



Texas Legislative Study Group

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LSG Floor Report For POSTPONED BUSINESS UNTIL 4:00 PM on Saturday, May 6, 2023 – Monday, May 8, 2023

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| <p>HB 4557</p> <p>By: Darby Leach Bonnen Guillen Landgraf</p> | <p>Relating to liability for capturing and storing carbon dioxide.</p> | <p>Judiciary & Civil Jurisprudence</p> <p>5 Ayes, 3 Nays, 0 PNV, 1 Absent</p> | <p>Carbon capture, utilization, and storage (CCUS) is a process used to capture carbon dioxide (CO₂) emissions from industrial processes and power plants to prevent them from entering the atmosphere. There are already CCUS projects in operation or development in the Houston area and West Texas. Like other pipeline and storage activities, there is the potential for leaks from the storage sites or issues with transport. Released CO₂ into the air or groundwater poses health risks to nearby communities. Proper regulation and oversight can mitigate risks and civil action can help ensure companies operate safely and responsibly. Without the ability to take legal action, residents would have little recourse if they suffered harm due to the activities of CCUS companies.</p> <p>HB 4557 would significantly reduce the ability to bring an action against a defendant on the basis that captured or stored CO₂, or a process associated with capturing or storing CO₂, is a pollutant, constitutes a nuisance under common law, or has caused a nuisance-related injury.</p> <p>HB 4557 specifies that claimants cannot recover noneconomic damages against a defendant for damages for injury to a person or property, including for interference with a possessory interest or ownership right or an injury to crops or an animal, resulting from: the transmission or injection of captured CO₂ into a geologic storage facility, including seismic activity; subsurface migration of stored CO₂, including a claim for trespass or conversion resulting from subsurface migration of stored CO₂ into cavities, voids, reservoirs, or other formations; or environmental damages allegedly caused by captured or stored CO₂ being accidentally released unless certain conditions are met. The claimant would have to establish actual damages and one of the following to claim noneconomic damages:</p> <ul style="list-style-type: none"> • The company concealed, withheld, or misrepresented information relating to the permitting authority's decision to grant the company a permit to transport, capture, or store CO₂ and their permit was granted not more than five years prior to the date the CO₂ was injected, migrated, or escaped. • The company was not in compliance with a legal requirement that was intended to protect a person or property from the kind of damage that occurred, and where otherwise would not have occurred. • Part of the company's conduct was not part of an applicable permitting process and their actions were opposite from standard industry practice, they did not comply with standards due to economic reasons, and this damage would not have occurred if they had complied. | <p><u>Unfavorable</u></p> |
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| | | | <p>HB 4557 limits a claimant's ability to recover noneconomic damages in a civil action for interference with access to underground minerals or water due to the storage of captured CO₂. To recover damages, the claimant must prove actual damages and that the defendant withheld or misrepresented information that the permitting authority relied on it. Claimants who receive compensation in consideration of the possibility that a geologic storage facility may prevent or impede access to or interfere with the production of underground minerals or water are not entitled to recover damages.</p> <p>HB 4557 also limits the economic damages available for the increased cost of accessing or producing minerals or water, or the present value of minerals or water that cannot be produced due to the carbon capture storage facility. HB 4557 states that a claimant cannot recover exemplary damages in a civil action unless they provide proof required under HB 4557 and fulfill the legal requirements for recovering exemplary damages.</p> <p>Impact HB 4557 prevents claims on the basis that CO₂ is a pollutant, nuisance, or caused an injury, increases the burden of proof to recover noneconomic damages, and limits liability for preventing access to water and minerals. HB 4557 harms Texans and the environment by limiting a legal source of accountability for these companies. Incorrectly stored or transported CO₂ can be extremely dangerous to Texans, and cause significant health impacts, contaminate water supplies, cause property damage, prevent access to minerals, and harm livestock.</p> <p>Texas is already the opportune place for CCUS projects, especially along the Gulf Coastal region. Companies like ExxonMobil, Talos Energy, Occidental Petroleum and others are making plans to utilize Texas' unique combination of geologic pore space, existing energy infrastructure, and large workforce. HB 4557 uses the guise of attracting CCUS businesses to the state to stifle any potential wrongdoing by industry. It's unnecessary and inhibits Texans' right to hold companies accountable for damages.</p> | |
| <p>LSG Floor Report For POSTPONED BUSINESS UNTIL 8:00 AM – Monday, May 8, 2023</p> | | | | |
| <p>HB 2779 By: Leach</p> | <p>Relating to the compensation of a district judge and the associated retirement benefits of certain other elected state officials.</p> | <p>Judiciary & Civil Jurisprudence</p> <p>8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>An effective judiciary is necessary for an efficient state judicial system, yet Texas continues to lag in compensation provided for judges and justices. Texas district judge salaries rank 41st compared to other states, 23rd at the appellate level, and 29th for high court judges.</p> <p>HB 2779 proposes an increase to the annual state base salary of a district court judge in Texas from \$140,000 to \$172,494, a 22% increase over the biennium. The increase will be split over the biennium, with the new minimum salary being \$155,400 for the state fiscal year ending in 2024. Raising the base salary of a district judge will also increase the salaries of appellate judges and other judicial positions tied to the base salary of a district judge.</p> | <p><u>Favorable</u></p> |

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| | | | <p>Other than a chief justice, a court of appeals justice is entitled to an annual base salary equal to 110% of the state base salary of a district judge). A justice of the supreme court or a judge of the court of criminal appeals, other than the presiding judge, is entitled to an annual base salary equal to 120% of the state base salary. Finally, the chief justice or presiding judge of an appellate court is entitled to an annual base salary that is \$2,500 or higher than the other judges of the court, and the combined base salary of the chief justice of a court of appeals from all state and county sources cannot exceed \$2,500 less than the base salary for a justice of the supreme court.</p> <p>HB 2779 establishes the standard service retirement annuity for certain members of the Employee Retirement System of Texas (ERS), calculated as the number of years of service credit in that class multiplied by 2.3 percent of \$140,000. For those whose effective retirement date is on or after September 1, 2019, the annuity is calculated as the number of years of service credit in that class multiplied by 2.3 percent of the state salary, excluding longevity pay.</p> <p>Many Texas judges will be retiring soon, and it is vital to have adequate compensation to recruit and maintain strong judicial candidates.</p> | |
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LSG Floor Report For POSTPONED BUSINESS UNTIL 9:00 AM – Monday, May 8, 2023

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| <p>HB 2584 By: Paul</p> | <p>Relating to crime victims' compensation.</p> | <p>Juvenile Justice and Family Issues</p> <p>8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Various survivors of crime in Texas have raised concerns regarding the Crime Victims Compensation (CVC) program, its eligibility requirements, the scope of care that it provides, and the amount of funding available for those who need it. The CVC was created to provide financial assistance for victims of a crime who may need access to safe relocation, healthcare, and mental healthcare, but many are unable to access such support because of stringent guardrails. HB 250 seeks to address this by making changes to the CVC that will provide more support to grieving families and allow more access to individuals.</p> <p>HB 250 expands qualifications for the CVC by removing language that limits eligibility only to immediate family and to household members who are related by blood or marriage, as well as including in coverage any act that is considered family violence by the Family Violence Code related to protective orders and family violence.</p> <p>Regarding relocation and housing services for victims who experienced certain crimes at their residence, a victim of stalking, family violence, or trafficking, HB 250 removes the \$2,000 cap that may be paid out to victims for relocation services, as well as the \$1,800 cap for rental assistance and instead constitutes these numbers as the minimum. The bill also allows the attorney general to limit the amount of the award the victim may receive. HB</p> | <p><u>Favorable</u></p> |
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| | | | <p>250 includes funding for temporary lodging, and extends authorization to receive coverage to other victims that are not currently eligible, including dependents, family members, and household members of victims.</p> <p>HB 250 establishes that in the event of criminally injurious behavior, for each household application, only one victim and one claimant may be awarded compensation, unless the victim is deceased. In that case, two claimants may be awarded.</p> <p>Regarding lost wages, HB 250 removes the \$1,000 cap that may be awarded, and instead establishes that \$1,000 or ten days' lost wages, whichever is less, shall be the minimum. The bill authorizes the attorney general to establish a limitation.</p> <p>Regarding financial losses as a result of personal injury or death, HB 250 removes language regarding a one night cap on lodging currently in place for an individual traveling to or from an execution in order to witness the execution. It also removes the 10 day limit on bereavement for a family or household member of a deceased victim.</p> <p>Victims of crime deserve to know that they can grieve and work through their losses without the fear of financial ruin. HB 250 takes an incredibly comprehensive approach to adjusting the CVC that centers the voices of the communities who need it most, and ensures that they can safely move forward.</p> | |
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LSG Floor Report For POSTPONED BUSINESS UNTIL 10:00 AM – Monday, May 8, 2023

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| <p>HB 3600</p> <p>By: Price Shine Gervin-Hawkins Moody Clardy</p> | <p>Relating to the establishment of the Texas Multimedia Production Program; providing tax credits; authorizing fees.</p> | <p>Culture, Recreation & Tourism</p> <p>8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Texas' existing multimedia incentive program is reported to be less predictable and less desirable when compared to other states, resulting in many productions not selecting Texas as its filming location. HB 3600 seeks to remedy this by establishing the Texas Multimedia Production Program (TMPP) and creating a transferable tax credit.</p> <p>Texas Multimedia Production Program (TMPP) <i>Tax Credit Program</i></p> <p>HB 3600 requires the Music, Film, Television, and Multimedia Office to implement and administer TMPP for companies that produce moving image projects in Texas. HB 3600 requires the office to develop a procedure for applying for a certificate of eligibility. The application must include a method to verify an applicant is a Texas resident and to submit a project's total in-state spending estimate, the project's shooting script or storyboard, the estimated number of jobs for cast and production crew, and other information required by the office to determine an applicant's in-state spending.</p> | <p><u>Favorable with Concerns</u></p> |
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Certificate of Eligibility

HB 3600 authorizes the office to award certificates of eligibility for verified in-state spending. The office is not required to act on an application and must deny applications they deem obscene. Notice of an application’s denial must be provided within seven days of the determination. Before awarding certificates, the office must review the project’s final script in case of any substantial changes that may make the recipient ineligible. The office must include the tax credit amount on the certificate, and the recipient must provide the certificate to the Texas Comptroller to receive the franchise tax credit.

Qualification

To qualify for a certificate of eligibility, a recipient must meet minimum in-state spending of \$15 million for the project, at least 25% of the project must be filmed in Texas, provide a ledger of expenses of in-state spending including receipts, invoices, pay orders, and other required documentation, and meet certain principal photography requirements. Unless the office determines that a sufficient number of qualified crew, actors, and extras are unavailable when principal photography begins, HB 3600 requires that 25% of those employed as production crew, actors, and extras for the project be Texas residents.

Calculating the Amount of Tax Credit

HB 3600 requires the office to adopt rules prescribing the method to calculate the tax credit amount that will be awarded to recipients. The method used must provide the credit amount is equal to the sum of the following:

- 30% of the recipient’s in-state spending for the project, not including wages. To qualify for this, a recipient must provide promotional materials that can be used to promote Texas economic development and tourism to the office.
- 20% of wages paid by the recipient to non-Texas residents that worked in Texas for the project.
- 35% of wages paid by the recipient to Texas residents who do not live in underutilized and economically distressed areas, and 38% of wages for Texas residents who live in those areas.
- If applicable, 10% of the recipient’s in-state spending for an episodic television series of three or more episodes for which a completed distribution agreement is provided to the office.
- 2.5% for the recipient’s in-state spending if the company spends 25% of its filming time in an underutilized and economically distressed area.
- 3% of the recipient’s in-state spending for post-production activities.

HB 3600 requires a recipient to provide a promotional video that uses an image of Texas in its end credits and outlines other specifications for the video. HB 3600 requires the office to reduce the tax credit amount for a recipient equal to any debt owed by the recipient to Texas.

Franchise Tax Credit

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| | | <p><i>Eligibility for Credit</i> HB 3600 establishes a franchise tax credit for eligible production companies awarded the credit via TMPP. HB 3600 outlines the required documentation to be submitted to the Comptroller to determine if the recipient qualifies for the credit. Recipients that sell or assign the credit to another entity must provide the required documentation for that entity to receive the credit.</p> <p><i>Amount of Credit Limitations</i> Under HB 3600, the franchise tax credit amount would equal the amount on the awarded certificate of eligibility. HB 3600 establishes a cap of the total tax credit claimed for a report to equal the amount of the franchise tax due for that year's report and any other applicable tax credits.</p> <p><i>Carryforward</i> HB 3600 would allow entities that receive a franchise tax credit under this program that exceeds the limit of what they can claim in one report to retain that exceeded amount to be used in the following report for a maximum of five consecutive reports.</p> <p><i>Sale or Assignment of Credit</i> HB 3600 authorizes an entity awarded a certificate of eligibility to sell or assign all or a portion of the tax credit to one or more other entities and allows those entities to sell or assign all or a portion of that tax credit to another entity. Under HB 3600, there is no limitation on how many times all of or part of a credit can be sold or assigned, but HB 3600 establishes such a transaction does not increase the total credit amount that can be claimed. HB 3600 outlines the selling or assigning tax credit procedures, including notifying the Comptroller of the transaction within 30 days of the sale or assignment.</p> <p><i>Concerns</i> The creation of TMPP is duplicative of what already exists. Texas has the Texas Moving Image Industry Incentive Program (TMIIP) through the Governor's Office's Economic Development and Tourism Division. This program receives biennial appropriations from the Legislature. Additionally, TMPP requires less from companies to qualify for the credit. With TMIIP, companies must have 70% of the crew and 70% of paid cast members, including extras, to be Texas residents. Whereas, under TMPP, this is reduced to only 25%. With TMIIP, companies must film 60% of their production in Texas, but TMPP would only require a minimum of 25%.</p> <p>HB 3600 does not include reviewing or reporting of efficiency and efficacy of TMPP, including any reporting to the Legislature. The program is not subject to a sunset provision, which would require the Legislature to review the program to implement improvements and determine if it should be extended. Lastly, there is inconclusive evidence of how much film incentives can boost economic activity. Per the recent National Conference of State</p> | |
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| | | | <p>Legislatures’ evaluation of state audits, “despite the positive anecdotal evidence that accompanies big film projects, such programs do not provide a substantial return on investment and, if economic development is the goal, other policy avenues might be more productive.”</p> <p>HB 3600 garners support from the acting industry that wish to remain in Texas and make Texas more competitive to attract larger productions. HB 3600 aims to accomplish this goal and be a boon to our state’s economy, but there is the question if this is the appropriate method.</p> | |
| <p>HB 4921 By: Murr</p> | <p>Relating to the establishment of an adult education pilot program by the Windham School District.</p> | <p>Corrections 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>According to the Brookings Institute, approximately two-fifths of people entering correctional facilities do not have a high school diploma or General Educational Development (GED) credential. Research suggests that educational attainment is a key indicator of social mobility, economic stability, and criminal justice involvement. Nationally, justice-involved individuals tend to be undereducated and underemployed when compared to the general population: this is particularly troubling in Texas which has the highest prison population in the country.</p> <p>HB 4921 aims to provide justice-involved individuals between the ages of 26 and 50 greater access to educational opportunity. HB 4921 establishes a pilot adult education program in which justice-involved individuals can earn a high school diploma through a nonprofit entity collaboration with the Windham School District (WSD).</p> <p>Individuals would be eligible if they:</p> <ul style="list-style-type: none"> • Are between 26 and 50 years of age; and • Did not graduate from high school, pass a test required to graduate from high school, or earn a high school equivalency certificate. <p>Additionally, HB 4921 requires the program to:</p> <ul style="list-style-type: none"> • Enter into a memorandum of understanding with at least one non-profit entity to provide adult education through the program; • Require that each nonprofit identify regions across the state in which they can operate; and • Identify at least three schools operated by WISD that are able to serve as sites for the program. <p>For justice-involved individuals, educational opportunity – particularly adult education programs that improve literacy – reduces recidivism by giving individuals the knowledge and credentials generally required for employment. Rearrest and reincarceration are more likely when individuals do not have the skills, credentials, and support necessary to secure stable employment and housing. HB 4921 addresses this by expanding adult educational programming in TDCJ.</p> | <p><u>Favorable</u></p> |

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| <p>HB 3289 By: Anderson</p> | <p>Relating to prohibiting the use of certain social media applications and services on devices owned or leased by state agencies.</p> | <p>State Affairs 9 Ayes, 0 Nays, 0 PNV, 4 Absent</p> | <p>State and federal government agencies have raised security concerns regarding the use of TikTok and other social media applications on government-issued electronic devices.</p> <p>HB 3289 requires the Department of Information Resources (DIR) and the Department of Public Safety (DPS), in consultation with the governor’s office, to jointly identify social media applications or services that pose a security threat to the state’s sensitive information, critical infrastructure, or both. DIR must publish and annually maintain the list of such applications on its website. HB 3289 authorizes the governor by executive order to identify social media applications or services that pose a security threat to the state’s sensitive information, critical infrastructure, or both. HB 3289 requires state agencies to adopt policies prohibiting the use of certain social media applications or services as identified by DIR and DPS or by an executive order of the governor. DIR and DPS must jointly develop a model policy for state agencies to use while developing their own policies, and state agencies must adopt their own policies within 60 days of the model being created. An agency’s policy is permitted to include an exception to allow the installation and use of prohibited applications for specific purposes like providing law enforcement or implementing information security measures. HB 3289 provides the procedure if an agency includes an exception to its policy.</p> <p>HB 3289 aims to mitigate the potential security risks that could arise from the use of social media services on government-owned or leased devices. Notably, HB 3289 does not restrict the use of social media applications or services on non-government devices, which means many Texans can continue to engage in social media at their discretion.</p> | <p><u>Favorable</u></p> |
| <p>HB 1192 By: Turner Plesa González, Mary</p> | <p>Relating to the Texas Armed Services Scholarship Program.</p> | <p>Higher Education 9 Ayes, 0 Nay, 0 PNV, 2 Absent</p> | <p>Currently, students must complete 4 years of ROTC training to gain eligibility for the Texas Armed Services Scholarship. This 4-year agreement provision could penalize students who graduate in less than 4 years by missing out on the scholarship or forcing them to stay enrolled longer than necessary. HB 1192 seeks to provide these students the opportunity to receive the scholarship by removing this 4-year requirement.</p> <p>HB 1192 changes the requirements for scholarship eligibility by allowing the student to complete one year of ROTC training – or another undergraduate officer commissioning program – for each year they receive the scholarship. HB 1192 also requires the Texas Higher Education Coordinating Board (THECB) to post on its website and provide students with information regarding the number of years of ROTC training each branch of the U.S. military forces requires before entering into a contract.</p> | <p><u>Favorable</u></p> |
| <p>HB 3486 By: Turner</p> | <p>Relating to higher education curricula, including course enrollment and</p> | <p>Higher Education 8 Ayes,</p> | <p>The 86th Legislature passed SB 25, which significantly reformed the process and protections for community college students to help them better understand how their credits will apply when transitioning to a four-year institution. HB 3486 seeks to enhance these reforms by revising fields of student curricula, transferability of credentials, and certain dispute resolution procedures.</p> | <p><u>Favorable</u></p> |

