

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES

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HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, April 13, 2021
87th Legislature, Number 33
The House convenes at 10 a.m.
Part One

Four bills are on the Major State Calendar and 16 bills are on the General State Calendar for second reading consideration today. The bills analyzed in Part One of today's *Daily Floor Report* are listed on the following page.

The following House committees were scheduled to meet today: Business and Industry; Human Services; Public Education; Natural Resources; Land and Resource Management; House Administration; Insurance; and Transportation.



Alma Allen
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Tuesday, April 13, 2021

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Part 1

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SUBJECT: Continuing the Texas State Board of Plumbing Examiners

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 10 ayes — S. Thompson, Kuempel, Darby, Ellzey, Fierro, Geren, Guillen, Hernandez, Huberty, Pacheco

0 nays

1 absent — Goldman

WITNESSES: For — Stephen Cox, Plumbing, Heating, Cooling Contractors of Texas; Joe Cooper, Southwest Pipe Trades Association; Jesse Howard; Christopher Smith; (*Registered, but did not testify*: Carrie Simmons, Associated Builders and Contractors of Texas; Guadalupe Cuellar, City of El Paso; TJ Patterson, City of Fort Worth; Amber Hausenfluck, International Association of Plumbing and Mechanical Officials; Jo Cassandra Cuevas, International Union of Elevator Constructors; Eric Woomer, Mechanical Contractors Association of Texas; Annie Spilman, NFIB; Richard Lord, Plumbers Local 68; Leonard Aguilar, Southwest Pipe Trades Association; Rene Lara, Texas AFL-CIO; Ned Muñoz, Texas Association of Builders; Mike Meroney, Texas Association of Manufacturers; Stanley Briers, Texas Plumbing, Air Conditioning, Mechanical Contractors Association; Chloe Goodman, Workers Defense Action Fund; Thomas Parkinson)

Against — None

On — Frank Denton and Lisa Hill, Texas State Board of Plumbing Examiners; (*Registered, but did not testify*: Richard Herman, Texas State Board of Plumbing Examiners)

BACKGROUND: The Texas State Board of Plumbing Examiners (TSBPE) was created in 1947 to protect Texas citizens against the hazards that can result from improperly installed plumbing, gas, and medical gas systems.

Functions. The board undertakes several key activities, including:

- examining and licensing plumbers and plumbing inspectors;
- overseeing continuing education and ensuring licensees' compliance with continuing education requirements; and
- investigating and resolving complaints, including taking disciplinary action when necessary.

Governing structure. The board consists of nine members, appointed by the governor with the advice and consent of the Senate, who serve staggered six-year terms. Seven members are professionals and two represent the public.

Funding. TSBPE received about \$3.4 million in revenue in fiscal 2020, including about \$180,000 from licensing and registration fees. It spent about \$3 million and transferred about \$190,000 to the general revenue fund in fiscal 2020.

Staffing. The board was allocated 38 full-time equivalents in fiscal 2020. Most staff work at the agency's headquarters in Austin, but the agency also employs one field investigator in each of nine regions across the state.

Per Occupations Code sec. 1301.003, the board was set to expire in statute on September 1, 2019. On June 13, 2019, Gov. Abbott issued an executive order suspending the expiration of TSBPE until May 31, 2021, citing the need for qualified licensed plumbers to help the state respond to damage caused by Hurricane Harvey.

DIGEST:

HB 636 would continue the Texas State Board of Plumbing Examiners (TSBPE) until September 1, 2027. The bill would require plumbing license applicants to submit fingerprints to the board and undergo a criminal history information record check, authorize the board to issue temporary licenses to certain individuals, require the creation of certain minimum standards for continuing education and training, and require the board to make public certain information regarding disciplinary actions taken under the plumbing code, among other provisions.

Fingerprints and criminal history record check. The board would have to require an applicant for a plumbing license to submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or the Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI). TSBPE would have to conduct a criminal history record information check of each applicant using information provided by the individual and information made available by DPS, FBI, and any other relevant criminal justice agency. The board could not issue a license to person who did not comply with the requirement to submit fingerprints.

TSBPE could enter into an agreement with DPS to administer a criminal history record information check and authorize DPS to collect from each applicant the costs incurred in conducting the check.

By September 1, 2023, the board would have to obtain criminal history record information using a person's name, date of birth, and other alphanumeric identifiers on each person who held a license on September 1, 2021, and did not undergo a criminal history record information check on submission of the person's initial license application.

By September 1, 2025, the board would have to obtain criminal history record information using a person's fingerprints on each person who held a license on September 1, 2021, and did not undergo a criminal history record information check on submission of the person's initial license application.

TSBPE could suspend the license of a person who did not comply with the request to provide information or fingerprints, in a form and manner prescribed by the board, that would enable the board to obtain the required criminal history record information.

Temporary licenses. TSBPE by rule could provide for the issuance of a temporary license to an applicant who met preliminary qualifications established by board rule and paid a fee set by the board.

A temporary license would expire on the 30th day after the date of issuance and could not be renewed. A temporary license holder would be

subject to the plumbing code, any law applicable to the activity for which the license was required, including municipal rules, orders, or ordinances, and any rule of the board applicable to the license.

Continuing education and training standards. HB 636 would require TSBPE to establish by rule minimum curriculum standards for continuing education programs, courses, and the training program for holders of a license or endorsement issued under the plumbing code. The board also would have to establish by rule minimum qualifications for an instructor of a required continuing education program, course, or training program.

The executive director of TSBPE would have to approve a continuing education program, course, or training program that met the minimum curriculum standards and an instructor who met the minimum qualifications.

The bill would specify that a person could receive credit for participating in a continuing professional education program, course, or training program only if the course was approved by the executive director. A person could complete the continuing education requirement through a correspondence course as approved by the executive director.

The board would have to adopt rules to ensure that each holder of a license, registration, or endorsement had at least 12 months to complete any continuing education requirement for the renewal of the license, registration, or endorsement. The bill would specify that in order to renew a license or endorsement, a person would have to complete at least six hours of continuing professional education annually, rather than each year the person held the license or endorsement.

Training program requirement. HB 636 would remove the requirement that before working as a responsible master plumber a master plumber present evidence satisfactory to the board of successful completion of a training program approved or administered by the board regarding the laws and rules applicable to plumbing in Texas.

Disciplinary actions. The bill would make an individual subject to disciplinary action for:

- attempting to obtain or obtaining a license, endorsement, or registration through fraud;
- performing plumbing without holding the proper license, endorsement, or registration; or
- performing plumbing in violation of a plumbing code.

An individual who attempted to obtain or obtained a license, endorsement, or registration through error would not be subject to disciplinary action by the board.

These conditions for disciplinary action would apply only to conduct that occurred on or after the bill's effective date.

Public access to disciplinary action information. The bill would require TSBPE to make available to the public through a toll-free telephone number, internet website, or other easily accessible medium determined by the board the following information related to a disciplinary action taken regarding a person regulated under the plumbing code:

- the identity of the person;
- the nature of the complaint; and
- the disciplinary action taken by the board.

