing charter schools and for-profit virtual school operators because students enrolled in full-time virtual schools perform at levels well below their brick-and-mortar counterparts. This is especially true for for-profit virtual schools.</p> <ul style="list-style-type: none"> • 56% of district-operated virtual schools achieve acceptable state performance ratings • 40% of charter-operated virtual schools achieve acceptable state performance ratings • 29% for-profit virtual schools achieve acceptable state performance ratings 	
<p>SB 7</p> <p>Sponsor: Rogers</p> <p>By: Huffman</p>	<p>Relating to a one-time supplemental payment of benefits under the Teacher Retirement System of Texas.</p>	<p>Appropriations</p> <p>Vote: 22 Ayes, 0 Nays, 0 PNV, 5 Absent</p>	<p>SB7 will provide a one-time supplemental payment for current eligible TRS retirees of up to \$2,400. This supplemental payment will not jeopardize current benefit payouts for those withdrawing from TRS. HB5 has contingency funds for SB7 in the amount of \$701 million from GR. These GR funds will ensure that the 13th check will not affect the actuarial soundness of the pension fund. Although SB7 will provide a much-needed payment, what retired teachers really need is a Cost of Living Adjustment (COLA) that provides an increase in every monthly check. The last time most Texas retired teachers received a COLA was in 2013, and before that, they had received no COLA in more than a decade. Given ample state revenue, it is time to provide every retired Texas teacher a COLA.</p>	<p>Favorable</p> <p>Evaluated By: Brittany Sharp Brittany@TexasLSG.org (210) 748-0646</p>