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| | <p>credit and degree and certificate programs.</p> | <p>0 Nay, 0 PNV, 3 Absent</p> | <p><i>Student Curricula</i> HB 3486 authorizes the Texas Higher Education Coordinating Board (THECB) to approve a core curriculum of less than 42 semester credit hours for an associate degree program if it would promote degree-awarding or credit transfer. Under these provisions, HB 3486 replaces the requirement for THECB to use negotiated rulemaking procedures to adopt rules for the core curriculum with the requirement to appoint a committee to advise THECB under the Administrative Procedure Act.</p> <p><i>Transferability of Credit</i> HB 3486 expands eligibility for the early college education program by allowing students, within five years of starting high school, to earn both a high school diploma and a transferable associate degree (either an applied or academic degree) with a completed field of study curriculum approved by the THECB. HB 3486 redefines “degree program” to include an academic associate degree or a bachelor’s degree from a public junior college and clarifies that the term “certificate program” excludes associate degrees from technical institutes or junior colleges students, as defined by THECB rule.</p> <p>THECB may allow an institution to adopt a set of courses specific to a field of study curriculum, not exceeding six semester credit hours, for the degree program offered by the institution. Upon completion, the courses may be transferred to an institution and substituted for the institution's lower division requirements for the degree program.</p> <p><i>Dispute Resolution Procedures</i> If an institution intends to deny the transfer of course credits earned in a different institution’s core curriculum or the board’s field of study curriculum, the institution must: give written notice of its intent to deny and its reasons for denial, attempt to resolve the application of the course credit to the student’s degree requirements with the other institution, and resolve the dispute within 45 days of the student’s enrollment. If the student does not find the dispute satisfactorily resolved, the institution must notify the commissioner of higher education of its reasons for the denial. Within 20 business days of the date the commissioner receives notice of the dispute, the commissioner must make a final decision and give written notice to all involved parties. In addition to collecting certain data regarding transfer disputes, HB 3486 expands the duties of the board in transfer disputes to include a posting online of each case the commissioner of higher education is considering.</p> <p>HB 3486 extends the deadline for institutions to provide the THECB and the Legislature with an annual report of nontransferable credit from March 1st to May 1st. It adds that the report must include whether the institutions complied with the dispute resolution process and still chose not to grant academic credit for the course.</p> | |
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| | | | <p>Texas Direct Associate Degree The "Texas Direct" associate degree shall be awarded to a student by an institution of higher education if the student completes a field of study curriculum developed by the board and either the institution's core curriculum or an abbreviated core curriculum related to a specific approved field of study curriculum that is transferable to one or more institutions. The institution would include an appropriate notation on the student's transcript upon completing requirements.</p> <p>Impact HB 3486 will allow a student's hard-earned credits to be easily transferable so that time, money, and effort are not wasted.</p> | |
| <p>HB 4713 By: Plesa Rose Price Oliverson Perez</p> | <p>Relating to group health benefit plan coverage for early treatment of first episode psychosis.</p> | <p>Insurance</p> <p>6 Ayes, 2 Nays, 0 PNV, 1 Absent</p> | <p>Approximately 3,000 Texans between the ages of 12-35 experience their first episode of psychosis (FEP) each year, but the state can only serve about 35% of them using coordinated specialty care (CSC). CSC is a recovery-oriented, team approach to treating early psychosis that promotes easy access to care and shared decision-making among specialists, the person experiencing psychosis, and family members. Research has shown that CSC for FEP leads to better long-term outcomes for individuals. Unfortunately, commercial insurance doesn't cover CSC for young people.</p> <p>HB 4713 addresses this by requiring group health benefit plans to cover certain FEP diagnoses, including CSC services for individuals under 26 years.</p> | <p><u>Favorable</u></p> |
| <p>HB 4402 By: Bell, Keith Buckley VanDeaver Landgraf Talarico</p> | <p>Relating to the administration of certain assessment instruments, the accountability rating system for assessing campus and district performance, and an extracurricular and cocurricular allotment under the Foundation School Program.</p> | <p>Public Education</p> <p>8 Ayes, 2 Nay, 0 PNV, 3 Absent</p> | <p>The public school accountability system in Texas overly relies on standardized testing, causing harm to students, parents, campuses, and districts. The STAAR exams exceed the minimum federal requirements and the system's calculation of student achievement and closing gaps domains is based on test performance. HB 4402 seeks to address public concern regarding "high-stakes testing" by enabling public schools to prioritize various programs and initiatives that promote student success across multiple areas of growth and development.</p> <p>Through-Year Assessment Program HB 4402 changes the Integrated Formative Assessment Pilot Program to a Through-Year Assessment Program. Beginning with the 2027-2028 school year, Texas Education Agency (TEA) must develop a through-year assessment for each subject and grade that is tested through the STAAR. TEA must develop an implementation plan for the transition from STAAR to through-year assessment. The plan must evaluate the administration of the test in Texas, including identifying improvements in instructional support from school districts and taking the necessary action to improve test administration. TEA may require a school district to participate in a pilot program for the administration of the through-year test and report information regarding the implementation. The assessment must consist of at least three tests over the school year and must be offered in Spanish for</p> | <p><u>Favorable with Concerns</u></p> |

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| | | | <p>emergent bilingual students.</p> <p>The assessment scores of third through eighth grade students shall be a summative calculation based on the scores of each individual test administered as part of the through-year assessment. The commissioner of education must adopt rules regarding the weights given to each individual test within the through-year assessment.</p> <p>HB 4402 changes the requirements for TEA to release the questions and answer keys to each standardized test from every three years to a yearly basis and clarifies the deadline for TEA to notify districts of test results, and the notice must be given within 21 days of the last test, unless delay is necessary to maintain validity and reliability standards. HB 4402 also removes the current provision that allows the State Board of Education (SBOE) to adopt a nationally recognized test in reading and math for select students in the spring.</p> <p>HB 4402 also allows for the paper administration of assessment instructions on request. Requests for a paper format test must be submitted to the district by December 1st. The number of students who can take an applicable test in paper format for any single administration is limited to 1% of the total number of students enrolled in the district. If requests exceed the limit, they will be accepted on a first-come, first-served basis until the maximum number is reached.</p> <p><i>Student and Parent Satisfaction Indicators</i> HB 4402 requires the commissioner to establish an advisory committee to adopt a survey to be conducted by districts, with indicators of student and parent satisfaction, in order to evaluate district and campus performance. The implementation of this indicator must be done before the 2027-2028 school year, and districts may be required to participate in a pilot program or provide requested information relating to student and parent satisfaction. The survey content must first be approved by the State Board of Education before being conducted by the district.</p> <p><i>Local Accountability System Grant Program</i> The bill requires TEA, from funds appropriated, to provide grants to schools for planning and implementation of local accountability systems.</p> <p><i>Extracurricular and Cocurricular Allotment</i> HB 4402 entitles a district to an annual extracurricular and cocurricular allotment for each student in average daily attendance equal to the basic allotment, or, if applicable, the sum of the basic allotment and the small and mid-sized district allotment to which the district is entitled, multiplied by .003.</p> | |
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Performance Indicators and Ratings

Performance Indicators

Among the current performance indicators, HB 4402 includes the following indicators for the accountability rating in a district’s performance evaluation in regards to student achievement domain: extracurricular and cocurricular student success, student and parent satisfaction, and middle school student success in accelerated mathematics.

The bill removes the requirement for the indicator that accounts for the results of the applicable statewide standardized tests to include results of tests required for graduation retaken by a student as it pertains to the student achievement domain.

HB 4402 revises the closing the gaps domain used to evaluate school districts and campuses by removing students formerly receiving special education services, students continuously enrolled, and students who are mobile from being included in disaggregated data demonstrating the differentials among students from different backgrounds. The indicators of achievement may not be included in determining a school’s performance rating unless it is determined to be valid and reliable by the commissioner and by peer review.

HB 4402 removes the requirement for the commissioner to study the feasibility of incorporating an indicator that accounts for extracurricular and cocurricular student activity and repeals the provisions requiring the commissioner to report on the feasibility of such an indicator and setting its provisions to expire by September 1, 2023. Instead, the commissioner must adopt an indicator that accounts for students participating in extracurricular and cocurricular activities, along with the following provisions: the indicator must be adopted at the start of the 2027-2028 school year for evaluating district and campus performance; the commissioner may require districts to participate in a pilot program to test the implementation of the indicator, and the commissioner must establish an advisory committee to assist in the indicator implementation.

Performance Ratings

HB 4402 eliminates the requirement for a student to perform satisfactorily on a statewide standardized test for their performance to count towards the district or campus rating and prohibits including an indicator of achievement from determining the performance rating of a district or campus unless it has been determined to be valid and reliable by the commissioner and through a peer review process.

The bill sets the following rules for calculating the performance of a school in grades three through eight: The results of tests can't be worth more than 80% of the campus score and other factors like extracurricular activities, student satisfaction, and math success can't be worth more than 20% of the campus score.

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| | | | <p>Conclusion Concerns over this bill largely center on the through-year testing. While through-year testing may not necessarily increase the overall amount of time a student’s spends testing, the high-stakes nature of these assessments may lead to districts tailoring their scope and sequence to these blocks of testing. This bill could inadvertently result in districts teaching to the test as STAAR-like assessments would be taken three times a year as opposed to once yearly. This timeline could dictate not only what is on the test but when these materials must be taught. Students will have to be taught the respective content and skills by a timeline that follows the testing date, which removes local control regarding curricular decisions and timelines.</p> <p>Others are concerned that changing the accountability system will dilute the accuracy of gauging a students’ academic outcomes. By having an accountability system solely dedicated to a student’s academia, communities are better able to provide the resources needed for student’s learning. By including exterior factors besides education when monitoring progress, it may be hard to truly tell where a student is in their reading level or mathematics, making it difficult to ensure the proper interventions are given and best resources are invested to support student growth. To say that an accountability system that only focuses on academic progress is the only way to tell how a student is truly doing undermines the expertise and time teachers spend with students and gauge their learning. A teacher has the relationship and the knowledge to gauge where a student is in terms of reading level, mathematics, or general academic comprehension without a system that will solely define their child by academic outcome through a singular test at the end of the year.</p> <p>Teachers, those actually in the classroom with expertise of children and schools, support minimizing the pressure of high-stakes testing. The goal of education should be to develop a well-rounded individual. It’s important to consider the sum of the person greater than the whole of their part- their roles in life are not just students, a young mind made to be curious, learn their interests, and grow into a leader through involvement in extracurricular and cocurricular programs. Being a student is more than just passing a test at the end of the year, being a student is to be a learner, and learning means growth, and growth should be measured throughout the year and not just at one time at the end. Removing the overemphasis on testing, students can begin to go to school and engage as a learner instead of content-memorizer, be curious instead of anxious, and grow as an individual instead of being confined to the results of a single end-of-year assessment defining their entire academia.</p> | |
| <p>HB 3544 By: Moody</p> | <p>Relating to payment of certain court costs associated with interpreters.</p> | <p>Judiciary & Civil Jurisprudence 8 Ayes,</p> | <p>Many individuals with limited English proficiency (LEP) lack access to court interpreters, violating Title VI of the Civil Rights Act, requiring state courts that receive federal assistance to provide interpreters to persons with LEP. In Texas, some low-income litigants and legal aid providers must pay for their own language access services, such as interpreters, despite the Texas Rules of Civil Procedure stating that court-appointed professionals are a covered court cost for those with a valid statement of inability to pay.</p> | <p><u>Favorable</u></p> |

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| | | <p>0 Nays, 0 PNV, 1 Absent</p> | <p>HB 3544 seeks to ensure that all individuals, regardless of financial situation or spoken language, can fully participate in the justice system. The bill clarifies that a party who files a statement of inability to afford payment of court costs is not required to pay for an interpreter unless the statement has been contested in court and the party has been ordered to pay. This exemption does not apply to interpreter services for individuals who are deaf, hard of hearing, or have communication disabilities, which must be provided free of charge per federal and state laws.</p> <p>Under HB 3544, each county auditor, or other individual designated by the county’s commissioners court, shall submit information on the interpreter-related funds that the county spent in civil and criminal proceedings to the Office of Court Administration (OCA).</p> <p>Failing to provide interpreters leaves individuals less capable of understanding and defending their legal rights regarding their children, homes, and freedom. HB 3544 would help ensure equality in the justice system for these Texans.</p> | |
| <p>HB 3545 By: Moody</p> | <p>Relating to civil liability arising from a firearm hold agreement.</p> | <p>Judiciary & Civil Jurisprudence</p> <p>8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Gun owners can have their guns temporarily held by federal firearms licensees to get guns out of their homes when necessary. This temporary hold can prevent suicides and other tragedies from taking place in communities. However, federal firearm licensees have expressed concerns about being liable for any damages caused after returning guns to their owners.</p> <p>HB 3545 aims to resolve these concerns by making a federal firearm licensee that operates lawfully immune from liability for any act or omission arising from a firearm hold agreement that results in personal injury or death, including after the firearm is returned to the owner by the licensee at the termination of the agreement. Immunity from civil liability does not apply to cases of unlawful conduct or gross negligence of the licensee.</p> <p>HB 3545 protects federal firearm licensees from liability when they are fulfilling contractual agreements, ensuring that they are able to provide these critical services to the public without fear of potential lawsuits. Protecting these licensees could potentially help make these services more widely available to Texans who need them.</p> | <p><u>Favorable</u></p> |
| <p>LSG Floor Report For Major State Calendar – Monday, May 8, 2023</p> | | | | |
| <p>HB 1585 By: Geren</p> | <p>Relating to matters affecting the powers and duties of the</p> | <p>State Affairs</p> <p>9 Ayes,</p> | <p>HB 1585 updates campaign finance law regarding reporting requirements and advocacy transparency. Additionally, HB 1585 sets a \$500 maximum on campaign contributions and expenditures before a campaign treasurer is appointed. HB 1585 removes the requirement to treat electronic political contributions separately and</p> | <p><u>Favorable with Concerns</u></p> |

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| | Texas Ethics Commission. | 0 Nays, 0 PNV, 4 Absent | <p>replaces the requirement for campaign finance reports to include the name of each candidate or officeholder who was supported or opposed during the reporting period instead of the person who benefits from a direct campaign expenditure. Finally, HB 1585 expands the definition of legislation for lobbying purposes to include the election of the Speaker of the House and updates reporting thresholds to the nearest multiple of \$100 every 10 years based on the Consumer Price Index for Urban Consumers (CPI-U).</p> <p>Concerns This bill contains a very concerning provision stating that communication supporting or opposing legislation by a member of the legislature is considered political advertising if it “appears to express support or opposition” of the member or persons who support or oppose the legislation. Existing law states that any PAC or candidate doing political advertising has to put the disclosure notice on the ad. Existing law only requires any “person” (which includes nonprofit corporations, businesses, etc.) to put the disclosure statement on, but only if the advertisement contains “express advocacy” – or, advocacy for the passage or defeat of a candidate or measure on a ballot. Additionally, appearing to express support may be a low threshold to reach to qualify something as political advertising. People and organizations have a right to free speech, including on policy and legislation before the Texas Legislature.</p> <p>Expanding this definition to any support or opposition to a piece of legislation and going so far as to define the appearance of supporting or opposing any person who takes a stance on the legislation is deeply problematic. For example, this bill would consider a communication from a 501 c-4 advocacy organization thanking a corporation for its support of a key piece of legislation political advertising.</p> <p>Overall, this provision is an expansion of existing regulations over free speech without clearly providing a benefit. Current law already considers someone advocating for or against the election of a Member of the Legislature political advertising and requires disclosure. It is unnecessary and bad precedent to add this expansion, and risk weakening protections for speech.</p> | |
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LSG Floor Report For Constitutional Amendments Calendar – Monday, May 8, 2023

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| <p>HJR 141 By: Guillen</p> | Proposing a constitutional amendment authorizing the legislature to define certain terms for purposes of the exemption from ad valorem taxation of farm products in the hands of the producer. | Ways & Means 11 Ayes, 0 Nays, 0 PNV, 0 Absent | HJR 141 is the constitutional amendment for HB 3241, which would exempt farm production inputs from taxation. HJR 141 allows the Legislature to define “farm products” with the inclusion of livestock, poultry, timber, and supplies used or produced for farming and “in the hands of the producer.” HJR 141 would give farmers tax relief on agricultural production inputs. | <u>Favorable</u> |
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| <p>HJR 169</p> <p>By: Clardy Rogers King, Tracy Price Burrows</p> | <p>Proposing a constitutional amendment providing for the dedication of certain sales and use tax revenue to a special fund established in the state treasury to pay for water infrastructure in this state.</p> | <p>Natural Resources</p> <p>10 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>The Texas Water Development Board (TWDB) has identified various water supply projects and strategies that will cost around \$80 billion over the next 50 years. Additionally, the federal government has estimated that \$55 billion will be needed to repair and maintain aging water and wastewater systems in the next 20 years. Therefore, Texas requires a long-term investment strategy to develop water supplies and infrastructure to address predicted growing costs and maintain the state's economic growth. HJR 169 proposes a constitutional amendment to create the Texas Water Fund to finance water infrastructure projects.</p> <p>HJR 169 creates the Texas Water Fund as a special fund administered by the Texas Water Development Board (TWDB) and may only be used as provided by general law. HJR 169 permits TWDB to divide the fund into separate accounts as required to administer the fund or authorized projects. The legislature may authorize the TWDB to issue bonds and enter into credit agreements payable only from revenues available to the fund. HJR 169 provides a notice process for TWDB to notify the Legislative Budget Board (LBB) before issuing revenue bonds or entering into credit agreements. HJR 169 provides a deadline for the LBB to disapprove a proposed bond or agreement before automatically being considered approved.</p> <p>HJR 169 outlines what the fund can consist of, including money transferred or deposited according to the resolution's provisions, legislative appropriations, gifts and grants, proceeds from bond sales, and repayments of loans from the fund. In addition, money from the fund can be used for grants or loans for water infrastructure projects and disbursed to another fund or account administered by TWDB. HB 169 requires the legislature to provide how the fund's assets can be used and which expenses can be covered by the fund. TWDB must ensure revenue is available to pay for the principal and interest on bonds that mature or are during the fiscal year, along with other costs associated with the bonds.</p> <p>HJR 169 establishes that obligations issued by the TWDB are special obligations payable solely from the fund. These obligations cannot be considered constitutional debt that could be paid from the state's general revenue fund. Revenue dedicated or appropriated to the fund's credit won't be modified in a way that affects outstanding bonds. The money in the fund is subject to the constitutional limit on the growth rate of appropriations. The resolution serves as a basic framework and authorizes the legislature to delegate duties, responsibilities, and functions to TWDB.</p> <p>During state fiscal years in which the net revenue coming into the state treasury from imposed state sales and use tax of eligible items under the Limited Sales, Excise, and Use Tax Act exceeds \$30.5 billion, the Texas Comptroller is to deposit \$250 million of that revenue into the Texas Water Fund. The legislature is provided a method to direct the Comptroller to reduce the money deposited to the account and the parameters of when the reduction can occur and how much could be reduced.</p> <p>HJR 169 helps develop a dedicated funding stream for water-related projects.</p> | <p><u>Favorable</u></p> |
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| LSG Floor Report For General State Calendar – Monday, May 8, 2023 | | | | |
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| <p>HB 2644</p> <p>By: Craddick</p> | <p>Relating to the definition of qualified employee for purposes of the enterprise zone program.</p> | <p>International Relations & Economic Development</p> <p>9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>The COVID-19 pandemic and technological advancements have led to more people in Texas working from home, which has implications for programs like the Texas Enterprise Zone Program. HB 2644 aims to change the definition of a "qualified employee" for this program, stating that an off-site employee who lives within 50 miles of a business site be considered qualified, as long as they are a Texas resident.</p> | <p><u>Favorable</u></p> |
| <p>HB 381</p> <p>By: Thompson, Senfronia Leach Cook</p> | <p>Relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.</p> | <p>Criminal Jurisprudence</p> <p>9 Ayes 0 Nays 0 PNV 0 Absent</p> | <p>Two separate Supreme Court decisions dictate that it is unconstitutional to sentence an individual with an intellectual disability to death. Despite this, the Texas Legislature has not codified these decisions or outlined a process for determining if an individual has an intellectual disability (ID). This lack of instruction leaves the process unclear, wasting time and money, all while putting vulnerable Texans at risk.</p> <p>HB 381 seeks to solve this problem by requiring a pretrial evidentiary hearing that would determine through current medical best practices if an individual has an intellectual disability. This hearing can occur no later than 120 days prior to the trial, and if it is determined that the individual does have an ID, they may be sentenced to life without parole. If it is determined that the individual does not have an ID, the case will move forward with a death-qualified jury.</p> <p>HB 381 gives the courts the opportunity to circumvent a death penalty case altogether - saving time and money in the process. Death penalty cases are three to ten times more expensive than non-death penalty cases. The Texas Court of Criminal Appeals also published an opinion regarding a codification of an exemption process for those with ID in 2015, stating that the "continued absence" of a statutory scheme "portends serious consequences for our criminal-justice system." HB 381 ensures that Texas meets the courts' expectations.</p> | <p><u>Favorable</u></p> |
| <p>HB 1583</p> <p>By: Burrows</p> | <p>Relating to the election of the board of directors of the Terry Memorial Hospital Direct</p> | <p>County Affairs</p> <p>7 Ayes, 2 Nay, 0 PNV, 0 Absent</p> | <p>The Terry Memorial Hospital District requires legislation to establish a formal process for electing directors. HB 1583 provides this legal framework for the director election process.</p> <p>HB 1583 requires all directors be elected at large using this bill's cumulative voting procedures. The secretary of state must prescribe any additional procedures necessary for the administration of an election.</p> <p>HB 1583 aligns the newspaper publication requirement for notice of a directors' election with the Election Code. HB 1583 replaces the petition requirement for individuals who wish to have their name printed on the ballot as a candidate for director with an application requirement to be filed with the board secretary in accordance with</p> | <p><u>Favorable</u></p> |