The board could not include in the name of the person who filed the complaint in this information, and would have to present the information in an impartial manner using commonly understood language. TSBPE would have to update regularly the information made available regarding disciplinary actions taken by the board.

Examinations. The bill would specify that if an examination required for the issuance of a plumbing license, registration, or endorsement contained a practical component, TSBPE would have to employ or contract with one or more plumbing examiners to administer that component of the examination.

The board could adopt, recognize, develop, or contract for a required examination, including the administration of the examination. For each required examination, TSBPE would be required, to the extent feasible, to adopt, recognize, develop or contract for an examination that included components that could be administered in writing or online and by a person other than a plumbing examiner.

Endorsements. The bill would specify that an endorsement issued under the plumbing code would be valid for one year, and that an endorsement or registration could be renewed annually on payment of the required fee.

A medical gas piping installation endorsement, multipurpose residential fire protection sprinkler specialist endorsement, or water supply protection specialist endorsement would expire on the date the master plumber or journeyman plumber license of the endorsement holder expired. The board would have to adopt rules to provide for the license holder to renew the endorsement in the same transaction as the license if the license holder had completed any required continuing education established by rule and applicable to the endorsement and complied with other requirements prescribed by board rule.

On-site license checks. TSBPE by rule would have to assign priorities and prescribe procedures for field representatives conducting on-site checks of plumbing license holders based on:

- the degree of potential harm to public health, safety, or property;
- the history of previous violations; and
- any other indication of increased risk to public health, safety, or property, as determined by the board.

Complaints. TSBPE by rule would have to include in its assigned priorities and prescribed investigative procedures for investigation of complaints the history of previous violations by the person who was the subject of a complaint and any other indication of increased risk to public health, safety, or property, as determined by the board.

Informal settlement conferences. The bill would specify that the established procedures under which an informal settlement conference to

resolve a complaint against a license-holder was conducted would have to identify the types of complaints for which such a conference could be used and require appropriate documentation of each conference that was conducted, including the outcome of the conference.

Attorney general. The bill would repeal the statute requiring the attorney general to represent the board in an action to enforce the plumbing code.

Rules. The board would have to adopt rules necessary to implement the provisions of the bill as soon as practicable after the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUPPORTERS
SAY:

HB 636 would retain an agency vital to the health and safety of Texans by continuing the Texas State Board of Plumbing Examiners (TSBPE) in statute for six years. The bill also would give the board tools to improve and become more efficient, in line with the 2018 recommendations of the Sunset Advisory Commission.

TSBPE should not be abolished as a standalone agency and have its functions transferred to the Texas Department of Licensing and Regulation (TDLR) because the board has made great strides in the past two years to comply with the Sunset Advisory Commission's recommendations to increase its efficiency. HB 636 would continue this trend by codifying some of the commission's recommended changes to the board, including requiring fingerprints and background checks for licensees, requiring the board to make information regarding certain disciplinary actions public, streamlining examinations and continuing education requirements, and creating a risk-based approach to on-site compliance checks.

The board should remain as an independent agency and continue to make its operations more efficient. Further burdening TDLR by transferring more licenses under its purview could jeopardize the department's ability to effectively perform its functions and could lead to diminished oversight of the essential plumbing industry.

CRITICS
SAY:

HB 636 inappropriately would continue the Texas State Board of Plumbing Examiners (TSBPE) as an independent agency, as the board is failing to meet the needs of the public and licensees. In its 2018 review of TSBPE, the Sunset Advisory Commission found that the board created barriers to becoming a plumber or advancing in a plumbing career by requiring outdated exams that were difficult to administer, thereby creating a significant backlog. The commission also found that the board increased costs for licensees by overregulating continuing education. Instead of continuing the board until 2027, the bill should transfer the responsibilities of TSBPE to the Texas Department of Licensing and Regulation to ensure the efficient oversight of plumbing in Texas.

NOTES:

The author plans to introduce two floor amendments. The first floor amendment would remove the ability of a field representative of the Texas State Board of Plumbing Examiners (TSBPE) to issue criminal citations to certain individuals and would replace references to the statutory enforcement committee with reference to the board.

The second floor amendment would allow TSBPE to waive any prerequisite to obtaining a plumbing license, registration, or endorsement to an applicant who held a similar credential issued by another jurisdiction that had licensing requirements substantially similar to those of Texas. An applicant who held the equivalent credential for at least two years could not be required to undergo an examination to obtain a Texas credential.

The board also could make an agreement with another state, subject to the approval of the governor, to allow for licensing reciprocity if the other state had licensing requirements substantially similar to those of Texas. TSBPE could adopt rules for determining if a plumbing credential offered by another jurisdiction was equivalent with a Texas plumbing credential.

SUBJECT: Applying across-the-board standards to agencies subject to Sunset review

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 13 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson, Smithee
0 nays

WITNESSES: For — None
Against — None
On — (*Registered, but did not testify*: Steven Ogle, Sunset Advisory Commission; Thomas Parkinson)

DIGEST: HB 1575 would add to the Texas Sunset Act general provisions applicable to state agencies subject to review by the Sunset Advisory Commission, including provisions related to state agency policymaking bodies, training and meetings requirements, and information on complaints.

To the extent of any conflict between the bill and any law relating to a state agency subject to review by the commission, the bill would control.

State agency policymaking bodies. The bill would include several provisions related to membership of state agency policymaking bodies.

Public membership. A person could not be a public member of a state agency policymaking body if the person or the person's spouse:

- was registered, certified, or licensed in a field regulated by the agency;
- was employed by, participated in the management of, or directly or indirectly owned or controlled more than 10 percent interest in an organization regulated by or receiving money from the agency; or

- received a substantial amount of goods, services, or money from the agency, other than compensation related to the agency's policymaking body as authorized by law.

Conflicts of interest. A person could not be a member of a policymaking body or an employee of the state agency in a certain capacity if the person or the person's spouse was an officer, employee, or paid consultant of a Texas trade association in a field regulated by the agency.

A person required to register as a lobbyist because of activities on behalf of a profession related to the state agency's operations could not be a member of the agency's policymaking body or act as the general counsel to the policymaking body or agency.

Presiding officer. The governor would be required to designate a member of the policymaking body as the presiding officer to serve at the pleasure of the governor.

Grounds for removal. It would be grounds for removal from an agency policymaking body that a member:

- did not have the qualifications to be a member of the body or did not maintain the qualifications during service on the body;
- was ineligible for membership under law;
- could not discharge duties for a substantial part of the member's term due to illness or disability; or
- was absent from more than half of the regularly scheduled meetings during a calendar year without an excuse approved by a majority vote of the body.

The validity of an action of a policymaking body would not be affected by the fact that it was taken when a ground for removal of a member existed.

If the executive head of an agency had knowledge that a potential ground for removal existed, the head would have to notify the presiding officer of the body, who then would have to notify the governor and attorney general.