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| | | | relevant Election Code provisions. | |
| HB 2102 By: Goldman | Relating to the establishment of a new open-enrollment charter school campus by certain charter holders and to the expansion of an open-enrollment charter school. | Public Education 8 Ayes, 2 Nays, 0 PNV, 3 Absent | <p>Currently, public charter holders may provide notice regarding the establishment of a new campus or submit a request for a campus expansion up to 18 months in advance, which some view as an inadequate amount of time for stakeholders and school districts to plan. HB 2102 expands the timeframe a public charter holder can provide notice for establishing a new charter school campus or request approval for expansion from 18 to 36 months before the anticipated opening or expansion date.</p> <p>The notice must disclose to nearby districts the address of the new or expanded charter, if there is one. An address is not required for approval, and most often not provided with the notice. This is because it can be difficult to obtain the financing to build or lease until the request to build approval. From there, it is the responsibility of the district to monitor local planning and zoning if they want the opportunity to prepare for the financial implications of potential enrollment loss. Districts are not notified of the final address of the charter. HB 2102 would allow more time in the charter planning timeframe for districts to theoretically learn more about the charter. However, this may be an additional burden for a district.</p> <p>Currently, charters have to meet certain educational standards for expansion. However, there is not a requirement in the Texas Administrative Code (RULE §100.1033) that requires a charter holder after 18 months to meet the initial academic standards that earned them the expansion in the first place. There are concerns that in the prolonged three-year time frame between TEA’s approval for expansion and the opening date, the charter holder’s situation may have changed for the worse and a low-performing charter would be allowed to expand. <u>This situation could undermine the quality of education that students receive.</u></p> | <u>Will of the House</u> |
| HB 2313 By: Thompson, Senfronia | Relating to training materials for certain transportation network company drivers regarding human trafficking awareness and prevention. | Licensing & Administrative Procedures 7 Ayes, 3 Nays, 0 PNV, 1 Absent | <p>According to Children at Risk, law enforcement has discovered evidence of human trafficking victims being transported through a rideshare app. An incident in California involved an Uber driver who identified indicators of trafficking and reported two women involved in the trafficking of a 16-year-old girl. These drivers working for transportation network companies (TNCs) have the potential to act as informants if equipped with appropriate training and tools to aid in reporting instances of human trafficking. HB 2313 aims to address the issue by ensuring that drivers receive relevant information about human trafficking and the necessary steps to report it effectively.</p> <p>HB 2313 mandates TNCs to provide annual human trafficking awareness and prevention training to each driver who has the ability to access the company’s digital network. This training must be delivered in a digital video format, lasting at least 15 minutes, and made available in both English and Spanish. Furthermore, drivers must complete this training before they are authorized to offer prearranged rides through the company's digital network.</p> <p>HB 2313 provides drivers with the knowledge and resources to ensure they are able to be potential allies to combat human trafficking.</p> | <u>Favorable</u> |

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| <p>HB 1754 By: Smithee</p> | <p>Relating to the disclosure of certain prescription drug information by a health benefit plan.</p> | <p>Insurance 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Healthcare practitioners and providers may lack information on the financial impact of prescribing medication to their patients, which can cause patients to delay or abandon care as well as create administrative burdens for pharmacies and providers. In many circumstances, access to the cost of prescription, with and without insurance coverage, at the time a prescription is written would facilitate continuity of care and a better patient experience.</p> <p>HB 1754 addresses this by requiring health benefit plans to disclose the list of generic and brand-name prescription drugs for a specific health insurance plan, along with enrollee eligibility, cost-sharing information, and any utilization management requirements to patients or their providers upon request. HB 1754 will help providers understand the financial impact on their patients and make better-informed decisions when prescribing medication.</p> | <p><u>Favorable</u></p> |
| <p>HB 3340 By: Metcalf Perez Harless Oliverson Johnson, Jarvis</p> | <p>Relating to the public retirement systems of certain municipalities.</p> | <p>Pensions, Investments & Financial Services 8 Ayes, 0 Nay, 0 PNV, 1 Absent</p> | <p>The city of Houston is facing a shortage of public safety officers in its police and fire departments. In addition, retaining current officers has become challenging as the demand for public safety rises. HB 3340 introduces changes to the Houston Firefighters' Relief and Retirement Fund (HFRRF) and the Houston Police Officers' Pension System (HPOPS). HB 3340 aims to increase the retention and recruitment of firefighters and police officers by allowing eligible members to retire after 20 years of service and revising the requirements for the deferred retirement option plan (DROP) program.</p> <p><i>Firefighters</i> HB 3340 revises the HFRRF for municipalities with a population of at least 2 million. It removes the distinction between the normal retirement age for members hired or rehired on or after 2017. Instead, it establishes a single retirement age when a member either attains 20 years of service or is at least 50 and attains at least ten years of service. HB 3340 establishes that a member with 20 years of service who terminates active service for any reason other than death is entitled to a service pension if hired or rehired on or after 2017. In addition, HB 3340 extends DROP eligibility to any member eligible to receive a service pension and chooses to remain in active service. HB 3340 extends the period a member can participate in the DROP program to 20 years for those that joined on or after 2017. HB 3340 specifies that the exemption from making DROP participants ineligible for certain disability pension benefits applies only to members with less than 13 years of DROP participation. HB 3340 changes the annual rate a member's DROP is credited with earnings from 65% to 70% of the average annual return earned by the fund over a certain period.</p> <p><i>Police Officers</i> HB 3340 revises provisions governing the police officers' pension system for a municipality with a population of at least 2 million. HB 3340 removes a distinction between the normal retirement for members hired or rehired on or after October 4, 2004. Instead, it establishes the normal retirement age when a member either attains 20 years of service or is at least 60 and attains at least ten years of service. In addition, HB 3340 establishes that a member with 20 years of service who terminates active service for any reason other than death is entitled to a</p> | <p><u>Will of the House</u></p> |

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| | | | <p>service pension. HB 3340 would allow members with 20 years of service to participate in the DROP by removing specific eligibility requirements. Finally, HB 3340 eliminates a specification in the method for calculating the hypothetical earning rates for those purposes of the DROP and changes the rate’s multiplier from 65% to 70%.</p> <p>The city of Houston, the only city impacted by these changes currently, has raised concerns about the bill. It is reported that legislation passed during the 85th legislative led to critical reform of pensions. The legislation put both the city of Houston and pension systems on firm financial footing. There is concern about enhancing benefits leading to increased liability, delays in paying down unfunded pensions, and possibly delaying pensions reaching 100% funded status. It is recommended that any enhancements to pensions wait until achieving a 100% funded status because pension plans and cities could work collaboratively on those enhancements once pensions are fully funded.</p> <p>HB 3340 is to incentivize current officers and attract more firefighters and police officers to continue in active service by offering changes in benefits and compensation packages with the possibility of early retirement.</p> | |
| <p>HB 618 By: Darby Morales, Eddie</p> | <p>Relating to the treatment, recycling for beneficial use, or disposal of drill cuttings.</p> | <p>Energy Resources 7 Ayes, 0 Nays, 0 PNV, 4 Absent</p> | <p>In 2015, the Texas legislature passed a law that protected oil and gas operators from being sued if they transferred their waste drill cuttings to an entity with a permit to recycle them for beneficial use. However, it needs to be clarified how much protection this law provides under current conditions. This is because some cuttings disposal is always necessary even when recycling is achieved, and the law was intended to protect operators who transferred waste for recycling or disposal. To clarify the law, HB 618 has been proposed to revise the applicable tort liability shield provisions.</p> <p>HB 618 specifies that a person who generates drill cuttings and transfers the cuttings in an arm’s length transaction to an unaffiliated third-party permit holder for specific uses or to be disposed of, then the person would not be held liable for the subsequent use or disposal. This exemption specifically applies to transactions under contract with an unaffiliated third party, and the specific uses would be for road building or another beneficial use. Additional conditions for this exemption are that the person who generated the cuttings had the legal and contractual right to transfer the cuttings to the permit holder, the method and location of the use or disposal were not prohibited by law or contract, and the consequence was caused solely by the permit holder. The “permit holder” definition will include commercial oil and gas waste disposal facilities. In addition, HB 618 expands the definition of drill cuttings to include associated materials like sand, silt, fluids, and debris.</p> <p>HB 618 clarifies the liability protection for oil and gas operators who transfer their waste drill cuttings to a third-party permit holder for beneficial use or disposal.</p> | <p><u>Favorable</u></p> |

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| <p>HB 1190 By: Klick Howard Bonnen</p> | <p>Relating to the prescribing and ordering of Schedule II controlled substances by certain advanced practice registered nurses and physician assistants.</p> | <p>Public Health 7 Ayes, 4 Nays, 0 PNV, 0 Absent</p> | <p>Some have suggested that allowing physicians to delegate the prescribing or ordering of Schedule II controlled substances to advanced practice registered nurses and physician assistants could improve the continuum of care for patients with mental illness, cancer, and other chronic conditions. This would eliminate the waiting period for a physician's approval on medication adjustments for patients in urgent need, which can be incredibly challenging during weekends, holidays, or severe weather events.</p> <p>HB 1190 seeks to allow a physician to delegate the ordering or prescribing of a Schedule II controlled substance in a narcotic drug treatment program, provided the program has a permit from the Health and Safety Code. HB 1190 also allows a pharmacist in a Class A pharmacy to dispense the controlled substance if prescribed by a physician assistant or advanced practice registered nurse to whom the physician has delegated ordering or prescribing authority. The prescription records must indicate that the substance is prescribed as part of care in a hospital facility-based practice for patients staying 24 hours or longer, receiving emergency department services, receiving hospice treatment for a terminal illness, or as part of a narcotic drug treatment program.</p> <p>A concern about this bill is the increase in scope of practice for nurses and pharmacists. For pharmacists, it allows all pharmacists with a Class A license to dispense Schedule II controlled substances prescribed by nurses. For nurses, it is allowing more people to prescribe Schedule II controlled substances without direct oversight. While this authority is delegated by a physician, there is a need to ensure adequate oversight to avoid over prescription of any substances.</p> <p>HB 1190 aims to allow physicians to delegate the prescribing or ordering of Schedule II controlled substances in certain circumstances, reducing wait times and improving access to pain management and treatment for Texas patients.</p> | <p><u>Favorable with Concerns</u></p> |
| <p>HB 1614 By: Dutton</p> | <p>Relating to the grant program to provide free public school prekindergarten programs to certain children who are eligible for the subsidized child-care program administered by the Texas Workforce Commission.</p> | <p>Public Education 9 Ayes, 3 Nay, 0 PNV, 1 Absent</p> | <p>The 86th Legislature passed HB 3, which encouraged public school districts to expand the availability of prekindergarten options for families by partnering with existing high-quality child-care programs in their communities. Unfortunately, certain barriers have made these pre-k options difficult to execute at the community level, which has disincentivized prekindergarten partnerships and prevented families from accessing free prekindergarten services. HB 1614 aims to expand eligibility for free prekindergarten through establishing a prekindergarten community-based child-care partnership grant program.</p> <p>HB 1614 requires the commissioner of education to establish and administer a grant program to support and increase partnerships with community-based child-care providers to provide pre kindergarten classes. The commissioner is authorized to award grants under this program for enrolling a maximum of 3,500 children in a pre kindergarten class each academic year.</p> <p>A school may apply for a grant and must use the money to fund the enrollment of eligible children in pre-kindergarten classes through a partnership between the district or school and a community-based child-care</p> | <p><u>Favorable</u></p> |

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| | | | <p>provider. In order to be eligible for prekindergarten enrollment with these funds, the child must be at least 3 years old and receive subsidized child-care services provided through the child-care services program administered by the Texas Workforce Commission (TWC). Each year, the Texas Education Agency (TEA) must report to the legislature how many of these children enrolled in a pre-kindergarten class.</p> <p>Prekindergarten partnerships offer high-quality prekindergarten programs to children and their working parents, often with additional wraparound services and care beyond the regular school hours. These partnerships save taxpayer money, reduce the need for school bonds, and broaden the options available to working parents and their employers.</p> | |
| <p>HB 1694</p> <p>By: Button Neave Criado Harless</p> | <p>Relating to a local option election on the sale of alcoholic beverages in certain areas of a municipality and the local regulation of premises in those areas.</p> | <p>Licensing & Administrative Procedures</p> <p>10 Ayes, 1 Nay, 0 PNV, 0 Absent</p> | <p>HB 1694 provides certain municipalities with the authority to decide the specific areas where the sale of alcohol would be permitted. This bill would only affect the city of Garland, a municipality with a population of 240,000 or higher, situated in multiple counties and bordered by a man-made lake spanning at least 20,000 acres.</p> <p>Under HB 1694, the governing body of Garland would be empowered to establish zoning and land use regulations that pertain to establishments selling alcoholic beverages.</p> <p>This proposed change aims to draw a greater number of residents and visitors to local businesses, thereby boosting economic activity in the area.</p> | <p><u>Favorable</u></p> |
| <p>HB 2164</p> <p>By: Guerra Allen</p> | <p>Relating to the public school bilingual education programs, dual language immersion programs, and special language programs.</p> | <p>Public Education</p> <p>10 Ayes, 2 Nay, 0 PNV, 1 Absent</p> | <p>Currently, the Texas Education Agency’s (TEA) monitoring system for bilingual education programs concentrates on ensuring compliance with state and federal regulations, rather than assessing the effectiveness or quality of these programs. HB 2164 seeks to increase the efficacy of these programs by requiring TEA to adopt rules for robust monitoring of bilingual education and special language programs and requiring the commissioner of education to develop training to improve student outcomes.</p> <p>These rules must include: a review of the program requirements to ensure students' needs are being met and the learning gap for emergent bilingual students is being closed; and engage directly with districts that offer these programs to improve outcomes for emergent bilingual students, including identifying deficiencies and providing necessary technical assistance. These rules may include requiring school districts that offer these programs to provide any additional, relevant information through the Public Education Information Management System (PEIMS). The commissioner must collaborate with stakeholders to develop training materials and resources available for school administration to improve students' outcome for bilingual education and dual language immersion programs.</p> <p>A more comprehensive monitoring system that evaluates program quality and identifies areas requiring improvement would give TEA the ability to identify school districts that require assistance in enhancing their bilingual education programs. This could help address learning disparities for emergent bilingual students and promote the improvement of bilingual education programs in Texas school districts.</p> | <p><u>Favorable</u></p> |

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| <p>HB 2333 By: Allison</p> | <p>Relating to noncharitable trusts without an ascertainable beneficiary.</p> | <p>Judiciary & Civil Jurisprudence 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Currently, there is a need for the creation and enforcement of noncharitable trusts without a definite or definitely ascertainable beneficiary. These are purpose trusts that do not have any named beneficiaries.</p> <p>HB 2333 aims to allow trusts to be created for noncharitable purposes, including seeking economic or noneconomic benefits, without a definite or definitely ascertainable beneficiary. This trust must be enforced by one or more trust enforcers who are not beneficiaries of the trust but have the rights of a beneficiary. If there is more than one trust enforcer, any actions must be decided by a majority vote of all trust enforcers. HB 2333 specifies that trust enforcers must exercise any authority under the trust's terms as fiduciaries who owe a duty to the trust and are entitled to reasonable compensation. Trust enforcers can consent to, object to, waive, or petition a court regarding any matters related to the purpose or administration of the trust. HB 2333 allows successor trust enforcers to be appointed, and allows courts to appoint one or more trust enforcers if there is no trust enforcer serving.</p> <p>HB 2333 limits the use of trust property to what it was intended for, unless the trust property value exceeds the amount required for the intended purpose. Unless provided by a trust, the court must distribute property that the court finds is not necessary for the trust's intended purpose. HB 2333 expands the definition of "express trust" to include noncharitable trusts without ascertainable beneficiaries. This new trust does not apply to a trust for an animal.</p> <p>HB 2333 provides a framework to administer and enforce noncharitable trusts without definite or definitely ascertainable beneficiaries.</p> | <p><u>Favorable</u></p> |
| <p>HB 2389 By: Shine</p> | <p>Relating to companies in which employees have ownership interests through employee stock ownership plans.</p> | <p>International Relations & Economic Development 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Employee stock ownership plans (ESOPs) are retirement plans that allow companies to transfer ownership to employees. They are typically used by privately held companies for various purposes, such as owner retirement, borrowing money, or as an employee benefit and incentive. Texas law currently restricts professional corporations from establishing ESOPs.</p> <p>HB 2389 seeks to enable professional corporations in Texas to establish ESOPs, considering them authorized persons if all voting trustees are licensed professionals in the services mentioned in the corporation's certificate of formation, and ownership interests in the plan are only issued to the plan trust or a licensed professional in those services.</p> <p>HB 2389 also requires the Texas Economic Development and Tourism Office to create and maintain a website for employee-owned company information. This website will serve as a source of information about ESOPs, and provide outreach and technical assistance to help businesses determine the feasibility of establishing an ESOP.</p> | <p><u>Favorable with Concerns</u></p> |

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| | | | A concern regarding HB 2389 is that it could adversely affect the historically underutilized business (HUB) program. Non-minority contractors might exploit the legislation by using ESOPs to qualify their businesses as HUBs for 10 years. | |
| HB 3130 By: Guerra Hernandez Noble Howard | Relating to the protection of certain occupational licensing information regarding clients of family violence shelter centers, victims of trafficking shelter centers, and sexual assault programs and survivors of family violence, domestic violence, and sexual assault. | State Affairs 13 Ayes, 0 Nays, 0 PNV, 0 Absent | For survivors of family violence, sexual abuse, and trafficking disclosure of personal information carries particular significance regarding safety. Current statute does not protect survivors who hold certain occupational licenses from disclosure of personal information through public information requests. HB 3130 aims to address this issue by prohibiting a governmental entity from disclosing personal information of an aforementioned survivor who currently or previously held or applied for an occupational license. Additionally, HB 3130 requires the Office of the Attorney General (OAG) to make the request forms available online as soon as possible and notify entities that serve survivors of its availability. HB 3130 would reduce safety risks for survivors of family violence, sexual abuse and trafficking by increasing protections. | <u>Favorable</u> |
| HB 3186 By: Leach | Relating to youth diversion strategies and procedures for children accused of certain fine-only offenses in municipal and justice courts and related criminal justice matters; authorizing fees. | Youth Health and Safety 7 Ayes 0 Nays 0 PNV 2 Absent | Early intervention for at-risk youth and youth with potential mental illness can help address issues early on, before they become severe or chronic, while reducing the risk of long term health outcomes such as poor educational performance and social isolation. Additionally, early intervention can reduce recidivism for justice involved youth, prevent contact with the justice system, and lower long term costs for both citizens and the state. Civil courts have recently struggled to accommodate the volume of juvenile minor offense cases, leaving municipal and justice courts to respond. Currently, these courts may only order services for a juvenile after the case has been adjudicated and a child has been convicted or given deferred adjudication community service. HB 3186 seeks to instead get ahead of the issue by allowing these courts to refer a child to services requiring a criminal adjudication. The bill amends several codes to accomplish this. <i>Youth Diversion Eligibility and Strategies</i> HB 3186 requires that a child who may have engaged in conduct punishable as a misdemeanor offense be diverted from criminal prosecution so long as they have not previously had an unsuccessful diversion attempt, there is no objection by the state’s attorney, permission is granted by their guardian, and they have not entered into an diversion agreement within the last year. The bill provides for diversion strategies as follows; requiring a child to participate in a program, referring them to a service provider, requiring them to participate in mediation | <u>Favorable</u> |

or drug testing, or ordering them to pay fines or perform community service. The bill prohibits the courts from requiring a homeschooled child to participate in alternative schooling or curriculum not selected by the parent.

Youth Diversion Agreements and Planning

HB 3186 authorizes a court to choose a youth diversion coordinator to manage: eligibility for diversion, diversion strategies and agreements, monitoring the process, maintaining records, and coordinating referrals. The bill provides guidance regarding who can occupy this position.

Regarding diversion agreements, HB 3186 establishes that a youth diversion plan outlines the strategies to support the child and does not limit the types of strategies that may be utilized. Each justice and municipal court must adopt such a plan by January 1, 2025. The bill provides guidelines and authorization for such entities to execute this requirement. Any plan held by a justice or municipal court must be made available to the public.

HB 3186 requires that all diversion agreements must identify invested parties and outline the responsibilities of both the child and the guardian. Any objectives stated in an agreement must be measurable and realistic while considering the family's circumstances. A diversion agreement must include: possible outcomes or consequences of a diversion, the terms of the agreement, an explanation that participation in diversion is not an admission of guilt, the period of diversion, an explanation of the review and monitoring process, a verification of consent and knowledge of the involved parties rights, and written acceptance by the child and their guardian. A copy of such an agreement must be provided to all involved parties.

HB 3186 requires that a youth diversion coordinator or juvenile case manager advise the child and their guardian before a case is filed that the case may be diverted if; the child is eligible, diversion is best for the child and their community, the child and their guardian are aware that diversion is optional and provide consent, and the child and their guardian are aware that they may withdraw from diversion at any time. If a child successfully completes diversion, the case must be closed and reported as successful. If not, the child must be referred back to the courts.

If a charge involves a child eligible for diversion, HB 3186 requires a judge to divert the case as follows; if the child does not contest the charge, the just must divert the case without entering a plea, and if the charge is contested, the case must be diverted at the conclusion of the trial without filing a conviction. The diversion period is capped at 180 days.

Court Procedures

HB 3186 allows for youth diversion without preventing a case from being referred to juvenile court or transferred there. The bill mandates a hearing for a child who does not successfully complete diversion, in which a justice or judge must consult with the child and parent. Additionally, the court may hear from anyone who can aid in

determining the child's best interests and community safety. After such a hearing, the court may take several actions. It can amend or cancel diversion terms, extend the diversion for up to one year, or postpone the hearing to allow the child to comply with the diversion terms. The court may also require the child's parent to take specific actions or refrain from taking specific actions to improve the child's chances of successfully completing the diversion and following court orders. If the court finds that the child has complied with the diversion terms, it may deem the diversion a success. However, if the court determines that the diversion was unsuccessful, it may transfer the child to juvenile court for supervision or send the charge back to the prosecutor. No order made by the court may have an effect on the parent's right to raise their child as they see fit, unless such interference is wholly necessary.