Training for members of policymaking bodies. The training program for policymaking body members would have to provide a member with information on:

- the law governing the state agency's operations;
- the programs, functions, rules, and budget of the agency;
- the scope of and limitations on the body's rulemaking authority;
- the results of the most recent audit of the agency;
- the requirements of open government laws, administrative procedure, disclosure of conflicts, and other laws applicable to body members; and
- any applicable ethics policies adopted by the agency or the Texas Ethics Commission.

A person who was appointed to office as a member of an agency policymaking body could not vote, deliberate, or be counted in attendance at a meeting until the person completed the training program. A member would be entitled to reimbursement for travel expenses incurred in attending the program.

The executive head of the state agency would have to create a training manual that included the above information and distribute a copy annually to each body member. Each member would have to sign and submit to the executive head a statement acknowledging that the member received and reviewed the manual.

Separation policies. A state agency policymaking body would have to develop and implement policies that separate policymaking responsibilities of the body and the management responsibilities of the executive head and staff of the agency.

Public testimony at meetings. A state agency policymaking body would have to develop and implement policies that provided the public with an opportunity to appear before the body and speak on any issue under the jurisdiction of the agency.

Complaint information requirements. A state agency would have to maintain a system to promptly and efficiently act on complaints filed with the agency, including maintaining information about parties to and the subject matter of the complaint and a summary of the results of the investigation and its disposition.

The agency would be required to notify periodically the complaint parties of the complaint's status until final disposition unless the notice would jeopardize the investigation. The agency also would have to make information available describing its procedures for complaint investigation and resolution.

The bill would take effect September 1, 2021.

SUPPORTERS
SAY:

HB 1575 would ensure responsive and effective government across state agencies and streamline the Sunset review process by allowing the Sunset Advisory Commission to apply uniformly certain across-the-board recommendations (ATBs) to all state agencies subject to review. ATBs are standards of good governance the commission has established.

Currently, the commission reviews and updates ATBs through each individual agency's Sunset bill, which can result in inconsistencies between agencies, as they may be following different standards depending on when the agency last underwent review. Standardizing ATB language in the Texas Sunset Act would ensure any changes to the ATB provisions applied automatically and each agency's statute did not need to be updated.

The bill would broadly capture ATBs and codify concepts rather than prescriptive standards, allowing the ATBs under the bill to apply to any entity subject to Sunset review. To address unique circumstances, the commission would be able to customize ATBs through the review process.

CRITICS
SAY:

HB 1575 should provide a mechanism to exempt certain entities subject to Sunset review from all or certain ATB provisions. These unique entities, such as river authorities or advisory committees, are not state agencies and thus ATBs may not uniformly apply.

SUBJECT: Changing Sunset date for various state entities

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson

0 nays

1 absent — Smithee

WITNESSES: For — (*Registered, but did not testify*: Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; Cyrus Reed, Lone Star Chapter Sierra Club)

Against — None

On — (*Registered, but did not testify*: Jennifer Jones, Sunset Advisory Commission; Thomas Parkinson)

BACKGROUND: Government Code ch. 325 requires the Sunset Advisory Commission and the Legislature to evaluate certain state agencies periodically to determine whether a public need exists for their continuation or their functions. A state agency is subject to the act if a date is set in statute for it to be reviewed or abolished.

DIGEST: HB 1600 would change the following entities' statutory Sunset dates from September 1, 2021, to September 1, 2023:

- Texas Department of Agriculture;
- Texas Boll Weevil Eradication Foundation's board of directors;
- Texas Animal Health Commission;
- Prepaid Higher Education Tuition Board;
- Credit Union Department and the Credit Union Commission;
- Texas Commission on Fire Protection;
- Texas Holocaust and Genocide Commission;
- Texas Economic Development and Tourism Office;

- Texas Commission on Jail Standards;
- Office of State-Federal Relations;
- Teacher Retirement System's board of trustees;
- Anatomical Board of the State of Texas;
- Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation;
- State Board of Veterinary Medical Examiners;
- Texas Commission on Law Enforcement;
- Racing Commission;
- Texas Parks and Wildlife Department; and
- Brazos River Authority.

If a conflict existed between this bill and another bill of this regular legislative session that extended the Sunset date of a governmental entity, the provisions of the other bill would prevail.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUPPORTERS
SAY:

HB 1600 is the biennial Sunset safety net bill. It would continue 18 entities that underwent review by the Sunset Advisory Commission during the 2020-2021 review cycle until 2023. The bill could be used later in the session as a vehicle to avoid inadvertently terminating those entities if individual bills for their continuation failed to be enacted for other reasons. Any provision of the bill would be overridden if subsequent Sunset legislation was enacted for a particular entity, ensuring the Legislature retained its authority to decide whether an individual entity should be continued or abolished.

CRITICS
SAY:

No concerns identified.

NOTES:

According to the Legislative Budget Board, the bill could result in additional costs to the Sunset Advisory Commission and the state, as the commission would conduct these reviews in addition to those already scheduled for the 2022-2023 review cycle.

SUBJECT: Revising operations of the Teacher Retirement System of Texas

COMMITTEE: Pensions, Investments and Financial Services — committee substitute recommended

VOTE: 9 ayes — Anchia, Parker, Capriglione, Muñoz, Perez, Rogers, Slawson, Stephenson, Vo
0 nays

WITNESSES: For — Beaman Floyd, Texas Association of School Administrators; Timothy Lee, Texas Retired Teachers Association; (*Registered, but did not testify*: Monty Exter, ATPE; Dena Donaldson, Texas AFT; Ann Fickel, Texas Classroom Teachers Association; Laura Atlas Kravitz, Texas State Teachers Association)

Against — None

On — Anumeha Kumar, Pension Review Board; Tamara Aronstein, Sunset Advisory Commission; Brian Guthrie, TRS

BACKGROUND: The Teacher Retirement System of Texas (TRS) provides retirement and health benefits to more than 1.6 million active and retired teachers, public education support staff, certain higher education professionals, and their dependents. TRS was created in 1936 by an amendment to the Texas Constitution, and enabling legislation for the agency was enacted by the 45th Legislature in 1937. As a constitutionally created state agency, TRS is not subject to abolishment. The Sunset Advisory Commission review of TRS focused on the agency's efficiency and effectiveness.

Functions. TRS manages and invests a pension trust fund and administers retirement benefits to plan participants and their beneficiaries. The plan is a defined benefit pension plan to guarantee benefits for its members upon retirement. The agency also manages two trust funds for health care and oversees the TRS-Care program for retired members and the TRS-Active Care program for active members, particularly in school districts with

fewer than 500 employees. TRS also administers a voluntary long-term care insurance program for eligible members and their families.

Governing structure. The TRS Board of Trustees consists of nine members and is responsible for general administration and operation of the agency. The governor directly appoints three trustees and appoints six others nominated by the State Board of Education or TRS members. Trustees serve staggered, six-year terms and must demonstrate financial expertise or be an active or retired TRS member. The board oversees asset management and may contract with private investment professionals for advice about investing the assets of the retirement system. The board meets five times a year, including quarterly meetings and an educational meeting in February.