HB 3186 provides guidance for the courts regarding the costs of diversion, and prohibits a court from implementing a fee unless agreed upon in the youth diversion agreement. If a fee is agreed upon, and a parent fails to make a payment, the bill provides guidance on the courts following actions.

HB 3186 mandates a justice or municipal court to offer a child eligible for diversion, who faces a bench trial or is found guilty by a jury, the chance to opt for diversion rather than an adjudication of guilt. The bill permits the child to choose diversion or the court to find them guilty and impose a sentence. The bill also replaces the current option for a child to choose community service or tutoring instead of paying fines and costs with a requirement to do so, if the bill's provisions don't require diversion.

HB 3186 expands the application of community service provisions for justice and municipal courts to include youth diversion. The bill modifies the provisions on juvenile case managers, allowing entities to contract for a case manager instead of direct employment. Additionally, HB 3186 updates a case manager's duties to include cases involving youth diversion, with priority given to those cases. To be eligible for reimbursement, entities must present a youth diversion plan that outlines the case manager's role. The bill also allows courts or governing bodies to pay the costs of contracting for case manager services from the local youth diversion fund, and permits the use of money from the fund to support various programs aimed at reducing juvenile referrals to the court.

Impact
 HB 3186 takes an incredibly comprehensive approach to youth diversion that prioritizes parents, children, and community safety. As mental health impacts among youth continue to worsen, it is pertinent that the state prioritizes early intervention as to prevent harm, over punishment after harm has already occurred. This approach helps to ensure that children are provided the guidance they need in order to thrive and that communities may remain safe.

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| <p>HB 2415</p> <p>By: Kuempel Goldman Longoria Cole</p> | <p>Relating to the view of the State Capitol</p> | <p>Higher Education</p> <p>9 Ayes, 0 Nay, 0 PNV, 2 Absent</p> | <p>Austin places certain height restrictions to preserve protected views of the Texas State Capitol, one of which caps the height of the Darrell K. Royal Texas Memorial Stadium and any subsequent improvements. The University of Texas at Austin would like to lift these height restrictions due to recent expansion and modernization made to the north end of the stadium. HB 2415 would exempt the north end of the stadium from height restrictions, defining the exact metes and bounds of the area constituting the north end.</p> | <p><u>Favorable</u></p> |
| <p>HB 2650</p> <p>By: Howard Guillen Neave Criado</p> | <p>Relating to the continuation and duties of the Sexual Assault Survivors' Task Force and establishment of a mandatory training program for peace officers on responding to reports of child sexual abuse and adult sexual assault.</p> | <p>Homeland Security & Public Safety</p> <p>6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>The Sexual Assault Survivors' Task Force (SASTF) in the Office of the Governor is responsible for policy recommendations to improve responses to sexual violence with a particular focus on survivor-centered and trauma-informed approaches. Since its creation, it has worked with stakeholders across the state to transform sexual assault policy in Texas. The Law Enforcement Working Group, under SASTF, is to provide recommendations for officer training, resource availability, and investigation of sexual assault and other sex offenses. A recommendation from SASTF, approved by the working group, is to add instruction on a trauma-informed approach to child sexual abuse and adult sexual assault investigations for the basic peace officer course.</p> <p>HB 2650 makes SASTF permanent by removing the provision of SASTF's expiration on September 1, 2023. The bill will also make provisions governing state agency advisory committees inapplicable to the composition of SASTF or the designation of SASTF's presiding officer.</p> <p>HB 2650 requires the Texas Commission on Law Enforcement (TCOLE), in consultation with SASTF, to establish an education and training program on responding to reports of child sexual abuse and adult sexual assault, including best practices and trauma-informed response techniques to recognize, investigate, and document these cases. The program must contain a minimum of eight instructional hours. In addition, TCOLE must include completing the education and training program as a part of the minimum curriculum requirements for officers unless the officer has completed an equivalent to the program as determined by TCOLE. An officer would be required to complete this program by the end of their first full continuing education period after being licensed unless they completed the program during their basic training course.</p> <p>The Texas State Auditor's Office reported that from 2014 to 2018, as of March 2020, only 42% of sexual assault cases resulted in convictions, while 36% were dismissed. As law enforcement serves a critical role in investigating these offenses, they must be appropriately trained to meet where sexual abuse or sexual assault survivors are. Additionally, a trauma-informed approach while conducting investigations will aid in mitigating the retraumatization of this population.</p> | <p><u>Favorable</u></p> |

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| <p>HB 2859 By: Ashby</p> | <p>Relating to the franchise tax treatment of certain broadband grants made for the purposes of broadband deployment in this state.</p> | <p>Ways & Means 11 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>In 2021, the U.S. Congress enacted the Infrastructure and Jobs Act, providing billions of dollars for connectivity infrastructure and broadband deployment nationwide. Currently, in Texas, this grant revenue is subject to the franchise tax, limiting the amount of grant money that goes toward broadband services.</p> <p>HB 2859 excludes the grants received for broadband deployment from being subject to the franchise tax. HB 2859 also allows taxable entities to exclude from their franchise taxes any expense paid using qualifying grant proceeds for broadband deployment in this state if the expense is included as a cost of goods sold or as compensation.</p> <p>HB 2859 would allow all grant funds to go toward broadband deployment rather than franchise taxes, ensuring rural and urban Texans can access broadband.</p> | <p><u>Favorable</u></p> |
| <p>HB 3241 By: Guillen</p> | <p>Relating to the exemption of certain assets used for agricultural production from property taxes.</p> | <p>Ways & Means 11 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Currently, farm products and production equipment are exempt from property taxes. However, the resources used to produce these essential goods are not property tax exempt. In times of disaster, it is important to have these agricultural inputs on hand to continue to produce for Texans.</p> <p>HB 3241 exempts producers from property taxes on any resources used for the purpose of production, making the laws uniform for agricultural inputs and outputs. Farm production inputs, including seeds, weaned animals, fertilizer, pesticides, feed, and any other resources that are necessary to produce crops, flowers, and other products from soil, are exempt from being taxed for producers. HB 3241 prevents farmers from being taxed on assets used for agricultural production, providing tax relief to Texas farmers and allowing them to keep more agricultural inputs on hand during times of disaster without being penalized. According to the fiscal note, the costs passed on to the state are not expected to be significant.</p> <p>HB 3241 is the enabling legislation for HJR 141.</p> | <p><u>Favorable</u></p> |
| <p>HB 3363 By: Frank Murr Sherman, Sr.</p> | <p>Relating to the confinement or detention of certain individuals in a county jail or other facility operated by or for the county and to the compensation to the county for the costs of that confinement or detention.</p> | <p>Corrections 7 Ayes, 0 Nays, 0 PNV, 2 Absent</p> | <p>For a myriad of reasons ranging from COVID-19 to staffing shortages, state agencies have been unable to take custody of justice-involved individuals in a timely manner. This has led to an increased financial burden on local taxpayers which fund local and county jails.</p> <p>HB 3363 seeks to address this by establishing a timeline in which state agencies must transfer individuals into their care and provides financial relief to local governments if state agencies fail to do so. HB 3363 requires the Health and Human Services Commission (HHSC) to take custody of individuals within 45 days if they are not released on bail and subject to an initial competency restoration waiting period. If HHSC fails to do so, the agency must compensate the county for each day an individual remains in county jails.</p> <p>HB 3363 outlines the same provisions and timeline for the Texas Juvenile Justice Department (TJJJD) and Texas Department of Criminal Justice (TDCJ).</p> | <p><u>Favorable</u></p> |

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| <p>HB 3848 By: Oliverson</p> | <p>Relating to health maintenance organization and preferred provider benefit plan minimum access standards for nonemergency ambulance transport services delivered by emergency medical services providers; providing administrative penalties.</p> | <p>Insurance 7 Ayes, 1 Nays, 0 PNV, 1 Absent</p> | <p>SB 790 passed the 87th Legislature and required a study on ambulance billing practices. The study found that few ground ambulance transports are handled by in-network providers. The prevalence of out-of-network ambulance transports results in higher out-of-pocket costs and surprise medical bills that can be financially burdensome for Texans and their families. Additionally, the widespread use of out-of-network ambulance transport can adversely impact health outcomes because the high out-of-pocket costs may deter individuals from seeking medical care that may warrant ambulance transport.</p> <p>HB 3848 aims to solve this by requiring the Texas Department of Insurance (TDI) to create a standard for nonemergency ambulance transportation. HB 3848 prevents health maintenance organizations (HMO) and insurers from refusing to reimburse in-network emergency medical service providers for nonemergency ambulance transport services and sets penalties for violations. Additionally, HB 3848 clarifies that insurers are not required to contract with providers outside of the insurer’s service area.</p> <p>HB 3848 curtails the usage of out-of-network providers which increases access to medical care for Texans while lowering costs.</p> | <p><u>Favorable</u></p> |
| <p>HB 4169 By: Price Noble</p> | <p>Relating to providing pre vocational or similar services under certain Medicaid waiver programs.</p> | <p>Human Services 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Texas Home and Community-Based Services (HCS) and Texas Home Living (TxHmL) waivers include a variety of services and benefits for people with intellectual and developmental disabilities (IDD) in the community. The Health and Human Services Commission (HHSC) recently changed the HCS and TxHmL waiver programs. Before the changes, an individual with IDD could participate in prevocational services, including activities for which the individual could be paid, if the activity’s goal was to build skills to achieve integrated employment. In these changes, HHSC adopted rules prohibiting billing for prevocational services where the individual could be paid. HB 4169 seeks to add prevocational services to be included as individualized skills and socialization services delivered under a Medicaid waiver program.</p> <p>HB 4169 requires prevocational services provided under the community living assistance and support services (CLASS) waiver program or other applicable Medicaid programs that provide long-term services or supports to assist recipients in achieving permanent integrated employment while receiving compensation at or above minimum wage. HB 4169 defines prevocational services as services that help recipients prepare for paid or unpaid work by focusing on achieving broader goals rather than being job-task oriented.</p> <p>HB 4169 requires HHSC to seek a federal waiver or necessary authorization from the appropriate federal agency to include prevocational services as part of the individualized skills and socialization services provided under applicable Medicaid waiver programs. If the commission's request for a waiver or authorization is not approved, HHSC will work together with relevant stakeholders and federal agencies to establish a service that is similar to prevocational services that comply with federal law. HB 4169 specifies that reimbursement rates for prevocational services may not exceed the rate for individualized skills and socialization services or, if combined</p> | <p><u>Favorable</u></p> |

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| | | | <p>with individualized skills and socialization services, may not lead to exceeding permitted hours or costs provided under a service plan. Finally, HB 4169 provides for delayed implementation of some of its provisions until the required federal waiver or authorization is granted.</p> | |
| <p>HB 3614 By: Hefner Buckley Burrows Harris, Cody</p> | <p>Relating to allowing public schools to employ or accept as volunteers chaplains.</p> | <p>Public Education 7 Ayes, 3 Nays, 0 PNV, 3 Absent</p> | <p>Public schools across the state are experiencing a shortage of counselors and mental health professionals. Unfortunately, HB3614 would do nothing to address the shortage of certified counselors and access to campus mental services. Instead of addressing that concern, HB3614 could make it even worse.</p> <p>Some believe counseling shortages could be addressed by allowing uncertified, untrained chaplains to assume the same duties and responsibilities certified school counselors carry out in their job. Currently, chaplains are unable to work in a school setting without going through teacher certification. HB 3614 authorizes schools to employ a chaplain or accept a chaplain as a volunteer without needing State Board for Educator certification.</p> <p>HB 3614 allows public school districts or open-enrollment charter schools to hire or accept a volunteer chaplain to provide services, support, and programs to students, as determined by the district's board of trustees or the school's governing body. The chaplain is not required to hold certification from the State Board for Educator Certification. After the bill's effective date, each district and charter school must vote within six months on whether to adopt a policy allowing a campus to employ or accept a volunteer chaplain. Funds from the school safety allotment may be used for costs associated with services provided by chaplains.</p> <p>Those in support of HB 3614 claim this bill will help mitigate counseling shortages in schools, as chaplains are already qualified and trained in skills necessary to provide such counseling. However, this reasoning does not align with reality. Mental Health Counseling services done at schools may only be provided by licensed professionals who have successfully completed a school counselor preparation program and passed the school counselor certification exam; hold, at minimum, a 48-hour master's degree in counseling from an accredited institution; and, have two creditable years of teaching experience as a classroom teacher. Once certified, they must fulfill continuing education requirements to maintain their licensure. Not only are chaplains not required to complete any of the aforementioned qualifications in order to obtain their title, but there are also no standardized regulations to becoming a chaplain.</p> <p>A simple Google Search on how to be recognized with the title "chaplain" is riddled with contradictions- some saying there are no requirements but just "the desire to serve," others cite the need for a bachelor degree, some offer online courses, training, and certification. To claim that chaplains are already qualified and trained in skills necessary to provide such counseling is an affront to school counselors and the time, money, and resources they've dedicated to be qualified and certified in their roles.</p> <p>HB 3614 does not outline any guidelines or definitions on chaplaincy nor specify what the district's board of trustees or the school's governing body can deem as appropriate any services that a chaplain is qualified to</p> | <p><u>Unfavorable</u></p> |

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| | | | <p>provide. While this bill no longer allows for the replacing of school counselors with chaplains, it still allows districts to determine what services, support, and programs are permissible for chaplains at their schools. This bill sets up no guidelines as to what the districts may permit, which could pose the risk of chaplains without the knowledge and expertise in school counseling being able to assume similar duties. However, under this bill, parents would be asked to allow a “chaplain” who does not have to meet any qualifications in order to counsel their children during difficult personal times related to mental health. HB 3614 could result in those without the proper understanding of mental health treatment and support, family issues, or a trauma informed lens, could take on roles they are woefully inadequate to fill.</p> <p>Additionally, having school chaplains that are affiliated with one religion is inherently exclusionary to students who identify with and practice other religions.</p> <p>Finally, to use the school safety allotment to cover costs of the chaplain’s support, services, or programs is a misuse of not “volunteering” when funding is involved. These funds are meant to be dedicated for equipment, programs, and training related to school safety and security. Nothing in this bill outlines any way in which a chaplain would promote safety or security, especially as, once again, there are no training requirements of these individuals. If there is money to be allocated to employee chaplains or to cover the costs of their services and support, then that means there is money able to raise the salaries of the certified school counselors.</p> | |
| <p>HB 3364 By: Button Shine Noble Turner Neave Criado</p> | <p>Relating to the system for appraising property for ad valorem tax purposes.</p> | <p>Ways & Means 11 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Some contend the appraisal process can be cumbersome and unfair to taxpayers. HB 3364 aims to reform and modernize the property tax system by adding more notification requirements and enhancing transparency to increase taxpayer rights and participation.</p> <p>HB 3364 requires notices pertaining to property not on the appraisal roll in the preceding year to be sent by certified mail. HB 3364 eliminates the requirement for an agent to include their computer IP address to the chief appraiser when electronically submitting a designation of agent form. This bill also requires appraisal districts with a county population of 120,000 or more to have a website. HB 3364 also requires the chief appraiser to post and continuously update non-confidential records on the website to reflect changes to the appraised value.</p> <p>HB 3364 requires at least one trainer for initial and continuing education courses for the appraisal review board (ARB) to be a taxpayer representative. Taxpayer representatives must be licensed to practice law in Texas, have at least 5 years of practice, and have knowledge and experience in property tax law. The individual cannot represent an appraisal district, ARB, or taxing unit, serve as an officer or employee of an appraisal district, or serve as a member of an ARB.</p> <p>HB 3364 allows the taxpayer to request a remote hearing rather than the ARB. This bill also pushes back the written notice deadline requirement for taxpayers to express their intent to appear at a remote hearing from 10 to 5 days. HB 3364 specifies that if the ARB dismisses the protest on jurisdictional grounds, the ARB must make its</p> | <p><u>Favorable</u></p> |

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| | | | <p>decision by written order and provide a reason for the decision. Additionally, HB 3364 extends the deadline to deliver an issuance of a subpoena for good cause hearings from the 5th day to the 15th day.</p> <p>HB 3364 allows taxpayers who lease property and are contractually obligated to reimburse the property owner for property taxes to appeal through binding arbitration if certain requirements are met. HB 3364 also specifies that the person who is leasing property in these cases is considered the owner of the property for purposes of this appeal. The comptroller must deliver a copy of the notice relating to the appeal to the owner of the property and to the person bringing the appeal.</p> <p>HB 3364 disallows the district court in an ARB appeal order from ordering discovery unless discovery is requested by a party to the appeal. The bill restricts the court from setting deadlines for discovery related to an expert witness unless agreed to by the parties.</p> <p>HB 3364 provides taxpayer-friendly reforms to the appraisal process, including providing more notice, ensuring taxpayers are represented in ARBs, increasing transparency and access to information, improving the protest process, allowing renters to have options for binding arbitration, and improving the discovery process.</p> | |
| <p>HB 5321 By: Bell, Cecil</p> | <p>Relating to the authority of the East Montgomery County Improvement District to receive certain tax revenue derived from a hotel and convention center project and to pledge certain tax revenue for the payment of obligations related to the project.</p> | <p>County Affairs 9 Ayes, 0 Nay, 0 PNV, 0 Absent</p> | <p>In Texas, specific municipalities are permitted to receive a refund of state hotel occupancy taxes and state sales taxes collected from certain hotels. This refund can be utilized by the municipality to pay off bonds or other financial commitments that were incurred during the construction of a hotel or convention center. Due to the challenges that can arise in financing convention centers and hotels, this tool has been a valuable asset to Montgomery County to attract events, conventions, and meetings. In order to continue attracting business, adequate supply of hotel rooms near convention centers is needed. H.B. 5321 allows the East Montgomery County Improvement District's board of directors, by order, to authorize proceeds from the district's hotel occupancy tax to be used for certain qualified projects.</p> <p>Qualified projects are defined as those relating to municipal hotel and convention center projects. If the board approves the order, HB 5321 grants the district certain privileges, including being considered a municipality for certain provisions and allowing it to pledge or commit revenue for bonds or other financial commitments issued for a qualified project. The district would also be able to receive specific tax revenue, and any reference to a municipality in those provisions would apply to the district.</p> | <p><u>Favorable</u></p> |
| <p>HB 4366 By: Howard Garcia</p> | <p>Relating to the eligibility for and provision of benefits under Medicaid or the child health plan program for certain individuals</p> | <p>Youth Health & Safety, Select 7 Ayes, 0 Nays, 0 PNV, 2 Absent</p> | <p>The Legislative Budget Board estimates that juvenile state residential populations will increase by 25.8 % from fiscal years 2022 to 2024. With the rise of youth entering into the juvenile justice system with the Texas Juvenile Justice Department (TJJD), there is a critical need to address the mental health needs of justice-involved youths. According to the Hogg Foundation for Mental Health, 70% of arrested youths yearly have a mental health condition. Texas' incarcerated youth can receive services from a state contract with the University of Texas Medical Branch (UTMB), but due to insufficient staffing led to these services being inconsistent or unavailable. HB 4366 addresses this by focusing on continuity of care for TJJD youth via screening and enrolling eligible</p> | <p><u>Favorable</u></p> |

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| | <p>committed, placed, or detained in certain facilities and settings.</p> | | <p>youth for Medicaid and STAR Health.</p> <p>HB 4366 revises the memorandum of understanding (MOU) between the Health and Human Services Commission (HHSC) and TJJD. HB 4366 will include the Department of Family Protective Services (DFPS) as a party in the MOU. In addition, HB 4366 will add assessing a youth’s eligibility for the STAR Health managed care program as a part of their assessing youths for Medicaid and CHIP eligibility. HB 4366 will revise the MOU to require HHSC to enroll eligible youths for STAR Health as they do for Medicaid and CHIP and that they receive services, including telehealth and telemedicine services, as soon as possible after determining eligibility. TJJD is to assist with accessing telehealth and telemedicine medical services, including mental health and behavioral health services, through the program through which the youth is enrolled.</p> <p>Under HB 4366, TJJD, in coordination with HHSC and DFPS, must create a release plan for youth enrolled in Medicaid, including STAR Health or CHIP, to ensure continuity of care under the applicable program following their release. If TJJD cannot create a release plan, then TJJD is to explain in the youth’s release order why they could not make a release plan and the anticipated impact on the released youth’s continuity of care. TJJD is to submit an annual report to the governor, lieutenant governor, and the speaker of the House of Representatives. This report is to identify the number of individuals who were committed, placed, or detained with TJJD who was eligible for Medicaid or CHIP coverage and enrolled in a program, how many received services under their program while committed, placed, or detained, and how many did not receive services and why they did not receive services.</p> <p>HB 4366 repeals the requirement that HHSC is to suspend a child’s eligibility for Medicaid if placed into a juvenile facility. HB 4366 allows delayed implementation if a federal waiver or authorization is required.</p> <p>HB 4366 would lay a foundation to ensure that justice-involved youth can access the physical and mental health services they need when returning to their communities.</p> | |
| <p>HB 248 By: Murr</p> | <p>Relating to solicitation of patients and other prohibited marketing practices and the establishment of the task force on patient solicitation; increasing criminal penalties.</p> | <p>Public Health 10 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Patient brokering, a practice where patients are referred to other providers in exchange for kickbacks, is believed to be expanding in various states, including Texas. Current federal and state laws are often too narrow or not appropriately enforced. HB 248 aims to address this issue by creating a task force on patient solicitation and proposing changes in marketing practices and penalties for offenders.</p> <p>HB 248 instructs the Health and Human Services Commission (HHSC) to establish a task force on patient solicitation, which will recommend ways to prevent healthcare practice violations and improve enforcement. The eight-member task force will consist of four members appointed by the HHSC executive commissioner and four by the attorney general, with all members having expertise in healthcare or advertising. Task force members will serve without compensation. Every two years, the task force will submit a report to the legislature, summarizing legal actions taken and offering legislative recommendations.</p> | <p><u>Favorable</u></p> |