Funding. TRS funds its activities with state, employer, and member contributions and investment income. In fiscal 2019, about half of TRS' funding came from contributions and about 40 percent from investment income. That year TRS' revenue totaled \$19.2 billion, including retirement contributions of \$7 billion, health insurance contributions of \$3.2 billion, and investment income of \$7.7 billion. The 86th Legislature also made a supplemental appropriation for fiscal 2019 of \$663 million to improve the actuarial soundness of the pension trust fund.

Staffing. In fiscal 2019, TRS had 693 staff at two locations in downtown Austin and four investment staff at a foreign subsidiary office in London. The agency also had 79 contract employees to assist with a major IT system upgrade.

DIGEST: CSHB 1585 would implement recommendations from the Sunset Advisory Commission review of the Teacher Retirement System of Texas (TRS) and set the date for the next TRS Sunset review for 2033.

The bill would require TRS to:

- develop a communication and outreach plan on retirement planning for members and employers;
- adjust financial penalties for TRS retirees who return to work in public education;

- require the appointment of an ombudsman to monitor the agency's interactions with members and investigate complaints; and
- require TRS to make improved efforts to return contributions to inactive members before funds were forfeited.

Member outreach. CSHB 1585 would establish new requirements for TRS outreach to members and employers. The board of trustees would have to create an outreach plan designed to assist members and employers in planning for the member's retirement. The plan would have to require TRS to:

- improve communication between the system and the system's members and employers;
- create outreach materials written in understandable terms for distribution by the retirement system;
- provide each member with an annual estimate of the member's retirement benefits;
- enhance employer training and establish an internet portal to assist employers with meeting reporting requirements and providing information to TRS members on retirement and health insurance benefits; and
- implement methods for maintaining up-to-date contact information for members and beneficiaries.

In developing the plan the board would have to solicit input from TRS members, employers, and other stakeholders and update the plan every five years.

The bill would clarify that retirement benefits counseling must be provided by TRS in different geographic regions of Texas and in person or by phone, at the member's choice.

Ombudsman. The board of trustees would have to designate an ombudsman within TRS to assist members and retirees by performing protection and advocacy functions, including:

- monitoring the system's interactions with members and retirees;

- receiving and reviewing complaints from members and retirees;
- taking appropriate action regarding complaints, including conducting investigations or reporting complaints to the board;
- informing a member or retiree and the board of the results of the ombudsman's review or investigation; and
- recommending corrective actions to the board if necessary.

Return-to-work penalties. The bill would remove a prohibition that requires TRS members who retired after January 1, 2011, to forfeit their monthly retirement payment for any month in which they are employed in any position by a Texas public educational institution. Instead, the bill would reduce the monthly benefit payments for such a retiree to the lesser of the retiree's pension benefit payment for that month or the total compensation earned by the retiree for that month's employment as reported by the retiree's employer or verified in a manner prescribed by the retirement system.

The bill would clarify that a retiree receiving a disability retirement payment who was employed by a Texas public educational institution for more than 90 days in a school year would not be entitled to disability retirement benefit payments for the remaining months of the school year during which the retiree continued to be employed unless the retiree qualified for a return-to-work exception.

Return of contributions. The bill would require the TRS board to adopt a policy to make all reasonable efforts to locate and notify certain members or the member's heirs about the entitlement to the return of accumulated contributions before funds were forfeited. The policy would have to ensure that the procedure used to locate a member or the member's heirs included conducting internet searches to determine a current and accurate mailing address for the member, contacting the member's designated beneficiary, obtaining information from consumer reporting agencies, and using commercial locating services, as necessary. Notices containing information on how to withdraw contributions would have to be sent to the member's last known address or to the member's heirs by certified mail.

Appeals. The bill would require TRS to respond to appeals at all levels of staff review within the same amount of time that members have to appeal agency decisions. It also would require TRS to create informational materials for individuals enrolled in a TRS health benefit plan for members or retirees informing them of their right to appeal an adverse determination regarding health care services to an independent review organization, of the procedures for appeal, and of available assistance.

Board training. CSHB 1585 would apply standard Sunset recommendations for board member training and require the agency's executive director to create a training manual for distribution to each board member.

Reporting requirements. The bill would modify and repeal some reporting requirements. It would require an annual, rather than a six-month, report on cost savings achieved by requiring prior authorization for certain prescription drugs. TRS would have to identify any additional categories of prescribed drugs for which requiring prior authorization could achieve cost savings.

Effective date. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

The changes made by the bill for retirees returning to work would apply only to a benefit payment that became payable on or after the bill's effective date. New requirements for board member training would apply to a member appointed before, on, or after the effective date. A member who had completed training requirements that existed before the bill was enacted would only have to complete additional training on subjects added by the bill. A member could not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2021, until the member completed the additional training.

SUPPORTERS
SAY:

CSHB 1585 would implement needed reforms and restore trust between the Teacher Retirement System (TRS) and its members. The bill would improve the process for members to appeal agency decisions and would

lessen return-to-work financial penalties so that more retired educators could bring their experience to public schools. It also would require TRS to increase efforts to reach inactive members and their heirs so that the member's contributions could be returned.

Member outreach. The Sunset Advisory Commission determined that TRS generally manages its \$165 billion trust fund well but should focus more on its communication with members to provide them with the support and information needed for a secure retirement. CSHB 1585 would require TRS to develop a communication and outreach plan and materials to better help members and their public school employers plan for the member's retirement. Having a stronger outreach, including better phone counseling and materials written in understandable terms, would help repair the agency's relationship with its members and explain complex TRS laws and rules that often prove frustrating for members to understand.

Requiring the agency to appoint an ombudsman to monitor agency responses to member issues also would go a long way toward restoring TRS members' confidence in the system. The ombudsman would have broad authority to report to the board on member issues and recommend changes to better assist members.

Return-to-work penalties. CSHB 1585 would simplify and clearly define reasonable rules for employment after retirement. Retirees would still have to wait an entire calendar year after their retirement before returning to work. However, the bill would rectify a situation in which some retirees lose an entire pension check if they work too many hours in a month. The bill would allow a retiree who returned to work in a public school to forfeit the lesser of their monthly retirement payment or a dollar-for-dollar reduction equivalent to the amount earned working that month. It also would modify employment after retirement provisions for disability retirees to specify that they would not be subject to any reduction or loss of benefits during the first 90 days of employment.

Return of contributions. CSHB 1585 would require TRS to make improved efforts to return contributions to inactive members before funds were forfeited. According to the Legislative Budget Board's actuarial

impact statement on the bill, it could result in the return of about \$450,000 a year to inactive members.

Benefit enhancement. While some have said the Sunset report should have recommended a permanent cost-of-living increase for retirees, doing so could have impacted the actuarial soundness of the system. The issue of whether to increase monthly retirement benefits is a separate policy consideration for the Legislature.

The Legislature in 2019 enacted SB 12 by Huffman, which increased contributions to TRS from the state, active employee members, and public education employers. That bill made the pension fund actuarially sound and provided retired school employees with a one-time supplemental payment, or "13th check," of up to \$2,000.

Transparency. As a result of the Sunset review, TRS is including clear, easily understandable information about alternative investments in its Comprehensive Annual Financial Report. The Sunset review did not assess the agency's investment strategy.

CRITICS
SAY:

While CSHB 1585 provides many important reforms to improve TRS operations, the bill should do more to financially improve the pension fund so that retirees and members could receive much-needed benefit enhancements.

Benefit enhancement. The state's contribution rates to the pension fund are among the lowest in the country, and it has been a decade since retired teachers received a permanent cost-of-living adjustment to their retirement checks. A 1995 Sunset staff report recommended using available pension funds to raise retirement benefits for the oldest career educators and to provide cost of living increases for all retirees.

The bill would not address concerns of many retired teachers that TRS has been increasing its operating expenses at a time when more and more retirees struggle to stretch their retirement checks to cover monthly expenses.

Transparency. As TRS has transitioned to greater use of so-called "alternative assets," such as private equity, hedge funds, and real estate, it has returned only 6.5 percent on investments over the last five years despite historic market growth. The agency and its members would benefit from greater transparency about its use of alternative investments. The bill should require TRS to provide detailed information to members about alternative investments and perhaps direct the agency to get out of alternative investments and cease working with the high-priced advisers who manage them.

SUBJECT: Revising criminal and civil statutes dealing with human trafficking

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — Jamey Caruthers, Children at Risk; Jennifer Tharp, Comal County Criminal District Attorney; (*Registered, but did not testify*: Eric Carcerano, Chambers County DA; TJ Patterson, City of Fort Worth; Jessica Anderson, Houston Police Department; Dallas Reed, Texas Municipal Police Association)

Against — None

On — Cara Pierce, Office of the Attorney General; (*Registered, but did not testify*: Bentley Nettles and Robert Saenz, TABC; Floyd Goodwin and Matt Hicks, Texas Department of Public Safety; Thomas Parkinson)

DIGEST: HB 1540 would expand first-degree felony human trafficking to include certain actions relating to obtaining victims from shelters or certain residential facilities and would make numerous other changes relating to human trafficking. The bill also would require the denial of some alcoholic beverage licenses and permits if drink solicitation occurred and amend provisions governing common nuisance suits relating to prostitution and illegal massage operations and provisions on civil racketeering relating to human trafficking.

The bill would revise what must be considered when adopting certain minimum standards for general residential operations that provide comprehensive residential and nonresidential services to persons who are victims of human trafficking. It would make several other changes relating to general residential operations operating as a residential treatment center, including expanding criminal trespass statutes to include such facilities.

Penalty for certain human trafficking offenses. The bill would expand the circumstances under which human trafficking could be a first-degree felony to include if the actor recruited, enticed, or obtained the victim of the offense from a shelter or facility operating as a residential treatment center that served runaway youth, foster children, the homeless, or persons subjected to human trafficking, domestic violence, or sexual assault.

Drink solicitation. HB 1540 would add drink solicitation to the list of current acts or offenses, including human trafficking, that can trigger an automatic denial of certain alcoholic beverage permits or licenses if specified circumstances occurred and the application was made within a specified time period. The Alcoholic Beverage Code defines drink solicitation as solicitation of any person to buy drinks for consumption by the retailer or any of the retailer's employees.

Common nuisance. The bill would amend several sections of Civil Practices and Remedies Code relating to suits to abate common nuisances as related to certain activities involving prostitution and illegal massage operations.

The bill would remove a current requirement that law enforcement agencies give each person maintaining property leased to someone operating a massage establishment a written notice by certified mail of certain arrests for activities related to prostitution and illegal massage services that could be considered a common nuisance. Instead of notification of an arrest, law enforcement agencies would be authorized to notify those maintaining the property if the agencies had reason to believe activities related to prostitution or illegal massage operations had occurred.

Proof in the form of an arrest or testimony from a law enforcement agent of activities relating to prostitution at a massage establishment taking place after the revised notice provisions would serve as prima facie evidence that a defendant did not make a reasonable attempt to abate activities relating to prostitution.

The bill would expand when it could be considered that a defendant had been provided with this notice to the earlier of the date the defendant actually received the notice or seven days after the date the notice was postmarked.

The bill would move current language relating to what courts must consider when determining attorneys fees and costs in actions brought under common and public nuisance laws and place it in a new section at the beginning of the Civil Practices and Remedies Code ch. 125 on suits to abate common nuisances.

Civil racketeering. The bill would remove requirements that for certain actions related to human trafficking crimes to be considered civil racketeering the actions must have occurred in more than one county or have been facilitated by the U.S. mail, email, telephone, facsimile, or a wireless communication from one Texas county to another.

HB 1540 would amend provisions on orders that courts can issue in civil racketeering cases related to human trafficking to prevent, restrain, and remedy the racketeering. The bill would allow courts to issue all eight types of orders after determining liability, instead of that authority being limited to one type of orders.

The bill would expand who could be held liable for civil racketeering related to human trafficking if there were certain findings. In these situations, enterprises would be able to be held liable based on the conduct of a person, rather than an agent.

Standards for facilities. The bill would add to requirements for the minimum standards for licensed child care facilities and registered family homes. The standards promulgated by the HHSC executive commissioner for these facilities would have to include minimum standards to ensure that a child's health, safety, and welfare were adequately protected on the grounds of a child-care facility or registered family home. When promulgating the minimum standards, the executive commissioner could recognize and treat differently the grounds appurtenant to facilities and programs.

The bill would add to the items that the executive commissioner must consider when adopting minimum standards for general residential operations that provide comprehensive residential and nonresidential services to persons who are victims of human trafficking. The executive commissioner would have to consider the precautions required of victims of human trafficking, the role of the general residential operations in protecting victims, and the vulnerability of victims on the grounds of a center.

Criminal trespass, safety zones. HB 1540 would amend the Penal Code sec. 30.05 offense for criminal trespass to specifically include entering or remaining on the property of a general residential operation operating as a residential treatment center. Such offenses would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

The bill would require general residential operations operating as residential treatment centers to post "No Trespassing" notices on their grounds at locations specified in the bill. The bill specifies what would have to be included on the notices, including a description of the Penal Code offense of criminal trespass. HHSC would be required to provide the notices to the centers, and the executive commissioner would have to determine requirements on the placement of the signs.

Persons operating the centers would commit a class C misdemeanor (maximum fine of \$500) if they had been provided signs by the commission and they did not display the signs as required within 30 days of receipt.

The bill would incorporate "general residential operations operating as a residential treatment center" into provisions dealing with child safety zones, drug-free zones, and gang-free zones.

The centers would be added to the list of places in the Code of Criminal Procedure that can constitute a child safety zone and that persons placed on probation for certain crimes, including certain human trafficking offenses, must be ordered to avoid.

The bill would add the area around residential treatment centers to the list of places in the Health and Safety Code that are considered drug-free zones under certain circumstances and for which certain drug crimes can carry increased criminal penalties. Penalties would be increased, as established under current law, for certain drug crimes committed by any unauthorized person 18 years of age or older in, on, or within 1,000 feet of premises owned, rented, or leased by a general residential operation operating as a residential treatment center.