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| | | | <p>HB 248 prevents treatment facilities, employees, or contractors from paying or offering payment for mental illness or addiction treatment referrals. However, exceptions are allowed if the referral service is operated by an HHSC-funded community mental health center, a county or regional medical society, a qualified mental health referral service, or a non-profit organization assisting individuals affected by violence, running away, or rape.</p> <p>HB 248 amends the Treatment Facilities Marketing Practices Act, making sharing confidential information without consent to solicit treatment facility services illegal. It also bans false or misleading statements in advertising or on facility websites and prohibits linking to websites containing such deceptive information. In addition, the minimum civil penalty for a violation is increased from \$1,000 to \$2,000.</p> <p>HB 248 broadens the conduct considered an offense for both "soliciting patients" and "failure to disclose" categories, raising the penalty from a Class A misdemeanor to a state jail felony. The penalty is further increased to a second-degree felony for subsequent offenses or if a government entity employed the offender at the time. For healing arts offenses, the bill expands the conduct constituting an offense for practitioners and those accepting or agreeing to accept anything of value for patient solicitation, changing the punishment from a fine to a Class B misdemeanor.</p> <p>HB 248 seeks to understand better and address patient solicitation in mental health and chemical dependency treatment facilities in Texas.</p> | |
| <p>HB 818 By: Walle</p> | <p>Relating to the places a public employer may provide for employees to express breast milk.</p> | <p>State Affairs 10 Ayes, 2 Nays, 0 PNV, 1 Absent</p> | <p>Current state statute mandates employers to provide employees with reasonable accommodations to express breast milk in a safe and sanitary environment. However, it allows single-user bathrooms to be utilized for that purpose. Single-user bathrooms still have many of the same airborne contaminants as multi-user bathrooms, and as a result, are unsanitary environments to express breast milk. HB 818 codifies existing federal standards set forth in the Federal Labor Standards Act by prohibiting public employers from offering a single-user bathroom as an acceptable place for employees to express breast milk.</p> | <p><u>Favorable</u></p> |
| <p>HB 633 By: Frank Harless Collier</p> | <p>Relating to the method of payment for certain health care provided by a hospital.</p> | <p>Health Care Reform, Select 8 Ayes, 2 Nays, 0 PNV, 1 Absent</p> | <p>The medical industry often charges customers different prices for the same service, especially in a sector with vulnerable clients, limited price transparency, and minimal competition. Currently, hospitals can charge an individual's insurance company \$1,000 for a procedure, while charging \$4,000 or more for the same procedure if someone is paying cash or lacks insurance. Insurance companies receive this negotiated rate because of the amount of patients they bring to a hospital. This method of pricing leaves patients without insurance, regardless of income, being charged at an initially higher cost. Hospital's currently offer reduced rates for indigent individuals and charity programs to help provide relief to those who need it most. Additionally, they are oftentimes required to perform services regardless of a patient's insurance coverage or financial situation.</p> | <p><u>Unfavorable</u></p> |

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| | | | <p>HB 633 aims to prevent hospitals from charging higher prices to those paying directly (i.e., with cash) compared to those paying with the lowest negotiated commercial insurance plan, ensuring Texans paying directly aren't charged more than the lowest contracted rate under any affiliated plan. Concerns have been raised about HB 633 being "rate-setting," but facilities can still set their prices; they just have to charge the lowest price to those without insurance.</p> <p>HB 633 mandates that hospitals accept full payment directly from patients, including those with health insurance, for requested services. In such cases, the hospital cannot bill the patient's insurance. HB 633 doesn't apply to Medicaid, Medicaid managed care, CHIP, or Medicare benefits, but does apply to specific coverage plans under Texas Employees Group Benefits Act, Texas Public School Retired Employees Group Benefits Act, Texas School Employees Uniform Group Health Coverage Act, and State University Employees Uniform Insurance Benefits Act. Patients must request direct payment within 60 days of receiving care, and the maximum charge is the lowest rate the hospital agreed to for that service with any insurance plan. Hospitals currently provide discounts to the uninsured, so the category of affected individuals is really individuals earning more than 400% of Federal Poverty Level (\$120,000 per year for a family of four). This could potentially still leave individuals in very low income brackets vulnerable because they may not have the funds to pay the complete bill even at the lowest negotiated rate.</p> <p>Concerns HB 633 aims to protect Texans from unfair price discrimination in healthcare. However, critics argue that hospitals already offer discounted rates for low-income and uninsured patients through charity care policies. HB 633 would force hospitals to accept the lowest negotiated commercial rate for anyone paying without insurance, regardless of income, potentially discouraging Texans from obtaining insurance in the first place.</p> <p>Texas leads the nation in the uninsured, the expansion of medicaid would give low income individuals access to the lowest negotiated rate without undermining the already negotiated rates of other insurance companies. As written, HB 633 could primarily allow wealthy individuals to pay the lowest negotiated rate. HB 633 provides high-income earners the benefit of accessing the lowest negotiated health insurance rate without having to actually get insurance, enter the risk pool and contribute premiums – all of which drive down the cost of health care for everyone.</p> | |
| <p>HB 614 By: Shaheen</p> | <p>Relating to property owners' association fines.</p> | <p>Business & Industry</p> <p>8 Ayes, o Nay, o PNV,</p> | <p>Texas property owners who are a part of property owner associations (POAs) may face excessively high fines from their associations for minor infractions. This situation can occur due to ambiguity in current statutes regarding aPOA's authority to levy fines. HB 614 addresses this situation by requiring POA to establish transparent policies about fines and related violations.</p> <p>HB 614 requires a POA board to adopt an enforcement policy about the levying of fines by the association. A POA</p> | <p><u>Favorable</u></p> |

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| | | 1 Absent | <p>board policy may reserve the board’s authority to levy fines from the policy’s fine schedule - a set of fine amounts that vary depending on the case or violation. In addition, the policy must identify the violation categories for which fines can be assessed, the fine schedule for each category, and information about board hearings to discuss and resolve violations.</p> <p>HB 614 requires each POA to provide a copy of the policy to each property owner in the subdivision via the POA website, the website of an agent who acts on the POA’s behalf, or annually send a copy of the policy to property owners by personal delivery, mail, or email.</p> <p>HB 614 will help mitigate exceptionally high fines by requiring POAs to be transparent about how they will assess fine amounts.</p> | |
| <p>HB 1181 By: Shaheen</p> | <p>Relating to restricting access to sexual material harmful to minors on an Internet website.</p> | <p>Judiciary & Civil Jurisprudence</p> <p>8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Youth have increasingly been able to access sexual material on websites, which can sometimes lead to negative emotional, physical, and psychological health outcomes for preadolescents. HB 1181 aims to solve this issue by holding commercial entities accountable by requiring age verification on websites with pornographic materials and allowing parents to recover damages if they do not follow these rules.</p> <p>HB 1181 outlines that commercial entities that knowingly or intentionally publish or distribute content, with at least one-third of this content being sexual material harmful to minors, must use reasonable age verification, without retaining identifying information, to ensure that the individual attempting to access this material is at least 18 years old. Sexual material harmful to minors includes any material that the average person would find is designed to appeal to minors and is patently offensive to minors. Reasonable age verification methods require individuals to provide digital identification or comply with a commercial age verification system that verifies age using a government-issued ID or a commercially reasonable method that relies on public or private transactional data.</p> <p>HB 1181 allows commercial entities that knowingly or intentionally publish or distribute this content and violate this provision to be liable to the parent or guardian for damages resulting from a minor’s access to the material, including court costs and attorney’s fees. Additionally, entities found to have knowingly retained identifying information of an individual after they access the material are liable for damages, including court costs and attorney’s fees, resulting from the retention of their information.</p> <p>HB 1181 excludes news-gathering organizations and Internet service providers, search engines, or cloud service providers from being liable solely for providing access or connection to a website not under the provider’s control. HB 1181 also defines commercial entity, distribute, minor, news-gathering organization, publish, and transactional data.</p> <p>HB 1181 helps protect minors from being exposed to sexually explicit materials.</p> | <p><u>Favorable</u></p> |

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| <p>HB 1437 By: Clardy</p> | <p>Relating to an appraisal procedure for disputed losses under personal automobile insurance policies.</p> | <p>Insurance 7 Ayes, 0 Nays, 0 PNV, 2 Absent</p> | <p>Current statute does not require automobile insurers to include an appraisal process in their policies. However, the appraisal process is often the only recourse consumers have to settle a dispute between the actual cost of vehicle repairs or damage and an auto insurance company’s determination.</p> <p>HB 1437 seeks to address this issue by authorizing personal automobile insurers to include an appraisal process in automobile insurance policies. Under the provisions of HB 1437, an insurer or consumer may demand an appraisal within 90 days of acceptance of liability and issuance of an undisputed offer. Each party must appoint an unbiased appraiser, within 15 days of appraisal demand, who will determine the amount of loss. If both appraisers are not in agreement within 30 days, an unbiased umpire is selected to make an objective final determination. HB 1437 includes a fee shifting component that requires insurance companies to pay the consumer’s appraisal costs if the company’s final offer or estimate is not within 10% of the unbiased umpire’s determination. This component incentivizes insurance companies to accurately and fairly assess claims.</p> <p>The lack of an appraisal process is burdensome and expensive for many Texans who may not have the time to contest an insurance company’s estimate in small claims court or the means to hire an attorney and pay the appraisal costs. HB 1437 implements an important consumer protection mechanism that ensures fairness, auto safety, and lower expenses for Texas consumers.</p> | <p><u>Favorable</u></p> |
| <p>HB 2193 By: Davis</p> | <p>Relating to the automatic expunction of all records and files related to arrests for certain misdemeanor offenses.</p> | <p>Criminal Jurisprudence 9 Ayes 0 Nays 0 PNV 0 Absent</p> | <p>Individuals with criminal records are often burdened with barriers to jobs, housing, licensing, and education. These records can stand even if an individual was arrested but not convicted. Record expunction can help to ease this burden by providing a clean slate for those with certain criminal records, allowing them to move forward and build their lives. HB 2193 provides record expunction under certain circumstances for certain offenses.</p> <p>HB 2193 provides automatic expunction of arrest and conviction records for individuals that meet certain criteria. To be eligible, the person must have been arrested for a misdemeanor offense, excluding certain offenses. Additionally, the person must have been convicted of or placed on deferred adjudication community supervision (DACS) for the offense, with no previous convictions or DACS placements excluding fine-only offenses committed after the date of the misdemeanor. There must also be no pending charges against the person for any offense, except for a fine-only traffic offense. Finally, at least ten years must have passed since the person was sentenced, including any time that the person spent incarcerated or performing community service, and all fines must be paid. This ten year time span also applies to those who had their charges dismissed.</p> <p>HB 2193 requires the convicting court to enter an expunction order no less than 30 days after an individual becomes eligible for expunction, and may not require an individual to pay a fine.</p> <p>HB 2193 amends the Business & Commerce Code and Government Code to include an expunction ordered under</p> | <p><u>Favorable</u></p> |

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| | | | <p>the bill in the scope of several provisions regarding; DNA related records, a business entities ability to publish records in their possession, a private entities obligation to destroy expunged records, a private entities ability to disseminate information regarding expunged records, and the Department of Public Safety’s ability to provide record related information to a private entity.</p> <p>HB 2193 requires courts to issue an order of expunction for eligible individuals who completed their sentence or received a dismissal before September 1, 2013, as soon as practicable after the bill's effective date, but no later than August 31, 2025.</p> <p>Providing expunction for individuals can be life changing. HB 2193 seeks to ensure that Texans receive the opportunity to move forward without a record following them.</p> | |
| <p>HB 1960 By: Morales, Eddie</p> | <p>Relating to the course levels offered at Sul Ross State University Rio Grande College.</p> | <p>Higher Education 8 Ayes, 0 Nay, 0 PNV, 3 Absent</p> | <p>The Middle Rio Grande region's population is growing, which creates a demand for more accessible academic opportunities. Sul Ross State University has satellite campuses in Eagle Pass, Del Rio, and Uvalde, but they only offer classes that allow students to earn associate degrees or certificates. The main campus in Alpine is the only one that provides classes where students may earn a bachelor's degree.</p> <p>HB 1960 seeks to allow all the campuses to offer bachelor’s degree programs. HB 1960 removes the designation of Sul Ross State University Rio Grande College as an "upper-level" educational center, thereby expanding the course levels offered by the college to include freshman and sophomore level courses.</p> <p>Some opponents of the bill have concerns that this bill creates competition in the region and offers no new benefits, but providing college level courses in Eagle Pass, Del Rio and Uvalde allows students to get college credits in the cities where they live and work, which makes college an affordable option for many of students and others who may not envision college as an affordable option.</p> | <p><u>Favorable</u></p> |
| <p>HB 2044 By: Bowers Allen Rose</p> | <p>Relating to depression screenings for certain women in county jail or in the custody of the Texas Department of Criminal Justice.</p> | <p>Corrections 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>For incarcerated individuals, childbirth has especially unique challenges that compound the already difficult experience of giving birth. Incarcerated pregnant women experience psychosocial conditions that put them at risk of adverse perinatal outcomes. Furthermore, women in prison experience high rates of mental health problems, with pregnant women in prison being particularly vulnerable. Despite this, there is no requirement for pregnant incarcerated individuals to receive depression screenings while housed in a state correctional facility.</p> <p>HB 2044 requires six perinatal depression screenings for all pregnant individuals in county jails and state correctional facilities. This aligns with recommendations from Postpartum Support International. The measures of HB 2044 connect incarcerated individuals with much-needed mental health resources for early mental health intervention and a better birth experience.</p> | <p><u>Favorable</u></p> |

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| <p>HB 2329 By: Bailes</p> | <p>Relating to honey production operations and the harvesting and packaging of honey and honeycomb.</p> | <p>Agriculture & Livestock 7 Ayes, 0 Nay, 0 PNV, 2 Absent</p> | <p>Initially, all honey producers who extracted and bottled their honey had to be licensed with the Department of State Health Services (DSHS). In 2015, legislation was enacted allowing small honey productions to be exempt from the licensing requirements with specific restrictions. In 2020, DSHS adopted the 2017 guidance under the Food and Drug Administration’s (FDA) Food Safety Modernization Act concerning honey, which considers extracting and bottling honey as "on-farm" processes that do not require registration. This disparity has created a misalignment between state and federal law, confusing Texas beekeepers and local law enforcement about which rules to follow. HB 2329 is to align state statutes with federal regulations on small honey production operations.</p> <p>HB 2329 expands labeling requirements originally for small honey production operations to all honey production operations. In addition, HB 2329 will repeal the requirements for an operation’s label for honey or honeycomb to include the net weight of honey in the product, the beekeeper’s name and address, and a statement conveying that the product was packaged in a facility not inspected by DSHS. HB 2329 will also amend the definition of “honey production operation” for its provisions, and classify honey harvested from honeycomb as a raw agricultural product. HB 2329 will also consider an operation that bottles extracted honey and packages cut honey as a raw agricultural commodity that does not require additional manufacturing or processing.</p> <p>HB 2329 will provide necessary clarity and align state and federal regulations.</p> | <p><u>Favorable</u></p> |
| <p>HB 2238 By: Buckley Patterson Lalani</p> | <p>Relating to the licensing and regulation of dog and cat breeders; expanding the applicability of an occupational license.</p> | <p>Licensing & Administrative Procedures 9 Ayes, 1 Nay, 0 PNV, 1 Absent</p> | <p>The 82nd Legislature passed HB 1451, establishing the Texas Licensed Breeders Program (TLBP) which created minimum standards of dog and cat breeders. However, the program is not operating the way the Legislature intended. HB 2283 seeks to ensure that commercial breeders are operating under current regulations and oversight through the Texas Department of Licensing and Regulation (TDLR).</p> <p>HB 2238 amends statutory law to only apply to individuals involved in commercial breeding dogs or cats. Additionally, it reduces the minimum number of adult intact female dogs or cats required for someone to be considered a dog or cat breeder from 11 to 5. Finally, HB 2238 eliminates the condition that the breeder must sell, exchange, or offer to sell or exchange at least 20 animals in a calendar year to be recognized as a breeder.</p> <p>HB 2238 helps ensure more individuals involved in commercial breeding are being regulated by TLBP.</p> | <p><u>Favorable</u></p> |
| <p>HB 3127 By: Ashby</p> | <p>Relating to the study of school district property values conducted by the comptroller of public accounts</p> | <p>Public Education 9 Ayes, 0 Nay, 0 PNV, 4 Absent</p> | <p>Several factors are taken into account when assessing the eligibility of a public school district to be taxed on its locally appraised value. One factor is the county appraisal district’s compliance with the comptroller of public accounts methods and assistance program. Concerns have been raised that this factor is unfair to school districts, as they are forced to receive lower revenue than entitlements would allow if an appraisal district is found to be noncompliant.</p> <p>HB 3127 seeks to mitigate the negative effects placed on school district revenue by removing the eligibility requirement that caused appraisal district’s noncompliance. Additionally, this bill extends the timeframe in</p> | <p><u>Favorable</u></p> |

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| | | | <p>which school districts and property owners can protest the comptroller’s findings, allowing for the petition to be filed within 50 days after the comptroller findings instead of the current 40 day deadline.</p> <p>A compliance review for which the school district has neither control nor involvement should not determine the district’s funding and expanding the protest timeframe could alleviate the pressure on school districts with limited resources and potentially lead to more accurate study findings</p> | |
| <p>HB 2941</p> <p>By: Zwiener</p> | <p>Relating to the authority of the Railroad Commission of Texas to require water pollution abatement plans for certain pipelines; providing for the imposition of a civil penalty.</p> | <p>Natural Resources</p> <p>8 Ayes, 0 Nays, 0 PNV, 3 Absent</p> | <p>The Texas Commission on Environmental Quality (TCEQ) regulates certain land use within the Edwards Aquifer through the Edwards Aquifer Protection Program. The program requires a water pollution abatement plan to protect water quality for certain proposed regulated activities, but oil and gas developments do not always require a water pollution abatement plan. HB 2941 seeks to address this issue by requiring an oil or gas pipeline owner or operator to submit a water pollution abatement plan for the pipeline if it is constructed or expanded in the Edwards Aquifer recharge zone.</p> <p>HB 2941 requires an oil or gas pipeline owner or operator to submit a water pollution abatement plan for the pipeline to the Railroad Commission of Texas (RRC) if they construct or expand in the recharge zone of the Edwards Aquifer. This provision applies to oil or gas pipeline owners or operators under RRC jurisdiction. HB 2941 provides what is to be included in the plan, including best management practices to protect water quality when construction or post-construction activities in the recharge zone have the potential for polluting the aquifer or connected surface streams.</p> <p>HB 2941 requires RRC, in consultation with TCEQ, to adopt temporary best management practices for water pollution abatement plans and may include construction best management practices from TCEQ to protect the Edwards Aquifer recharge zone. RRC must develop a joint consultation process with TCEQ to address water pollution abatement in the Edwards Aquifer recharge zone and to enter into a memorandum of understanding about its implementation. Finally, HB 2941 authorizes the RRC to enforce the bill’s provision and seek civil penalties and injunctive relief for violations.</p> <p>Since TCEQ does not have authority over any oil and gas development, this legislation is an attempt to close a gap in the law for water pollution mitigation where oil drilling construction meets a karst aquifer feature, such as what is happening with the Edwards Aquifer, where approximately two million depend on the water supply. HB 2941 helps protect Texas water resources against contamination from future oil projects.</p> | <p><u>Favorable</u></p> |
| <p>HB 2665</p> <p>By: Gates Longoria Clardy </p> | <p>Relating to an interim study of the municipal regulation of short-term rental properties and</p> | <p>Land & Resource Management</p> <p>6 Ayes,</p> | <p>Short-term rental properties and residential amenity rental properties have become popular in Texas, but differing local regulations have caused confusion. A state-led study with input from stakeholders could help resolve this issue and inform legislative solutions.</p> | <p><u>Favorable</u></p> |