The bill also would include references to general residential operations operating as a residential treatment center to Penal Code provisions dealing with gang-free zones, making certain offenses committed in, on, or within 1,000 feet of the centers subject to the increased penalties that can be applied for offense in the zones.

Coercion. The bill would move the definition of "coercion" found in Penal Code provisions dealing with human trafficking and relating to several prostitution offenses and would apply that definition to the labor trafficking and human trafficking of adults and children.

The bill would take effect September 1, 2021, and would apply to criminal offenses committed on or after that date and to civil causes of action that accrue on or after that date. Provisions relating to applications for alcoholic beverage permits or licenses would apply to applications filed on or after or pending on that date.

SUPPORTERS
SAY:

HB 1540 would implement several recommendations of the Texas Human Trafficking Prevention Task Force, which has been working since 2009 to fight human trafficking and to coordinate state resources in that fight. Texas has made strides in attacking this form of modern-day slavery and in supporting its victims, and the bill would continue this progress by strengthening law enforcement investigatory and prosecutorial tools for addressing human trafficking and related crimes and by better protecting victims.

Penalty for certain human trafficking offenses. HB 1540 would recognize the seriousness of human trafficking involving recruiting children from places where vulnerable and traumatized children are living

by making such actions a first-degree felony. It would be in line with other human trafficking circumstances that carry the same punishment.

Drink solicitations. HB 1540 would expand the tools that can be used to combat establishments that allow human trafficking by including drink solicitation as something that would make an establishment ineligible for an alcoholic beverage license or permit under certain circumstances. Drink solicitation can be used as a gateway to prostitution, and human trafficking and establishments where it occurs should not be allowed to hold alcoholic beverage permits and licenses. The bill would treat these situations similarly to the way permits and licenses are handled in establishments where offenses involving drugs, prostitution, or trafficking occur.

Common nuisance. HB 1540's revisions to provisions covering common nuisances relating to prostitution and illegal massage operations would give law enforcement authorities additional tools to go after these situations, which can involve human trafficking. Revised notice requirements would let law enforcement officers act even in situations in which arrests have not been made, possibly because an investigation is continuing or other circumstances.

Civil racketeering. HB 1540 would allow law enforcement authorities to pursue all labor and sex trafficking cases by removing a requirement that they take place in more than one county. These cases often occur within one county, and authorities should be able to pursue them.

The bill also would clarify that all remedies are available for courts issuing orders in civil racketeering cases related to trafficking. Without the change, some might have interpreted the statute to mean that courts could use only one remedy from the current list.

Expanding when enterprises could be liable in civil racketeering and trafficking cases to include persons, rather than agents, would give law enforcement authorities a better tool to combat these cases. For example, a person running a sex trafficking ring in a bar may not qualify as an agent under current law but a manager might have full knowledge of the trafficking. The bill would allow authorities to pursue such cases if current

requirements, including one about burden of proof and other actions were met.

Standards for facilities. The bill would help protect and provide for child victims of trafficking by requiring that minimum standards for facilities where they might be living consider and help meet their needs.

Criminal trespassing, safety zones. The bill would better protect children by specifically including in the trespassing offense being on the property of a general residential operation operating as a residential treatment center. Traffickers are targeting these centers to lure and recruit children, and HB 1540 would give law enforcement another tool to combat this through the trespassing statute and by expanding child safety, drug-free, and gang-free zones.

Coercion. The bill would ensure that a uniform definition of coercion was used in all cases involving adult sex and labor trafficking and child labor trafficking by moving the definition to cover all these circumstances.

CRITICS
SAY:

No concerns identified.

SUBJECT: Reducing punishment for evidence tampering in misdemeanor cases

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

WITNESSES: For — Lindy Borchardt, for Sharen Wilson Tarrant County Criminal District Attorney; (*Registered, but did not testify*: M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Kathy Mitchell, Just Liberty; Alycia Castillo, Texas Criminal Justice Coalition; Emily Gerrick, Texas Fair Defense Project)

Against — None

On — (*Registered, but did not testify*: Thomas Parkinson)

BACKGROUND: Penal Code sec. 37.09 makes tampering with or fabricating evidence a crime. Offenses generally are third-degree felonies (two to 10 years in prison and an optional fine of up to \$10,000).

Different penalties apply if the evidence is a human corpse, in which case the offense is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000). Offenses involving human corpses can be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if they involved failing to report the existence of and location of the corpse to a law enforcement agency under certain circumstances.

DIGEST: HB 789 would reduce the penalty for tampering with evidence to a class A misdemeanor if the evidence altered, destroyed, or concealed was related to a misdemeanor offense.

The bill would take effect September 1, 2021, and would apply only to offenses committed on or after that date.

SUPPORTERS
SAY:

HB 789 would make the punishment for tampering with evidence in misdemeanor cases better fit the crime by reducing the punishment to a misdemeanor.

Currently, in most cases evidence tampering is a third-degree felony, regardless of the original offense. As a result, in some cases the penalty for evidence tampering is greater than the penalty for the original crime. For example, shoplifting can be a misdemeanor, but if someone tried to hide merchandise, that tampering could be a felony. Or, a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) driving while intoxicated offense in which a young person threw a beer can out a window when being pulled over, could result in a felony evidence-tampering charge. HB 789 would address this by aligning the punishment for tampering with evidence in misdemeanor cases with the original crime.

HB 789 is narrowly tailored and would apply only when the original offense was a misdemeanor. It would not reduce the penalty for DWI or any other offense and would apply only to evidence tampering, not to the original offense.

CRITICS
SAY:

No concerns identified.

SUBJECT: Admitting Midwestern State University to the Texas Tech System

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 10 ayes — Murphy, Pacheco, Cortez, Frullo, Muñoz, Ortega, Parker, Raney, C. Turner, J. Turner

0 nays

1 absent — P. King

WITNESSES: For — (*Registered, but did not testify*: Caven Crosnoe, Midwestern State University Board of Regents; J. Michael Lewis, Texas Tech University System Board of Regents)

Against — None

On — Suzanne Shipley, Midwestern State University; (*Registered, but did not testify*: Gary Barnes and Tedd Mitchell, Texas Tech University System)

DIGEST: CSHB 1522 would transfer Midwestern State University (MSU) to the Texas Tech University (TTU) System and establish the university as a component of that system. The bill also would amend certain TTU System student fees and establish the venue for certain lawsuits related to the system.

Transfer of governance. CSHB 1522 would transfer governance, control, and property of Midwestern State University from the MSU board of regents to the TTU System board of regents.

When the transfer took effect, the board of regents of the TTU System would be required to govern, operate, manage, and control MSU and all land, buildings, and property belonging to and constituting the university. Rules and policies adopted by the MSU board of regents to govern the university that were in place when the transfer took effect would be

continued until adopted, repealed, or superseded by the board of regents of the TTU System.

MSU could continue to award undergraduate-level and graduate-level degrees in the same disciplines and of the same academic standing as before the transfer, and tuition and fees authorized by the MSU board of regents would remain in place until the TTU System board of regents authorized a different amount for the university.

The transfer of governance would not affect the status of any enrolled student or employee or the accrued benefits of any person employed by MSU when the transfer took effect.

Upon completion of the transfer, the board of regents of MSU would be abolished.

Transfer of funds, contracts. On the effective date of the transfer, all funds that had been appropriated to, dedicated to, or held for the use and benefit of MSU would be transferred to the TTU System for the use and benefit of the university. The bill would amend annual allocations made under the Education Code to reflect this transfer. Other funds held for MSU would continue to be available for the university's use.

All contracts and written obligations entered into by the board of regents of MSU or the Texas Public Finance Authority on behalf of MSU, including bonds, would be considered ratified, confirmed, and validated by the TTU System board of regents on the effective date of the transfer. The TTU System would stand in place of MSU or the Texas Public Finance Authority, as applicable, in those contracts and obligations.

Resolution of disagreements. If the boards of regents of MSU and the TTU System were unable to agree on any matter related to the transfer of the university under CSHB 1522, the Texas Higher Education Coordinating Board (THECB) would have to resolve the disagreement on application of either board. The resolution would have to be consistent with the bill's provisions and intent, and the board could issue any order or take other action appropriate to enforce the bill or facilitate the transfer.

Midwestern State University. CSHB 1522 would establish Midwestern State University as a component institution of the Texas Tech University System under the management of the TTU System board of regents. The bill would codify MSU as an institution offering undergraduate and graduate-level programs and subject to the authority of THECB.

The TTU System board would have the same powers and duties concerning MSU as it does for Texas Tech University and could solicit, accept, and administer gifts and grants for the university's use and benefit. The board also would have to include funding for the operation and maintenance of the university's museum in the applicable funding formula.

The bill would establish that Midwestern State University, as an institution under the control of the TTU System board of regents, was a state agency for the purposes of workers' compensation for state employees.

Bonds. CSHB 1522 would permit the TTU System board of regents to issue bonds in an amount not to exceed that previously authorized for Midwestern State University, less any portion of that amount for which bonds had been issued before the bill's effective date. These bonds could be used only at MSU for authorized purposes.

The board of regents for the TTU System could pledge to the payment of bonds issued under the bill any part of the revenue funds of a system institution. If sufficient funds were not available to the board to meet its obligations under the bill, the board could transfer funds among institutions and entities of the TTU System. The TTU board of regents also could refund any outstanding bonds or other obligations issued by or for Midwestern State University.

Any portion of the proceeds of bonds authorized by the bill for a specified project that was not required for that project could be used to renovate existing structures and facilities at Midwestern State University.

TTU System student fees. CSHB 1522 would set the cap on the student medical services fee TTU System could charge for a summer session or term at a system institution at \$100.

The bill also would raise the cap on the recreation fee TTU System could charge each enrolled student from \$100 to \$150 per semester and from \$50 to \$75 per six-week summer term. This fee could be used to finance, construct, and renovate an institution's student recreation facilities and programs and could be pledged by the TTU System board of regents to pay certain obligations. The fee could be raised by more than 10 percent from one academic year to the next if approved by a majority vote of an institution's student government.

Mandatory venue. CSHB 1522 would establish Lubbock County as the mandatory venue for a suit filed against the board of regents or a member of the board in the member's official capacity. Venue for a suit filed against the TTU System, any component of the system, or any officer or employee of the system or a component institution would be in the county in which the primary office of the chief executive officer of the system or component, as applicable, was located. The bill would not waive any defense to or immunity from suit or liability that could be asserted by a described entity or individual.

The bill would take effect September 1, 2021, and would apply only to actions brought against TTU System or a related institution, officer, or employee on or after that date.

**SUPPORTERS
SAY:**

CSHB 1522 would transfer Midwestern State University (MSU), an independent public university, to the larger Texas Tech University (TTU) System. This would create a mutually beneficial partnership between MSU and the wider TTU System and enable Midwestern State University to better serve and educate its students and community.

Midwestern State University is an independent public university with about 6,000 students and located in Wichita Falls, about 200 miles away from Lubbock, the home of the larger Texas Tech University System. As state and federal regulation of higher education in Texas has become increasingly complex, MSU's small administrative staff has been

challenged by the time and expense required to remain in compliance. The larger TTU System has the staff, expertise, and ability to navigate the complex regulatory world of higher education, and transferring MSU to this system would free the university to focus on its core mission of educating students.

Admitting MSU to the TTU System also would provide a growth opportunity for both institutions by creating a pipeline for MSU students to enter Texas Tech's distinguished law, business, and other graduate degree programs. The transfer would help sustain and enhance MSU's mission as a university of first rank in Texas, and Texas Tech and other institutions within the TTU System also would benefit from the admission of MSU to the system.

Concerns that CSHB 1522 would lead to a loss of identity for MSU are unfounded. The university would keep its name, logo, mascot, and other identity markers, and the admission of the university into the TTU System has been overwhelmingly supported by the MSU board of regents, university alumni, and the wider community.

CRITICS
SAY:

CSHB 1522 would transfer MSU to the TTU System, and some concerns have been raised that this transfer would lead to a loss of autonomy and identity for the university.

SUBJECT: Adding two new medical schools to the Joint Admission Medical Program

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 6 ayes — Murphy, Ortega, Parker, Raney, C. Turner, J. Turner

0 nays

5 absent — Pacheco, Cortez, Frullo, P. King, Muñoz

WITNESSES: For — None

Against — None

On — Paul Hermesmeyer and Matthew Meeks, Joint Admission Medical Program; Christopher Maynard, Sam Houston State University; Stephen Spann, University of Houston

BACKGROUND: Education Code ch. 51, subch. V establishes the Joint Admission Medical Program (JAMP), which provides services and financial support to highly qualified, economically disadvantaged students pursuing a medical education and guarantees admission of those students to at least one participating medical school if certain conditions are met. Sec. 51.829 describes the agreement that participating medical schools must enter into with the council that administers JAMP. The agreement requires each school to select a faculty member to serve on the council, admit participating students who are matched to the medical school under the program, and provide internship programs for participating students, among other requirements.

DIGEST: HB 1325 would add the medical school at the University of Houston and the college of osteopathic medicine at Sam Houston State University to medical schools participating in the Joint Admission Medical Program (JAMP).

The bill would require both medical schools to:

- enter into the requisite agreement with the JAMP Council and select an appropriate faculty member to represent their medical school on the council; and
- provide internships and mentoring under JAMP as appropriate by the 2022-2023 academic year.

Neither the University of Houston nor Sam Houston State would be required to admit students participating in JAMP to their medical schools before the 2023-2024 academic year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.

SUPPORTERS
SAY:

HB 1325 would help aspiring medical students in Texas attend medical school by including the University of Houston College of Medicine and Sam Houston State University College of Osteopathic Medicine in the Joint Admission Medical Program (JAMP), which was established by the Legislature in 2001 to provide greater access to medical school for highly qualified, economically disadvantaged students across the state.