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| <p>Perez Cook</p> | <p>residential amenity rental properties.</p> | <p>2 Nays, 0 PNV, 1 Absent</p> | <p>HB 2665 defines two types of short-term rental properties. A "residential amenity rental property" is part of a residential property, like a house or condo unit, rented for less than 15 hours and not for sleeping. A short-term rental property is a residential property, like a house or condo unit, rented for no more than 30 consecutive days, excluding nonresidential properties, bed and breakfasts, and commercial lodging establishments not taxed as residential properties.</p> <p>HB 2665 requires the Texas Department of Licensing and Regulation to establish a task force to study and report on the impact of municipal regulations on these properties. The task force consists of two members appointed by the governor, two members appointed by the lieutenant governor from the senate, two members appointed by the speaker of the house from the house of representatives, one representative of the department, and two members representing neighborhood interests.</p> <p>By December 31, 2024, the task force must submit a report detailing their findings on the effects of rental properties on communities, the impact of ordinances, the economic impact, tax payments, local registration and reporting requirements, and lessons learned from other municipalities and states.</p> <p>The report will also provide legislative recommendations, considering the need for statewide regulation, potential benefits and costs, protection of local regulations, and accountability for internet-based rental platforms. It will also address state reimbursement for affected municipalities and homeowners, municipal ability to address rental property effects, density restrictions, the value of elected officials adopting specific regulations, and the effect of state preemption on rental property regulations in other states.</p> <p>The main concerns about this bill were with the original text, which set out specific authorized and prohibited regulations on the properties for municipalities and counties, which brought up issues of pre-emption and local control.</p> <p>However, the committee substitute struck this portion, and confined the bill to the study and report.</p> | |
| <p>HB 2965 By: Vasut Slawson Murr Gervin-Hawkins</p> | <p>Relating to certain construction liability claims concerning public buildings and public works.</p> | <p>Judiciary & Civil Jurisprudence 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Chapter 2272 was created by the 86th Legislature to ensure governmental entities could not file lawsuits against their contractors, subcontractors, and suppliers without allowing them the opportunity to fix the concern before warranties expired. However, some governmental entities have been forcing contractors to waive Chapter 2272 before filing a bid or after the contract has been awarded. Additionally, some cities and counties are attempting to repair roads themselves and then charging contractors.</p> <p>HB 2965 seeks to address this issue by removing exemptions from certain construction liability claims for civil works projects and changing the exemption to only apply to contracts entered into by a river authority. HB 2965 also prevents Chapter 2272 on certain construction liability claims from being waived.</p> | <p>Favorable</p> |

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| | | | <p>HB 2965 ensures that civil works projects, except for river authorities, will be included in the right to repair and that Chapter 2272 cannot be waived. HB 2965 protects contractors by giving them an opportunity to resolve the issue before being subject to a lawsuit and preventing governmental entities from waiving their ability to do so.</p> | |
| <p>HB 2886</p> <p>By: González, Jessica Rose Anderson Guillen Walle</p> | <p>Relating to the establishment of the office of food system security and resiliency in the Department of Agriculture.</p> | <p>Agriculture & Livestock</p> <p>7 Ayes, 0 Nay, 0 PNV, 2 Absent</p> | <p>The U.S. Department of Agriculture reports that one in eight Texans experiences food insecurity, and 58 counties are identified as food deserts. Studies establish that food insecurity increases the chances of negative outcomes like delayed childhood development or adverse health conditions like increased risk of heart disease. During the 87th legislative session, a rider on the General Appropriations Act was passed to complete a Texas food access study. The Texas Department of Agriculture (TDA) recommended establishing a food systems office to address food insecurity in Texas.</p> <p>HB 2886 establishes the Office of Food System Security and Resiliency as a division within TDA. The office will be responsible for coordinating state resources and programs so food access industry professionals can efficiently meet the needs of Texas. The office will also ensure that Texas’ food system is free of disruption and promote the growth, manufacture, and processing of Texas agricultural products for farm-to-store and farm-to-table consumption. The office will develop a regional food system security and resilience plan by working with various state and local governmental entities and promoting policies to establish more localized food markets and access points. The office will provide legislative recommendations biannually for the legislature to improve food system security and resiliency.</p> <p>Overall, HB 2886 creates a food security office to ensure a dependable and robust food supply for Texans.</p> | <p><u>Favorable</u></p> |
| <p>HB 3519</p> <p>By: Hull Leach Johnson, Julie Vasut Moody</p> | <p>Relating to judicial training requirements regarding family violence.</p> | <p>Judiciary & Civil Jurisprudence</p> <p>8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>New or first-term judges are required to complete four hours of training on trafficking of persons, child abuse and neglect, and at least two related topics from a specified list. Additionally, judges must undergo six hours of training on various subjects, such as counseling resources, gender bias, and the dynamics and effects of family violence, sexual assault, and others, and can choose the topics they want to focus on. For subsequent terms or every four years, judges must complete at least two hours of training specifically on trafficking of persons and child abuse and neglect, unless they opt out due to not hearing these cases. Family violence dynamics can affect different types of proceedings, including divorce cases or criminal matters, and it is important that judges are adequately trained to recognize family violence.</p> <p>HB 3519, under the rules set by the Texas Court of Criminal Appeals (CCA), imposes requirements for judicial training, including the completion of at least one hour of training dedicated to the dynamics of family violence within the judge's first term of office or the initial four years of service. This training is part of the mandatory 12 hours of training for district judges, judges of statutory county courts, associate judges, masters, referees, and magistrates. Additionally, during each subsequent term in office or four years of service, judges and judicial officers must complete an additional five hours of training, with at least one hour dedicated to the dynamics of family violence. Moreover, judges presiding over courts with primary responsibility for family law or family</p> | <p><u>Favorable</u></p> |

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| | | | <p>violence matters are obligated to complete an additional hour of training on the dynamics of family violence every two years.</p> <p>HB 3519 adjusts the subjects on which judges and judicial officers must complete at least two hours of training as part of the additional five hours of training to issues of child development that pertain to trafficking of persons and child abuse and neglect, and medical findings regarding physical abuse, sexual abuse, trafficking of persons, and child abuse and neglect. Additionally, HB 3519 requires all judges to complete training.</p> <p>HB 3519 ensures that all judges complete initial training and continuing education training on the dynamics of family violence, ensuring that these judges will be prepared for cases that may involve family violence.</p> | |
| <p>HB 3765 By: Bucy</p> | <p>Relating to the establishment of a supply of luggage by the Department of Family and Protective Services for the transport of the personal belongings of a foster child.</p> | <p>Human Services</p> <p>6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>Bags of Love, a nonprofit organization, is dedicated to safeguarding the personal belongings of foster children under the care of the Department of Family and Protective Services (DFPS). So often, when these children are moved rapidly between different placements, they are provided with nothing more than a trash bag to transport their belongings. Advocates argue that ensuring the safety of personal belongings not only enhances a child's self-perception but also helps reduce the stigma associated with foster care.</p> <p>HB 3765 requires DFPS to establish and maintain a decentralized luggage supply for transporting a foster child's belongings and develop procedures for storing and distributing luggage to ensure the maximum number of children can use it. DFPS is required to provide luggage to a child who is being removed from their home or changing placements and authorizes DFPS to solicit and accept gifts, grants, and donations if they are to aid in providing luggage for foster children.</p> <p>HB 3765 requires DFPS to record each time a trash bag is used to move a foster child's belongings and to include why the child was not provided appropriate luggage for the move. DFPS is to submit an annual report to the legislature that includes a summary of the number of times a trash bag was used to move a foster child and the reported reasons why they were used.</p> <p>HB 3765 will aid in providing foster children with dignity and respect when moved from their homes or other placements while providing adequate resources to protect their possessions.</p> | <p><u>Favorable</u></p> |
| <p>HB 4219 By: Lambert</p> | <p>Relating to the maximum rate or amount of interest of certain consumer loans.</p> | <p>Pensions, Investments, & Financial Services</p> <p>8 Ayes, 0 Nay,</p> | <p>The increasing inflation rates and expenses have heightened the need for Texans to have access to safe and affordable credit. The Federal Reserve has raised interest rates to keep up with inflation. This has made it more expensive for lenders, leading them to limit the amount and number of loans they can offer to borrowers in Texas. Borrowers who are turned away often resort to higher-cost lenders offering unregulated loans with triple the interest rates. HB 4219 aims to address this issue by adjusting the rates of consumer loans based on the federal funds rate.</p> | <p><u>Favorable</u></p> |

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| | | 0 PNV, 1 Absent | <p>HB 4219 defines "ceilings" as the maximum rate or amount of interest and establishes a specific timeframe of six months from the effective date, subject to adjustment at each interval. In addition, HB 4219 defines "federal fund rate" as an interest rate computed by averaging the rates published by the Federal Reserve Bank of New York for each day during the six calendar months preceding the computation of the ceilings, with certain exceptions. For instance, the rate is 5% if the average exceeds 5%. The rate is 0% if the average falls below 0%.</p> <p>HB 4219 mandates that on March 1 and September 1 of each year, the consumer credit commissioner must calculate the ceilings for the rate or amount of interest that can be provided in consumer loan contracts not secured by real property. These calculations are applicable for the subsequent six months starting May 1 and November 1, respectively. In addition, the bill incorporates federal funds rates into the existing percentages used to determine the ceilings.</p> <p>The commissioner must submit the calculated ceilings to the secretary of state for publication in the Texas Register by the 11th day after the calculation is completed. HB 4219 aims to help Texans access credit through regulated consumer loans rather than taking high risks.</p> | |
| HB 4918 By: Rosenthal Cain Bernal | Relating to the processing, manufacture, and sale of hemp products for smoking. | Agriculture & Livestock 5 Ayes, 1 Nay, 0 PNV, 3 Absent | <p>A loophole in Texas legislation permits the growth and sale of low-to-no THC smokable hemp products but prohibits their manufacture and processing within the state. Consequently, suppliers and manufacturers of hemp products must transport them to other states, like Oklahoma, for processing and manufacturing, only to transport them back to Texas for sale. As a result, Texas is missing out on potential business and investment opportunities.</p> <p>HB 4918 removes the prohibition against a state agency from authorizing a person to manufacture a hemp product for smoking and replaces that prohibition with an authorization to do so. HB 4918 removes "the processing and manufacturing of consumable hemp products for smoking are prohibited" from the principles meant to be reflected in the Health and Human Service Commission's rules over the sale of consumable hemp products.</p> <p>HB 4918 allows the hemp industry to continue more of its operations in Texas and can positively impact the Texas economy.</p> | <u>Favorable</u> |
| HB 5012 By: Clardy Shine Bell, Keith Anderson Jetton | Relating to the authority of certain municipalities to use certain tax revenue for hotel and convention center projects and other qualified projects. | Ways & Means 10 Ayes, 0 Nays, 0 PNV, 1 Absent | <p>Certain municipalities in Texas are allowed to receive a rebate for 10 years on state hotel occupancy taxes and state sales taxes collected at certain hotels and qualified commercial retail outlets. To qualify, the hotel must be located near a city-owned convention center and, in some cases, on city-owned land. The rebate can be used by the city to pay for bonds or other obligations for the construction of the project. HB 5012 aims to extend this rebate to more municipalities and includes a "claw back" provision to ensure the state's revenues are recouped over time in certain newly authorized projects. Convention centers and convention center hotels are important for the state economy by attracting out-of-state conventions, business meetings, and visitors to Texas, making it more competitive in national and international tourism.</p> | <u>Favorable</u> |

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| | | | <p>HB 5012 amends the state Tax Code to allow certain municipalities to receive tax revenue from hotel and convention center projects, and to use that revenue to pay off obligations related to the project. HB 5012 lists specific municipalities that qualify for this revenue sharing based on population size, location within certain counties, proximity to bodies of water or state highways, and other criteria.</p> <p>HB 5012 modifies and adds applicability criteria by adjusting population-based brackets for certain municipalities that entitle them to certain benefits. HB 5012 revises the criteria for municipalities' population sizes that trigger entitlements in specific areas. The proposed changes in population size trigger percentages and minimum municipal and county population sizes are intended to ensure that the benefits are targeted to the municipalities that need them the most. Some of the changes increase the minimum population size for a municipality to qualify for benefits, while others decrease it, depending on the situation. By adjusting the population thresholds in this way, HB 5012 seeks to provide more targeted support to municipalities that are most in need of these benefits, while preventing larger municipalities from receiving benefits they may not need.</p> <p>HB 5012 requires the comptroller of public accounts to determine the total amount of state tax revenue received from a qualified hotel project in accordance with the entitlements extended to the municipality, on the 20th anniversary of the date the hotel opened for initial occupancy. HB 5012 requires the comptroller to compare the amount received during the period beginning on the 10th anniversary of the hotel's opening and ending on the 20th anniversary. If the former amount exceeds the latter, the municipality must remit the difference to the comptroller. HB 5012 requires the municipality to make monthly payments to the comptroller until the total amount is paid, and the comptroller must deposit the revenue received to the general revenue fund in the same manner as the comptroller deposits revenue received from the state hotel occupancy tax.</p> <p>HB 5012 helps promote economic development by encouraging the construction of hotels and convention centers in certain counties in Texas. Tax incentives to municipalities for qualified hotels may attract more investment and tourism to the area. HB 5012 helps ensure that the state receives a fair share of the tax revenue generated by these qualified hotels. By encouraging economic growth and increasing revenue for the state, HB 5012 aims to benefit businesses in numerous economically growing areas in Texas.</p> | |
| <p>HB 5120 By: Patterson</p> | <p>Relating to standards for certain electric vehicle charging stations.</p> | <p>Transportation 11 Ayes, 0 Nays, 0 PNV, 2 Absent</p> | <p>Texas has over 134,000 registered electric vehicles, which has tripled since 2020. However, there are concerns about access to charging stations compatible with all types of electric vehicles. The National Electric Vehicle Infrastructure (NEVI) Formula Program funds states to deploy public electric vehicle charging infrastructure. Texas Department of Transportation (TxDOT)'s proposals for using NEVI funds have been approved, aiming to give drivers in Texas confidence and flexibility when traveling.</p> <p>HB 5120 requires the Texas Department of Licensing and Regulation, in consultation with TxDOT, to create standards for public elective vehicle charging stations. These standards require charging stations to be equipped</p> | <p><u>Favorable</u></p> |

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| | | | <p>with standard electric vehicle charging connectors or plug types widely compatible with as many eclectic vehicles as practicable. Any electric vehicle charging station installed in Texas must follow these standards by January 1, 2030.</p> <p>Texas is set to receive \$407 million from the federal government for EV charging stations. Some reports suggest EVs may become 50% of sales between 2026 and 2033. HB 5120 is a positive development for the future of electric vehicle infrastructure in Texas and an important step towards promoting the adoption of electric vehicles in Texas and reducing dependence on fossil fuels.</p> | |
| <p>HB 4772 By: Thierry Burrows Noble Button</p> | <p>Relating to an excise tax on, and storage, reporting, and recordkeeping requirements for, certain nontobacco nicotine products; providing a civil penalty; imposing a tax.</p> | <p>Ways & Means 11 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Currently, e-cigarette vapor products are not subjected to the same taxation as traditional nicotine products. These "vape" products pose substantial health risks and are consumed by young individuals at a higher rate than traditional nicotine products. Nicotine can harm the developing adolescent brain, especially the parts of the brain that control attention, learning, mood, and impulse control. Closing this taxation loophole is necessary to ensure fair taxation and serves as a vital public health measure to disincentivize vaping.</p> <p>HB 4772 seeks to impose an excise tax on nontobacco nicotine products. The tax rate would be \$0.07 for each milliliter of nicotine solution and a proportionate rate on all fractional parts of a milliliter of nicotine solution, 3% of the wholesale cost price for open-system e-cigarettes, and \$1.22 per ounce of net weight of alternative nicotine products as listed by manufacturers. HB 4772 requires the ultimate consumer of an e-cigarette or alternative nicotine product to pay the tax.</p> <p>HB 4772 requires people who sell these products to file a report on units acquired and sold in Texas in the preceding month or before the 25th day of each month. HB 4772 also enforces these taxes being paid by allowing the attorney general to penalize those who do not pay this tax by setting fines at a minimum of \$50 and allowing fees to be an additional 5% of the amount of tax due. Retailers must also maintain records on shipment, product amount, and other information.</p> <p>HB 4772 authorizes the comptroller to determine tax liability or compliance by inspecting distribution centers, remaining on the premises, examining records, and examining stocks. The comptroller can also seize items with or without process if HB 4772 is violated by a person not keeping required records, not making required reports, and not adopting rules set out by the comptroller. The comptroller must allocate 50% of the taxes collected to the General Revenue (GR) fund for the Department of State Health Services (DSHS) youth vaping prevention and awareness program, 20% of the taxes collected to the GR fund for the comptroller to carry out this bill, and the remainder of taxes collected to the GR fund.</p> <p>HB 4772 disincentivizes vaping by implementing an excise tax, specifically targeting youth prevention by allocating half of the taxes collected to youth vaping prevention programs. HB 4772 would tax nontobacco nicotine products, equalizing taxation of all products containing nicotine, helping to protect public health.</p> | <p><u>Favorable</u></p> |

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| <p>HB 4872</p> <p>By: Rogers</p> | <p>Relating to the reporting and plugging of certain wells.</p> | <p>Natural Resources</p> <p>8 Ayes, 0 Nays, 0 PNV, 3 Absent</p> | <p>The Railroad Commission of Texas (RRC) allows oil and gas wells drilled initially under its jurisdiction to be reconditioned for groundwater production and transferred to landowners. These "P-13 wells" are not eligible for cleanup via the oil and gas regulation cleanup fund. However, the House Committee on Natural Resources Interim Report warns that many of these wells are hazardous to public health. HB 4872 seeks to resolve this by creating a process for landowners to report wells on their property that threaten groundwater or surface water and establish a grant program to finance the plugging of these wells.</p> <p>HB 4872 requires the Texas Commission on Environmental Quality (TCEQ) to develop a process for landowners to report "P-13 wells" that are improperly plugged or otherwise threaten groundwater or surface water. In addition, TCEQ must establish a program to provide grants to landowners or governmental agencies for reported wells. Awarded grants are based on a reported well's actual or probable threat to groundwater or surface water. The well plugging must be performed by RRC or a well plugger approved by RRC.</p> <p>85% of Texas counties produce oil and gas. There are at least 12,000 of these wells in the state. HB 4872 aims to protect the environment and public health by identifying and plugging abandoned or improperly plugged wells, mitigating their threat to ground or surface water sources.</p> | <p><u>Favorable</u></p> |
| <p>HB 4362</p> <p>By: Johnson, Ann</p> | <p>Relating to the eligibility of certain criminal defendants for an order of nondisclosure of criminal history record information.</p> | <p>Corrections</p> <p>7 Ayes, 1 Nays, 1 PNV, 0 Absent</p> | <p>In Texas and nationwide, justice-involved individuals experience significant barriers as a result of having a criminal record, specifically difficulty finding employment, housing, and supporting a family. This reality can be a lifetime burden with estimates that suggest a loss of \$32 billion in wages for this specific population in Texas. Current statute significantly limits who can request to have their record sealed, ultimately making it more difficult for justice-involved Texans to reenter society and increasing the likelihood of recidivism.</p> <p>HB 4362 makes it easier for people with nonviolent criminal records to have their records sealed by a court by expanding eligibility to include individuals with nonviolent state jail felony convictions and enabling individuals with multiple nonviolent misdemeanors or state jail felony convictions to petition a court for an order of nondisclosure after a certain amount of time since their last conviction. This timeline ranges from one to five years based on the nature of the nonviolent offenses on an individual's record. Under HB 4362, a judge retains the discretion to grant or deny an order of nondisclosure based on the unique merits of each case or request.</p> | <p><u>Favorable</u></p> |
| <p>HB 2960</p> <p>By: Cain Holland Isaac Hefner Patterson</p> | <p>Relating to the applicability of a defense to prosecution for an offense relating to carrying a handgun in certain prohibited locations and to</p> | <p>Community Safety-Select</p> <p>7 Ayes, 3 Nay, 0 PNV, 3 Absent</p> | <p>It is unlawful for a person to have or conceal a firearm in places with proper signage denoting that firearms and other weapons are prohibited on the premises. Section 46.15(o) of the Penal Code allows persons to post said signage notifying individuals that firearms are not allowed. Section 46.15(m) grants a defense to prosecution for a person who carries a handgun into a prohibited place, is told by an authority that it is not allowed, and then promptly leaves the premises. However, under Section 46.15(n), the defense to prosecution is not allowed if a sign, described by Subsection (o), was posted at each entrance to the premises.</p> <p>HB 2960 repeals sections 46.15(n) and (o) of the Penal Code repealing the provision allowing signage postings</p> | <p><u>Unfavorable</u></p> |

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| | <p>repealing associated notice requirements.</p> | | <p>notifying individuals of prohibited weapons and firearms. Subsection (n) is effectively nullified because without the ability to post signage, the defense to prosecution is extended to all individuals.</p> <p>The bill attempts to protect individuals, who in good faith, unknowingly carry firearms into prohibited places. However, most often, the only way people know that firearms are prohibited is by signs posted outside the premises. Additionally, this “good faith” justification is not applied to a myriad of other crimes in which ignorance of the law is an acceptable excuse for breaking it.</p> | |
| <p>HB 303 By: Bernal</p> | <p>Relating to a justice or municipal court's authority to order a defendant confined in jail for failure to pay a fine or cost or for contempt and to the authority of a municipality to enforce the collection of certain fines by imprisonment of the defendant.</p> | <p>Criminal Jurisprudence</p> <p>7 Ayes 2 Nays 0 PNV 0 Absent</p> | <p>In recent years, Texas' Failure to Appear/Pay (FTAP) program has drawn widespread criticism due to its harsh consequences for individuals unable to pay fines and fees for traffic tickets and minor offenses. Unfortunately, the program has resulted in many people having their licenses suspended or put on hold, leading to crippling debt that can be impossible to escape. Currently, if an individual's fine or fee goes unpaid, a justice or municipal court is authorized to order the individual to be confined in jail. This not only exacerbates an individual's inability to pay, but is an unfair punishment that criminalizes poverty. HB 303 seeks to solve this issue by ensuring that an individual's inability to pay fines or fees does not result in incarceration.</p> <p>HB 303 prohibits a justice or municipal court from ordering confinement in jail for a person, including juvenile offenders, who are unable to pay their fines and fees regarding a conviction for a fine-only offense. The bill also disallows a municipality to use incarceration as an enforcement mechanism for unpaid fines and fees regarding fine-only offenses.</p> <p>HB 303 also replaces the current requirement that an individual may be discharged upon proof that they do not have the funds to pay the applicable fines and fees, or have been incarcerated for an appropriate period of time in order to satisfy their fines, with a requirement that an individual may be discharged by proving that they were incarcerated in violation of HB 303's provisions or as a result of failure to pay fines for a conviction of a fine-only offense. Regarding a defendant who defaults, HB 303 replaces the current provision that allows a judge to order that individual to confinement if they make a written statement regarding the defendant's indigence and failure to make an attempt to pay, with a requirement that a judge set a hearing for the defendant to show cause as to why they cannot pay.</p> <p>HB 303 mandates the release, by September 2, 2023, of any individual who is currently being detained in a county or municipal jail due to their failure to pay fees associated with a fine-only offense or for contempt of a judgment for a fine-only offense. This includes people who were ordered to be incarcerated in jail for failing to pay fees based on a judge's determination of their inability to pay, as well as those being held for contempt of a judgment entered for the conviction of a fine-only offense.</p> <p>Criminalizing poverty cannot be the state's solution to an individual's inability to pay fines and fees, not only</p> | <p><u>Favorable</u></p> |

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| | | | because it is not just punishment, but because it is wholly ineffective and exacerbates the issue. Incarceration is costly for the state and creates further barriers to payment for the confined individual. HB 303 will prevent this practice and allow Texas to explore solutions to this issue that do not cause further harm. | |
| HB 153 By: Swanson Smith Capriglione Noble | Relating to a ballot option to not vote for any candidate. | Elections 6 Ayes, 2 Nays, 0 PNV, 1 Absent | HB 153 allows voters to select “I choose not to vote in this race” instead of voting for the candidates on the ballot or utilizing the list of write-in candidates. This option would not count for the purpose of determining which candidate received a majority of votes. The SOS will determine how to display the additional option on the ballot. Giving voters the option to choose not to vote on a ballot is unnecessary, especially because voters are already allowed to refrain from voting in any individual race. Additionally, this proposed change would make ballots longer, potentially leading to longer lines, contributing to voter fatigue, and increasing ballot paper problems. Not only is this bill wholly unnecessary, but it also feeds into the narrative that there is persistent and widespread election fraud with corrupt ballot harvesters or other malicious actors filling in options that are left blank. At the same time, because the bill’s new option doesn’t change the process of counting of the majority candidate, its implementation will not make a difference in practice. | <u>Will of the House</u> |
| HB 232 By: Swanson Capriglione Smith | Relating to the filing fee required for certain candidates. | Elections 5 Ayes, 1 Nay, 0 PNV, 3 Absent | Candidates looking to run in a general primary election for the state of Texas must pay a filing fee to be nominated. Filing fees help offset the costs of administering elections. There are concerns that the filing fee has not been adjusted to match inflation. HB 232 raises the filing fee for nomination in the general primary election in the state of Texas for certain offices, including: <ul style="list-style-type: none"> • U.S. Senator from \$5,000 to \$10,000 • U.S. Representative \$3,125 to \$6,250 • State Senator from \$1,250 to \$2,500 • State Representative from \$750 to \$1,500 • Statewide office from \$3,750 to \$7,500 • State Board of Education (SBOE) member from \$300 to \$600 Raising the filing fee could disenfranchise potential candidates, and place a monetary burden on 3rd-party candidates. | <u>Unfavorable</u> |
| HB 421 By: Lopez, Ray Plesa Johnson, | Relating to the operation of a motor vehicle passing a pedestrian or a person operating a bicycle; creating a criminal offense. | Transportation 9 Ayes, 1 Nay, 0 PNV, 3 Absent | The safety of pedestrians and cyclists on Texas roads is a growing concern. According to the Texas Department of Transportation, the number of fatalities involving cyclists and pedestrians in road accidents has increased in recent years. Unfortunately, even the safest and most well-intentioned drivers may misjudge the space between them and cyclists or pedestrians. For example, there is a known phenomenon - a suction effect - when passing vehicles can pull cyclists further into the road and possibly knock them off their bikes. This typically occurs when vehicles do not give enough space while passing, and the vehicles are heavier and going at a higher speed. As a | <u>Favorable</u> |

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| <p>Ann Lujan Lalani</p> | | | <p>result, HB 421 will require drivers to move to another lane while passing a pedestrian or cyclist on a multi-lane highway or street.</p> <p>HB 421 requires motor vehicle operators to exercise due care to avoid collisions with pedestrians or bicyclists on a highway or street. In addition, HB 421 establishes minimum safe passing for a vehicle passing left or right of a pedestrian or bicyclist, and a driver must move to another lane while passing a pedestrian or cyclist on a multi-lane highway or street. Violating a requirement is considered a road misdemeanor offense. An affirmative defense for this violation is if the pedestrian or cyclist violated traffic law in a way that contributed to the violation in question. HB 421 exempts drivers passing a pedestrian or cyclist in a no-passing zone from the prohibition of not driving on the left side of the road or driving over the no-passing indicators as long as the driver is otherwise complying with existing vehicle operation and movement requirements.</p> <p>Cyclists and pedestrians are commonly exposed to high-speed vehicles on Texas roadways. HB 421 establishes minimum safe passing distances so drivers exercise due care when sharing the road with cyclists and pedestrians.</p> | |
| <p>HB 544 By: Johnson, Julie Harless</p> | <p>Relating to the reporting of certain orders and convictions to the Department of Public Safety and Federal Bureau of Investigation for use with the National Instant Criminal Background Check System for the transfer of firearms.</p> | <p>Community Safety-Select 7 Ayes, 2 Nays, 0 PNV, 4 Absent</p> | <p>The National Instant Criminal Background Check System (NICS) is a national system run by the FBI that checks available records on individuals such as criminal history, mental health issues, unlawful immigration status, dishonorable military charges, drug use, or domestic violence to determine whether a person can legally buy or own a firearm. Currently, clerks are responsible for forwarding records of mental health disqualifications to the Department of Public Safety (DPS), which then sends the information to the FBI for entry into the NICS database. However, there is a lack of clarity and procedures to ensure that protective orders and convictions related to family violence are properly entered into the database. HB 544 aims to address this by clarifying law enforcement reporting requirements and ensuring that DPS provides relevant information to the FBI in a timely manner.</p> <p>HB 544 mandates that clerks report family violence convictions that would preclude a person from possessing a firearm under state or federal law to DPS no later than the third calendar day after the date of the conviction. Within three business days of receiving a clerk’s order, DPS must enter the information on each protective order issued for victims of sexual assault or abuse, indecent assault, stalking, or trafficking of persons, and family violence misdemeanor charges into the statewide law enforcement information system and report to the FBI for use in the NICS.</p> <p>The risk of violent retaliation is extremely high after the issuance of a protective order. Abusers with firearms are five times more likely to kill their female victims, and guns further exacerbate the power and control dynamic commonly used by abusers to exert control over their victims. HB 544 ensures that perpetrators’ information is entered into the NICS database as an additional level of security to prevent them from possessing or purchasing firearms.</p> | <p><u>Favorable</u></p> |

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| <p>HB 968 By: Gates Rose Frank Capriglione González, Mary</p> | <p>Relating to procedures in certain suits affecting the parent-child relationship filed by the Department of Family and Protective Services.</p> | <p>Juvenile Justice & Family Issues 7 Ayes, 2 Nays, 0 PNV, 0 Absent</p> | <p>Children experience trauma when being removed from their homes in response to alleged abuse or neglect cases. To mitigate this trauma and not displace children from their homes, HB 968 would provide a mechanism to allow a parent or caregiver accused of abuse or neglect to vacate the home voluntarily. This mechanism will enable children to remain home until a resolution is determined for the case.</p> <p>HB 968 authorizes individuals accused of child abuse or neglect to agree to an order, subject to the court’s approval, to leave the applicable child’s residence. Agreeing to the order would not be considered an admission of guilt and would be criminally and civilly enforceable. The person affected can request the court to terminate the order. If the court determines the order is no longer necessary, and its termination is in the child’s best interest, the court must terminate it.</p> <p>HB 968 provides facts and findings that a court can require before issuing an order regarding the possession of a child or related proceedings without prior notice or hearing. These would include if the child would not be adequately protected in their home with an order for removal of the accused individual or a protection order and if an alternate placement of the child, like with a relative or designated caregiver, was offered but refused, not possible due to insufficient time to evaluate the placement, or pose an immediate danger to the child’s physical health or safety. In addition, HB 968 provides the specific suits filed by the Department of Family Protective Services (DFPS) or filed by the court to which its facts and findings provisions apply.</p> <p>HB 968 is a step toward avoiding unnecessary trauma caused by removing children from their homes.</p> | <p><u>Favorable</u></p> |
| <p>HB 603 By: Shaheen</p> | <p>Relating to a limitation on civil suits against persons reporting suspicious activity in good faith.</p> | <p>Judiciary & Civil Jurisprudence 8 Ayes, 1 Nays, 0 PNV, 0 Absent</p> | <p>Many terrorist attacks and other crimes have been circumvented through the reporting of suspicious activity. However, there are currently no civil protections for individuals reporting suspicious activity in good faith.</p> <p>HB 603 seeks to restrict civil actions from being brought if the person reporting suspicious activity to law enforcement acted as a reasonable person would in the same or similar circumstances and with a reasonable belief that the suspicious activity constituted or was in furtherance of a crime, including an act of terrorism.</p> <p>HB 603 would limit civil suits for those who report suspicious activity in good faith. Although the bill is not intended to apply to frivolous or unreasonable reports, there are concerns that good faith suspicions could include suspicions based on racial profiling.</p> | <p><u>Will of the House</u></p> |
| <p>HB 779 By: Vasut</p> | <p>Relating to the issuance of certain search warrants by statutory county court judges.</p> | <p>Criminal Jurisprudence 8 Ayes 0 Nays 0 PNV</p> | <p>Currently, statutory county court judges are authorized to issue search warrants. It is unclear, however, if they are allowed to issue subsequent search warrants or warrants regarding wireless communication devices. HB 779 seeks to provide clarity on this matter.</p> <p>HB 779 would allow a judge of a statutory county court to issue a subsequent search warrant to search the same person, place, or thing previously searched for property or items that could be evidence of an offense or show that</p> | <p><u>Favorable</u></p> |

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| | | 1 Absent | <p>a person committed an offense. Additionally, the bill would authorize a judge of a statutory county court to issue a warrant for a wireless communication device in the same judicial district as either the law enforcement agency that employs the peace officer possessing the device or the likely location of the device.</p> <p>HB 779 expands the powers of a statutory county court judge regarding search warrants.</p> | |
| <p>HB 1136 By: Jetton</p> | <p>Relating to the period for which a person is required to register as a sex offender based on the offense of compelling prostitution.</p> | <p>Criminal Jurisprudence</p> <p>9 Ayes 0 Nays 0 PNV 0 Absent</p> | <p>Currently, individuals who commit the crime of compelling prostitution in Texas are required to register on the Sex Offender Registry (SOR) for a period of ten years. However, there is concern that this may not be sufficient for such a serious offense, which involves the use of force, threat, or coercion to compel someone to engage in prostitution. To address this concern, HB 1136 extends the duration of registration on the SOR for individuals convicted of compelling prostitution.</p> <p>HB 1136 would add compelling prostitution by force, threat, coercion, or fraud to offenses requiring a lifetime registry on the SOR.</p> <p>HB 1136 may help to ensure the safety of Texans and provide peace of mind for victims of this crime.</p> | <p><u>Favorable</u></p> |
| <p>HB 1348 By: Stucky</p> | <p>Relating to the authority of a municipality to regulate veterinarians.</p> | <p>Agriculture & Livestock</p> <p>6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>Following a 2021 ban on declawing cats in Austin, many veterinarians are concerned with local and state governments stepping over the regulations already implemented through the Texas Veterinary Medical Association. HB 1348 is a response to this interaction of professional industry and municipality by purporting that a municipality overstepped its bounds in regulating a profession.</p> <p>HB 1348 prohibits a municipality, unless directly permitted by law, from adopting or enforcing an ordinance, rule, or regulation that regulates the practice of veterinary medicine or prohibits a veterinarian from performing a procedure on an animal not prohibited by the Veterinary Licensing Act or other applicable law.</p> <p>The bill aims to prevent potential regulation of veterinary practices. However, one city ban on declawing cats is the only instance of this happening around the state. There have been no widespread efforts to regulate the veterinary profession, and it is unlikely this bill will affect much in practice. At the same time, it is a municipal government's prerogative to decide what is in the best interest of their locality, including preventing particular procedures that harm or risk an animal's health or welfare, like declawing cats for aesthetic purposes.</p> | <p><u>Will of the House</u></p> |
| <p>HB 1492 By: Ordaz</p> | <p>Relating to the conveyance of property by a municipality for the public purpose of economic</p> | <p>Urban Affairs</p> <p>9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>Local officials in El Paso are interested in expanding their range of economic development tools to enhance the city's competitiveness in attracting businesses. Although state law offers various ways for cities to transfer land for this purpose, these methods often involve lengthy procedures that discourage companies from operating in Texas. Enabling the transfer of property through an economic development agreement within an economic development program would provide the city with an additional tool to foster economic growth and enhance its ability to attract businesses.</p> | <p><u>Favorable</u></p> |

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| | development. | | <p>HB 1492 grants a municipality engaged in an economic development agreement with an entity overseeing an economic development program the ability to transfer real property or an interest in property to that entity for consideration. HB 1492 specifies that this transfer can be considered in the form of an agreement between the parties that requires the entity to use the property in a way that promotes a public purpose of the municipality relating to economic development, and the municipality should be granted sufficient control to accomplish this. HB 1492 prohibits transferring real property or an interest in real property that is owned, held, or claimed as a public square or park for the municipality. Real property acquired by the municipality by eminent domain is also prohibited from being transferred unless the municipality offers and the previous owner cannot be located with reasonable effort or declines the opportunity to repurchase the property at the current market value.</p> <p>Prior to a municipality transferring real property or an interest in real property, they must provide public notice in a newspaper for two days or by another means authorized by local law or ordinance within 10 days before the property is transferred with a description of the property and its location. HB1492 clarifies that this is not expanding eminent domain authority.</p> <p>HB 1492 would provide another economic development tool that would make it easier for conveyance, or the transfer of property, to occur, attracting businesses and promoting economic growth.</p> | |
| <p>HB 2822 By: Garcia Gervin-Hawkins Campos Lozano Rose</p> | <p>Relating to a study on the housing needs of youth transitioning out of foster care or the juvenile justice system.</p> | <p>Urban Affairs 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>The U.S. Department of Housing and Urban Development (HUD) reports that around 25% of foster care youth experience homelessness within four years of aging out of the system. In addition, these youth are more likely to be involved in the juvenile justice system while in state care, which can hinder their successful transition to independent living. HB 2822 proposes that the Texas Interagency Council for the Homeless (TICH) study the unique housing needs of youth aging out of the foster care and juvenile justice systems to address this issue.</p> <p>HB 2822 requires the TICH to study the housing needs of youth transitioning from foster care or the juvenile justice system to independent living. The study must examine the risk of homelessness for these youth and assess the unique housing needs of children previously classified as “dual-status,” i.e., children in the child welfare and juvenile justice systems. The study will also examine the housing needs of children who are part of a disproportionately represented population in foster care, the juvenile justice system, or both. The study will evaluate relevant programs and practices of state agencies and consult with experts on issues faced by youth transitioning out of foster care or the juvenile justice system. The council must submit a written report with legislative recommendations to the Texas Department of Housing and Community Affairs (TDHCA) and the legislature.</p> <p>The study proposed under HB 2822 could improve outcomes for youth transitioning out of state systems by identifying their unique housing needs, reducing the risk of homelessness, improving the coordination of services, and enhancing policymaking for this population.</p> | <p><u>Favorable</u></p> |

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| <p>HB 3187</p> <p>By: Caroline, Harris</p> | <p>Relating to the sourcing, marketing, and sale of certain license plates.</p> | <p>Transportation</p> <p>12 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Texans have not had the option to choose embossed license plates since 2009 due to cost and manufacturing considerations. However, many customers who prefer embossed plates have expressed a desire for them. HB 3187 allows the private vendor contracted with the Texas Department of Motor Vehicles (TxDMV) to offer, source, and sell a limited range of embossed plates to customers who prefer them.</p> <p>HB 3187 requires a contract between TxDMV and a private vendor for the marketing and sale of specialty license plates to allow for creating, marketing, and selling a range of premium embossed specialty license plates by the vendor.</p> <p>HB 3187 enables a vendor to offer customers a selection of high-quality embossed plates alongside the regular flat plates currently available.</p> | <p><u>Favorable</u></p> |
| <p>HB 3183</p> <p>By: Schatzline Moody Cook Leach Bowers</p> | <p>Relating to the use of in-custody informant testimony in a criminal trial.</p> | <p>Criminal Jurisprudence</p> <p>9 Ayes 0 Nays 0 PNV 0 Absent</p> | <p>A jailhouse informant is an incarcerated person who cooperates with law enforcement by providing information, typically in exchange for reduced charges or other benefits in their own criminal case. However, using jailhouse informant testimony in criminal trials has been a contentious issue, particularly because it has been linked to 13 wrongful convictions in Texas. Some have raised concerns that the testimony of jailhouse informants is not always subject to the same level of scrutiny as other forms of evidence or testimony, such as expert testimony, and that some informants are incentivized to give false testimony because they may receive personal benefits. This can lead to situations where unreliable or even false testimony is presented to the court as evidence, resulting in wrongful convictions and devastating consequences for those wrongly accused. HB 3183 seeks to mitigate these risks by installing new guardrails regarding jailhouse informant testimony.</p> <p>HB 3183 requires that the testimony of an in-custody informant cannot be used against a defendant in a trial for certain specified offenses unless the state attorney notifies the defendant of the intent to use such testimony at least 21 days before the trial, and a hearing without a jury is held in which the judge must make specific findings based on clear and convincing evidence regarding the informant's credibility, reliability, and the nature of any benefits they received in exchange for their cooperation.</p> <p>HB 3183 sets out guidelines for what a judge must consider during such a hearing, and prohibits the judge from revealing their ruling from the hearing to the jury. If it is determined that any benefit granted, promised, or offered to the informant did not unduly influence the testimony and that the testimony is truthful, an in-custody informant's testimony may be admitted at trial. If not, the court is required to instruct the jury to disregard the testimony. The bill defines benefit broadly to include any form of leniency or special treatment given to the informant in exchange for their testimony. Additionally, HB 3183 requires that a defendant have the right to call the in-custody informant as a witness, and requires the state's attorney to provide the defendant and their counsel with all information the state intends to offer within ten days of the trial.</p> | <p><u>Favorable</u></p> |