The addition of two newly formed medical schools would improve access to medical school for urban and underserved communities such as Houston and Huntsville, with the ultimate goal of providing better health care. Medical school is expensive and students must overcome many barriers to admission. These barriers have resulted in the underrepresentation of certain groups among medical students. By expanding JAMP to these two medical schools, the bill would enable disadvantaged students who wish to attend those institutions to receive essential support, including internships, test preparation for the Medical College Admissions Test (MCAT), travel assistance, and tutoring.

CRITICS
SAY:

No concerns identified.

SUBJECT: Requiring TPWD to encourage the use of the Texas Water Trust

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 9 ayes — T. King, Harris, Bowers, Kacal, Larson, Paul, Price, Walle, Wilson
0 nays
2 absent — Lucio, Ramos

WITNESSES: For — Myron Hess, National Wildlife Federation; Lon Burnam, Public Citizen; Ken Kramer, Sierra Club - Lone Star Chapter; (*Registered, but did not testify*: Scott Moorhead, Audubon Texas; Joey Park, Coastal Conservation Association Texas, David K. Langford Western Photography, and Texas Wildlife Association; Luke Metzger, Environment Texas; Vanessa Puig-Williams, Environmental Defense Fund; Judith McGeary, Farm and Ranch Freedom Alliance; Kenneth Flippin, US Green Building Council)

Against — (*Registered, but did not testify*: Clifford Sparks, City of Dallas)

On — David Bradsby, Texas Parks and Wildlife Department; (*Registered, but did not testify*: Kelly Mills, Texas Commission on Environmental Quality; Jeff Walker, Texas Water Development Board)

BACKGROUND: Water Code sec. 15.7031 establishes the Texas Water Trust to hold voluntarily granted water rights dedicated to certain environmental needs. The dedication of water rights placed in the trust must be reviewed and approved by the Texas Commission on Environmental Quality, in consultation with the Texas Water Development Board and the Texas Parks and Wildlife Department, and the rights may be held for a specified term or in perpetuity.

DIGEST: CSHB 2225 would require the Texas Parks and Wildlife Department (TPWD) to encourage and facilitate the dedication of water rights in the Texas Water Trust through lease, donation, purchase, or other voluntary

transfer for certain environmental purposes, including maintaining or improving instream flows, water quality, fish and wildlife habitat, and bay and estuary inflows.

TPWD would be authorized to manage rights in the Texas Water Trust under a voluntary agreement with a rights holder and in a manner consistent with:

- the manner in which a holder of the rights was authorized to manage them;
- the dedication of the rights, including terms and conditions;
- certain statutory provisions relating to instream flows dedicated to environmental purposes, rights between appropriators, and amendments to water rights; and
- maximizing environmental benefits.

The provisions of the bill could not be construed to authorize TPWD to exercise any authority expressly granted to the Texas Water Development Board or the Texas Commission on Environmental Quality relating to the Texas Water Bank.

The bill would take effect September 1, 2021.

SUPPORTERS
SAY:

CSHB 2225 would assist the Texas Water Trust in achieving its goal of maintaining and improving aquatic and marine habitats through the voluntary dedication of water rights by requiring the Texas Parks and Wildlife Department (TPWD) to encourage and facilitate use of the trust.

To date, the Texas Water Trust has acquired a total of three water rights, falling far short of its potential. Requiring TPWD to raise awareness of the trust among rights holders and encourage voluntary dedication would help to secure more rights for the trust, which in turn would benefit aquatic and marine habitats. Holding water rights in the trust increases the amount of water that is allowed to return to its natural flow, which helps to improve and maintain habitats. In turn, healthy aquatic and marine habitats improve water quality and provide opportunities for commercial fishing, angling, hunting, and tourism.

All dedications of water rights would continue to be subject to approval by the Texas Commission on Environmental Quality. In addition, the bill prohibits TPWD from infringing on authorities expressly granted in statute to the commission or the Texas Water Development Board.

CRITICS
SAY:

No concerns identified.

SUBJECT: Requiring TWC to select an entity to assess quality of child-care providers

COMMITTEE: International Relations and Economic Development — committee
substitute recommended

VOTE: 6 ayes — Button, Morales, Beckley, C. Bell, Metcalf, Ordaz Perez

0 nays

3 absent — Canales, Hunter, Larson

WITNESSES: For — Mandi Kimball, Children At Risk; Tom Hedrick, Dillon Joyce Ltd.; Kimberly Kofron, Texas Association for the Education of Young Children; (*Registered, but did not testify*: Charles Cohn, Angels Care and Learning Center; Lyn Lucas, Camp Fire First Texas; Marnie Glaser, Child Care Associates; Christine Wright, City of San Antonio; Libby McCabe, Early Matters and The Commit Partnership; Sandy Dochen, Early Matters Greater Austin; Melanie Rubin, North Texas Early Education Alliance; David Feigen, Texans Care for Children; Stephanie Retherford, Texas Licensed Child Care Association; Jennifer Lucy, TexProtects; Dana Harris, The Greater Austin Chamber of Commerce; Ashley Harris, United Ways of Texas; Brooke Freeland)

Against — None

On — Reagan Miller, Texas Workforce Commission

BACKGROUND: Government Code sec. 2308.3155 establishes the Texas Rising Star Program as a voluntary, quality-based rating system of child care providers participating in the Texas Workforce Commission's (TWC) subsidized child care program. TWC is required to adopt rules to administer the program, including guidelines for rating certain child-care providers and a timeline and process for regularly reviewing and updating quality standards used to determine the rating system.

Sec. 2308.320 requires each local workforce development board to provide technical assistance to providers in the Texas Rising Star Program

and to those seeking program certification. Boards must provide a child development specialist to evaluate a child-care provider during the certification process, a mentor or coach to a provider, and certain kinds of consumer and parenting education information.

DIGEST: CSHB 1792 would require the Texas Workforce Commission (TWC) to select a single entity to oversee a statewide roster of qualified assessors to evaluate child-care providers participating in the Texas Rising Star Program during the initial certification process and at any other time during the provider's participation in the program. As soon as practicable after the bill's effective date, TWC would have to select the entity using a competitive procurement process that complied with state and federal laws.

The bill also would remove the requirement that a child development specialist be included in the technical assistance provided by a local workforce development board.

The bill would take effect September 1, 2021.

SUPPORTERS SAY: CSHB 1792 would expand the state's ability to verify the quality of child-care providers and provide consistent, statewide standards by consolidating Texas Rising Star Program evaluators under one entity. Currently, Texas has 28 local workforce development boards, each of which must provide a child development specialist to evaluate child-care providers during the certification process. Multiple evaluators across several regions can create different expectations for providers. Removing this requirement would reduce biases and harmonize expectations for providers. Additionally, consolidating assessors would help ensure protocols were aligned statewide and that ratings reflected a fair and accurate representation of quality.

CRITICS SAY: No concerns identified.