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| | | | <p>HB 3183 requires the court to extend the time for the state's attorney to provide notice of their intention to use in-custody informant testimony or provide the necessary information for an admissibility hearing, if sufficient cause is shown. Furthermore, the bill permits the continuance of the admissibility hearing or the defendant's trial if additional time is needed by either party to prepare for the hearing. This extension of time can be requested by either the defendant or the state's attorney, and constitutes sufficient cause for continuing the hearing or trial.</p> <p>HB 3183 functions to ensure that jailhouse informant testimony is heavily scrutinized to prioritize the truth. This will aid the courts in preventing wrongful convictions and ensuring that the correct individual is brought to justice.</p> | |
| <p>HB 3825 By: Bucy</p> | <p>Relating to prohibiting the publication of certain criminal record information of individuals involved in the criminal justice system.</p> | <p>Homeland Security & Public Safety</p> <p>6 Ayes, 1 Nay, 0 PNV, 1 Absent</p> | <p>Images, including mugshots, can remain online indefinitely, even if a person is acquitted or pardoned. These images can be easily accessed and used against individuals during job applications, housing applications, or volunteer sign-ups, regardless of whether they were actually convicted of a crime. Some entities extort individuals for money in exchange for removing their mugshots from public websites. Businesses can do this so long as they do not receive a notice of expunction or an order of nondisclosure, which can be costly and takes months to receive.</p> <p>HB 3825 aims to tackle this problem by prohibiting law enforcement agencies from publishing mug shots before a conviction unless the person was convicted of an offense for which they were arrested or incarcerated at the time the photo was taken, or if the individual poses a threat to public safety and the image could aid in their apprehension. A judge can also order the release of a mug shot for good cause.</p> <p>HB 3825 prohibits businesses from publishing a person's criminal record, including the arresting image, unless the individual was convicted of an offense related to the same incident. Disclosing a mugshot in accordance with public information laws is still permissible under the bill.</p> <p>A mugshot does not automatically mean a crime was committed, and HB 3825 helps to ensure that innocent people's lives aren't uprooted.</p> | <p><u>Favorable</u></p> |
| <p>HB 3351 By: Harris, Caroline</p> | <p>Relating to standards required for certain rankings of physicians by health benefit plan issuers.</p> | <p>Insurance</p> <p>7 Ayes, 2 Nays, 0 PNV, 0 Absent</p> | <p>Some contend that the requirements for insurers to provide enrollees information on physician quality rankings is too onerous, and that this information would help enrollees obtain quality healthcare.</p> <p>HB 3351 allows health plan benefit issuers to publish physician rankings, ratings, tiers, and other comparison tools, if the following requirements are met:</p> <ul style="list-style-type: none"> the standards used physicians are developed by an organization designated by the commissioner of insurance; | <p><u>Favorable</u></p> |

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| | | | <ul style="list-style-type: none"> the ranking is disclosed to each affected physician at least 45 days before it is published and identifies what the ranking will be used for; and each affected physician is given an easy-to-use process to identify discrepancies between the standards and their ranking. <p>A benefit issuer must resolve any physician ranking discrepancy within 30 days or the publication release, whichever is later.</p> <p>HB 3351 allows the commissioner to choose the standards used to determine rankings, which must be issued by a nationally-recognized, unbiased organization with transparent methodology and, if based on clinical outcomes, are risk-adjusted. The organization must also have a process by which a medical provider may report errors for investigation and, if appropriate, correction.</p> <p>There are concerns that depending on the metrics used, physicians may be unfairly ranked. However, proponents argue that physician quality scores are simply one aspect of many that a patient is entitled to, such as price transparency. Additionally, there are already outside platforms that rank doctors in various ways. The bill prescribes one with transparent requirements. There are also concerns surrounding the accessibility of the discrepancy process for physicians to protest their ranking. The bill calls for an “easy-to-use process,” although it is difficult if that will be the case in practice. HB 3351 seeks to increase physician quality transparency so that Texans are equipped to make the best decisions for their care.</p> | |
| <p>HB 3352 By: Gerdes Orr</p> | <p>Relating to the regulation of used and scrap tires by certain counties.</p> | <p>Environmental Regulation</p> <p>5 Ayes, 1 Nays, 0 PNV, 3 Absent</p> | <p>In rural areas, illegally dumping used and scrap tires is causing environmental problems and making it difficult for county road crews to manage. As a result, county commissioners from House District 17 are asking the state for help managing this issue. HB 3352 aims to address this problem by allowing county commissioners in smaller counties to create a program requiring tire generators to mark used or scrap tires uniquely, making it easier to identify those illegally dumping them.</p> <p>HB 3352 authorizes the commissioners court of a county with a population of 150,000 or less to establish and enforce a program that requires generators of varying types to mark used or scrap tires. The program will assign an identification mark unique to a specific generator that the generator must use on each scrap or used tire received or produced. In addition, HB 3352 would allow customers to keep their old tires when purchasing new ones and require retailers to maintain records of when customers keep their old tires. HB 3352 also requires the program to include a system to inspect generators for compliance.</p> <p>HB 3352 promotes responsible tire disposal practices and reduces the burden on rural county road crews.</p> | <p><u>Favorable</u></p> |

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| <p>HB 3282</p> <p>By: Jones, Venton</p> | <p>Relating to the manufacture, transportation, storage, and disposal of new and scrap tires; authorizing a fee.</p> | <p>Environmental Regulation</p> <p>6 Ayes, 0 Nays, 0 PNV, 3 Absent</p> | <p>Illegally discarded tires become a nuisance and an economic burden on counties. Texas has adopted ordinances to regulate the disposal and recycling of tires in municipalities, resulting in positive outcomes. However, the illegal dumping of scrap tires in unincorporated areas has caused public health and economic issues. In addition, the county and property taxpayers are responsible for the cost of removing illegally dumped tires. HB 3282 aims to resolve this by implementing a tagging system and providing county authority to impose fines on scrap tire dumping.</p> <p>HB 3282 requires manufacturers to provide the Texas Commission on Environmental Quality (TCEQ) with information identifying each tire within one month of manufacture. HB 3282 mandates transporters, storage sites, and disposal facilities for scrap tires to submit an electronic manifest to the TCEQ on the initial transfer of each shipment of scrap tires. HB 3282 requires TCEQ to create requirements for a scrap tire tagging system. HB 3282 also requires each submitted manifest to reference the tagging system and identify each tire received from a transporter.</p> <p>HB 3282 makes transporters liable for each scrap tire transported to an unregistered storage site or disposal facility. HB 3282 allows commissioners courts to impose a fine on the transporter in an amount capped at \$500 per tire. Moreover, HB 3282 will enable commissioners courts to impose the same fine on a generator of scrap tires who uses an unregistered transporter and to suspend or revoke any license or permit to sell tires issued to the generator. HB 3282 authorizes commissioners' courts to impose a fee for tire disposal and 50 cents of the fee to be transferred to the TCEQ. The fines and fees collected by the commissioner's courts must be deposited into an account to dispose of, mitigate the effects of, and recycle tires. HB 3282 also authorizes using these fines and fees to establish a tire recycling facility in the county.</p> <p>HB 3282 seeks to protect public health and mitigate unnecessary expenses caused by illegally dumped scrap tires in unincorporated areas of Texas by better regulating the disposal and recycling of tires.</p> | <p><u>Favorable</u></p> |
| <p>HB 4639</p> <p>By: Thimesch Frazier Johnson, Ann</p> | <p>Relating to unlawfully carrying a handgun in a motor vehicle or watercraft.</p> | <p>Community Safety-Select</p> <p>7 Ayes, 3 Nay, 0 PNV, 0 Absent</p> | <p>This bill seeks to address a loophole in criminal law regarding the offense of unlawful carry of a firearm. The statute states that it is an offense for a person to intentionally, knowingly, or recklessly carry a firearm in a motor vehicle or watercraft that is owned by the person or under the person's control if, at the time, the handgun was in plain view. As written, a person must own or control the vehicle to be charged with unlawfully carrying a firearm. This wording allows passengers who could also be unlawfully carrying to bypass criminal offenses because they happened not to own the vehicle or be driving at the time. HB 4639 intends to clarify the wording of this criminal offense.</p> <p>HB 4639 removes the requirement that the motor vehicle or watercraft involved in the offense must be owned or controlled by the person engaging in the conduct. This change aims to close the loophole that allows some defendants to avoid appropriate charges or consequences for their actions.</p> | <p><u>Favorable</u></p> |

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| <p>HB 3539</p> <p>By: Troxclair Guillen Garcia Isaac Harris, Caroline</p> | <p>Relating to the establishment and operation of an ammunition facility by the Department of Public Safety.</p> | <p>Community Safety-Select</p> <p>11 Ayes, o Nay, o PNV, o Absent</p> | <p>There is a national ammunition shortage that began in 2020. The scarcity of ammunition and subsequent higher prices have caused Texas law enforcement agencies to resort to purchasing cheap, low-quality ammunition from brands from foreign countries.</p> <p>To address this issue, HB 3539 requires the Department of Public Safety (DPS) to contract with a third party to establish and operate the Texas Ammunition Facility to acquire, store, and resell quality ammunition to law enforcement agencies. The contracted operator of the Facility must acquire ammunition that was manufactured in Texas and packaged with the state seal, state arms, or Texas state flag, indicating it is "Made in Texas." The Department of Public Safety would oversee the facility's operations. HB 3539 stipulates that the contracted operator must maintain an adequate supply of quality ammunition for future shortages and offer it at a reasonable price exclusively to law enforcement agencies in Texas. Reselling ammunition or its components to individuals outside law enforcement agencies is prohibited.</p> <p>HB 3539 directs the revenue generated through the resale of ammunition into the General Revenue Account 0116, Texas Commission on Law Enforcement, to the credit of law enforcement officer standards and education. This money can be used to cover the operation costs of the Texas Ammunition Facility.</p> <p>HB 3539 establishes a partnership between the private and public sectors to construct ammunition manufacturers dedicated solely to supplying ammunition to Texas law enforcement agencies. This initiative will compete with existing local manufacturers' contracts with other agencies, offering an alternative source of ammunition at a better price.</p> <p>HB 3539 strives to increase the availability of ammunition for law enforcement to properly train and respond to threats, such as mass shootings. However, the bill still leaves many aspects of implementation unclear. For example, the bill stipulates that enough ammunition must be stored in case of future shortages. It is unclear how much ammunition or its cost that the state would have to buy to meet this standard. Additionally, according to the fiscal note, the costs associated, while assumed to be significant, cannot be determined due to the scale and output of the facility being unknown. Any potential profits also cannot be determined.</p> | <p><u>Will of the House</u></p> |
| <p>HB 4061</p> <p>By: Schatzline Cook Leach Plesa Bowers</p> | <p>Relating to prohibiting a registered sex offender in certain circumstances from going within a certain distance of the residence of a victim of any offense committed by the offender for</p> | <p>Criminal Jurisprudence</p> <p>9 Ayes o Nays o PNV o Absent</p> | <p>Texas has no laws prohibiting sex offenders from living near or directly next to their victim. This lack of statutory safeguarding led to a situation in which, upon release, a perpetrator of a sex crime was able to move back in next to the individual he assaulted, causing incredible stress for the survivor and family and making the recovery process even more difficult. HB 4061 seeks to address this by prohibiting a sex offender from living within a certain proximity to their victim.</p> <p>HB 4061 would prohibit an individual required to register on the Sex Offender Registry (SOR) from going within 2,500 feet of the residence of any victim for which the person is subject to such registration. This limit would not</p> | <p><u>Favorable</u></p> |

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| | which the offender is subject to registration. | | <p>apply if the victim chose to move within 2,500 feet of the person who committed the offense.</p> <p>HB 4061 will help to ensure that survivors of sexual assault are allowed the space necessary to recover and thrive.</p> | |
| <p>HB 5280 By: Bucy</p> | <p>Relating to operation by certain nonprofit organizations of certain regional healthcare programs for employees of smaller employers.</p> | <p>County Affairs</p> <p>7 Ayes, 2 Nay, 0 PNV, 0 Absent</p> | <p>Various stakeholders use TexHealth — an Austin-based nonprofit organization — to offer health care assistance in their counties. However, due to TexHealth being a three-share plan, current law does not allow them to operate in a county without commissioners court approval. This approval process is onerous and creates barriers around helping small business owners and their employees gain access to affordable health insurance. TexHealth began as a healthcare provider but has since restructured to be a premium assistance program which no longer offers health care coverage, therefore no longer needing county commissioners' approval. HB 5280 seeks to enable the operation of regional health care programs, such as TexHealth, in counties without the approval or certain governances of the county commissioners court.</p> <p>HB 5280 allows a community-based nonprofit organization to establish or participate in a regional health care program without participation of the commissioners court of a county. The program must be a premium assistance program that does not offer health care services or healthcare benefits. This bill permits a nonprofit organization to operate and govern a program directly, and mandates that the program align with the objectives set forth in state law for regional or local health programs.</p> | <p><u>Favorable</u></p> |
| <p>HB 5159 By: Bhojani Moody Bowers Canales Leach</p> | <p>Relating to an argument before the jury after a subsequent jury charge in a criminal case.</p> | <p>Criminal Jurisprudence</p> <p>6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>When a jury is deadlocked - cannot reach a unanimous decision on a verdict - a judge may issue an “Allen charge” note. This note explains that no other jury will hear anything different from what they would and that they have a duty to conscientiously decide on a verdict. This note can be interpreted as a last effort from a judge to get a jury to reach a unanimous decision. HB 5159 seeks to ensure both parties in a criminal case, the prosecution and defense, can present their argument to the jury by requiring a court to allow each party to present an argument to the jury if the court delivers a further charge to the jury.</p> <p>HB 5159 requires a court to permit each party, the prosecution and the defense, to present an argument to the jury if the court delivers a further charge to the jury resulting from an improper argument of counsel, the jury’s request, or the introduction of other testimony. In addition, HB 5159 makes clarifying changes in provisions relating to final charges, specifically who is being referred to in the statute and further grammatical edits.</p> <p>HB 5159 allows both parties to present their arguments properly, ensuring all available evidence is provided to the jury to make an informed decision.</p> | <p><u>Favorable</u></p> |

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| <p>HB 4697 By: DeAyala</p> | <p>Relating to the partial count of electronic voting system ballots.</p> | <p>Elections 8 Ayes, 0 Nays, 0 PNV, 1 Absent</p> | <p>Currently, election officials are required to audit early voting results tabulated by electronic voting systems by manually counting all the races in randomly selected election precincts – in at least one percent of all precincts, or three precincts, whichever is greater. The count must begin no later than 72 hours after the polls close.</p> <p>HB 4697 adds an option to randomly select county polling places, rather than election precincts. HB 4697 adds an option for an the general custodian of election records to conduct a manual count in at least one percent of polling places participating in the countywide polling place program, or in three countywide polling places, whichever is greater, where an electronic voting system was used on election day and during early voting by personal appearance. The count must also begin no later than 72 hours after the polls close.</p> | <p><u>Favorable</u></p> |
| <p>HB 4674 By: Hayes</p> | <p>Relating to the qualifications, summoning, and reimbursement of jurors.</p> | <p>Judiciary & Civil Jurisprudence 9 Ayes, 0 Nays, 0 PNV, 0 Absent</p> | <p>There is a current need to create more clarity for procedures regarding juror summoning. HB 4674 seeks to allow clerks and counties greater efficiency in managing juror attendance by simplifying the summoning, scheduling, and donation process for jurors.</p> <p><i>Juror Summoning and Scheduling</i> Under HB 4676, once a court clerk has received notice from the judge of the jury service date, the court clerks may directly summon potential jurors instead of going through a sheriff or constable.</p> <p>HB 4674 requires the Office of Court Administration (OCA) of the Texas Judicial System to develop a uniform written jury summons. This uniform written summons must include the following: the option to provide a link for the court’s website where jury service exemptions and restrictions are found; notice of the consequences of failing to comply with the jury summons; and the option to include the jury summons in juror questionnaires, provide a link for it to be printed, and access it online in counties with an electronic jury selection method. The written juror summons must be 3.5x5 inches or larger and the accompanying questionnaire must require a person to provide an email address.</p> <p>HB 4674 requires the district clerk to promptly notify the voter registrar regarding those who are permanently exempted from jury service. The voter registrar should only keep a register of those who are permanently exempt due to physical or mental impairment or an inability to comprehend English.</p> <p>HB 4674 requires a court clerk to keep a list of people disqualified from jury service due to misdemeanor theft or felony conviction. These individuals are permanently disqualified from jury service, except under the following circumstances: being placed on deferred adjudication and receiving a dismissal or discharge; was placed on community supervision which was terminated early; or was pardoned and regained their civil rights. The bill allows the district clerk to remove the name of a disqualified person from the jury wheel and prohibits noncitizens and nonresidents from being placed in the jury wheel. HB 4674 requires the clerk to send the secretary of state a copy of this list, updating the persons based on the preceding month, on the third business day of each month.</p> | <p><u>Favorable</u></p> |

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| | | | <p>Donation Process HB 4674 revises provisions related to the donation of a juror’s reimbursement by allowing a person reporting to jury service to electronically direct a county official to donate their reimbursement, the person may choose to have a designated county employee make the donation instead of the county treasurer, and the person has the option to donate their entire daily reimbursement among specified funds, programs, and county entities, instead of donating all or a specific amount to one entity.</p> <p>HB 4676 makes it easier for counties to select, schedule, and receive donations from jurors by using electronic options to streamline processes.</p> | |
| <p>HB 1973 By: Harris, Caroline Klick Frank Campos Collier</p> | <p>Relating to itemized billing for health care services and supplies provided by health care providers; authorizing an administrative penalty.</p> | <p>Public Health 9 Ayes, 2 Nays, 0 PNV, 0 Absent</p> | <p>Medical bills can be complex; some providers only give a "balance due" statement without detailing the services and charges. Itemized bills are essential for patients to understand their charges and verify accuracy. The lack of itemized bills hinders transparency and infringes on patient rights. Although patients can request an itemized bill, contacting the billing department can often be difficult and time-consuming. HB 1973 addresses this by requiring healthcare providers to issue an itemized statement before or when collecting payment for services or supplies provided to patients.</p> <p>HB 1973 requires healthcare providers to submit a written, itemized bill detailing each service and supply provided to patients when requesting payment within 30 days after receiving the final payment from a third party. Providers may issue itemized bills electronically, such as through a patient portal. The itemized bill must include plain language descriptions of each service or supply, billing codes and amounts billed to and paid by third parties, and the amount due from the patient. Patients can request an itemized bill at any time, and providers cannot pursue debt collection unless they comply with the bill's provisions. Violations result in a \$1,000 administrative penalty per violation, and additional disciplinary action may be taken.</p> <p>HB 1973 seeks to provide Texans with easier access to itemized medical bills.</p> | <p><u>Favorable</u></p> |
| <p>HB 2235 By: Jones, Venton Oliverson Rose Anderson Wu</p> | <p>Relating to HIV and AIDS tests.</p> | <p>Public Health 9 Ayes, 0 Nays, 0 PNV, 2 Absent</p> | <p>The Department of State Health Services (DSHS) reports that almost 40% of new HIV infections come from individuals unaware of their status. Currently, HIV tests aren't part of routine medical screenings in Texas, putting the responsibility on patients who may assume they're not at risk or that testing is included. This situation particularly affects young people, women, and people of color. The CDC reveals that 42% of new HIV cases occur in Black individuals, 27% in Hispanic/Latinos, and over 57% in those 34 or younger.</p> <p>HB 2235 aims to enhance early detection and treatment of HIV by making testing an opt-out service and requiring healthcare providers to offer information on HIV health services and community support referrals for positive results. During routine screenings, providers can administer an HIV test unless the patient opts out. Providers must either obtain consent for the test or inform patients that it will be conducted unless they opt-out. If a positive result occurs, the provider must share information on HIV health services and community support</p> | <p><u>Favorable</u></p> |

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| | | | <p>referrals. The executive commissioner will establish implementation rules, considering the latest CDC recommendations for HIV testing in adults and adolescents.</p> <p>HB 2235 aims to improve public health by allowing for early detection of HIV, which can save lives. It also respects an individual's right to opt out of the test, ensuring medical choices are not imposed upon them.</p> | |
| <p>HB 1848 By: DeAyala</p> | <p>Relating to a study by the Secretary of State on the feasibility of central counting stations complying with federal standards for facilities that contain sensitive information.</p> | <p>Elections 6 Ayes, 3 Nays, 0 PNV, 0 Absent</p> | <p>HB 1848 requires the Secretary of State (SOS) to conduct a study to examine the feasibility of aligning every central counting station with the standards of Sensitive Compartmented Information Facilities (SCIF) established by the U.S. federal government and report findings to the Legislature by September 1, 2024. A central counting station (CCS) is the place on election night where ballots are counted, vote totals are accumulated, and the unofficial election results are generated.</p> <p>A SCIF is an area, room, group of rooms, or installation certified and accredited as meeting the Director of National Intelligence security standards for processing, storing, or discussing sensitive compartmented information (SCI). Access to SCIFs is typically limited to those individuals with appropriate security clearances. The Office of the Director of National Intelligence lays out strict guidelines for the technical aspects and security of the SCIF, including structural requirements such as doors and windows, acoustic requirements to ensure sounds within the SCIF are not audible from the outside, and more.</p> <p>Although the state and federal government have a role in administering elections, county or municipal officials typically conduct the rubber-meets-the-road functions of running an election. Often, elections rely on community volunteers for help, conducting elections in enough locations for voters to reach without undue burden. SCIF standards were not created with elections administration in mind. They are intended for national security matters. While it is prudent to ensure the counting of ballots is handled properly, a feasibility study is not needed to determine the impracticality of these standards on local election administrators. Study findings could also be politicized and misused to support reasonings for the state to take over county elections.</p> | <p><u>Unfavorable</u></p> |