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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 14, 2021
87th Legislature, Number 34
The House convenes at 10 a.m.
Part Two

Two bills are on the Major State Calendar, one joint resolution is on the Constitutional Amendments Calendar, and 31 bills are on the General State Calendar for second reading consideration today. The bills analyzed or digested in Part Two of today's *Daily Floor Report* are listed on the following page.

The following House committees were scheduled to meet today: State Affairs; Public Health; Corrections; International Relations and Economic Development; Pensions, Investments and Financial Services; Judiciary and Civil Jurisprudence; Licensing and Administrative Procedures; Urban Affairs; Business and Industry; and Elections.



Alma Allen
Chairman
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Part 2

HB 3810 by Hunter	Requiring a two-thirds majority vote to raise TWIA premium rates	44
HB 695 by Martinez	Allowing the establishment of a law school in the Rio Grande Valley	46
HB 816 by Krause	Creating a commission to review certain penal laws, revising offenses	49
HB 1105 by Paddie	Allowing passenger vehicles to be equipped with digital license plates	55
HB 1057 by Oliverson	Designating November 7 as Victims of Communism Day	58
HB 1172 by Howard	Expanding rights of sexual assault victims during reporting, investigation	60
HB 404 by Hernandez	Requiring sexual assault, domestic violence training for cosmetologists	63
HB 394 by Moody	Allowing lottery game drawings to be held on Sundays	65
HB 2723 by Meyer	Requiring DIR to create a website listing property tax databases	67
HB 2039 by Talarico	Including Muslim imams in list of who may conduct a marriage ceremony	70
HB 2080 by Leman	Amending taxpayers' suits to recover disputed taxes or penalties	72
HB 787 by Allen	Prohibiting probation conditions that restrict contact with certain persons	77
HB 465 by Shaheen	Limiting parole for certain trafficking offenses involving children	79
HB 199 by Ortega	Allowing the establishment of a public law school in El Paso County	82

SUBJECT: Requiring a two-thirds majority vote to raise TWIA premium rates

COMMITTEE: Insurance — favorable, without amendment

VOTE: 9 ayes — Oliverson, Vo, J. González, Hull, Israel, Middleton, Paul,
Romero, Sanford

0 nays

WITNESSES: For — Ben Molina and Greg Smith, City of Corpus Christi; Sally Bakko, City of Galveston; Charles W. Zahn, Port of Corpus Christi; Alan Wilson, United Corpus Christi Chamber of Commerce; (*Registered, but did not testify*: Ryan Brannan, Coastal Windstorm Insurance Coalition; Stephen Scurlock, Independent Bankers Association of Texas; Patricia Shipton, Nueces County; Ned Muñoz, Texas Association of Builders; Ginny Cross, United Corpus Christi Chamber of Commerce)

Against — Joe Woods, American Property and Casualty Insurance Association; Beaman Floyd, Texas Coalition for Affordable Insurance Solutions; (*Registered, but did not testify*: Jay Thompson, Afact; Jon Schnautz, National Association of Mutual Insurance Companies (NAMIC))

On — (*Registered, but did not testify*: Kenneth Lovoy, Office of Public Insurance Counsel; Luke Bellsnyder, Texas Department of Insurance; David Durden and James Murphy, Texas Windstorm Insurance Association)

DIGEST: HB 3810 would require that any premium rate increase filed by the Texas Windstorm Insurance Association (TWIA) be approved by a majority vote of two-thirds of the TWIA board of directors.

The bill also would eliminate provisions allowing TWIA to use, without prior approval by the insurance commissioner, a rate increase of up to 5 percent under certain conditions.

The bill would take effect September 1, 2021, and would apply only to rates filed by TWIA on or after that date.

**SUPPORTERS
SAY:**

HB 3810 would make the Texas Windstorm Insurance Association (TWIA) rate-making process more deliberative and equitable by requiring a two-thirds majority vote of the TWIA board of directors to raise windstorm insurance rates. High windstorm insurance rates can negatively affect the economic development and quality of life in coastal regions. Rate increases need to be controlled to facilitate the state's ongoing examination of TWIA's overall funding structure and rate-making mechanisms.

Windstorm insurance rate-payers have a strong interest in rates being actuarially sound, since otherwise it would be more difficult to have claims approved. HB 3810 would help ensure that the interests of these rate-payers were adequately represented in the TWIA board's decisions.

**CRITICS
SAY:**

HB 3810 would impede the smooth functioning of the TWIA board by setting a higher required vote threshold in order to raise rates and could negatively impact the actuarial soundness of TWIA's premium rates.

SUBJECT: Allowing the establishment of a law school in the Rio Grande Valley

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 9 ayes — Murphy, Pacheco, Cortez, Frullo, Muñoz, Ortega, Raney, C. Turner, J. Turner

0 nays

2 absent — P. King, Parker

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

Against — None

DIGEST: HB 695 would enable the governing board of a university system to establish and operate a school of law in either Cameron County or Hidalgo County, as the board considered appropriate.

The governing board could:

- in administering the law school, prescribe courses leading to customary degrees at leading American law schools and award those degrees;
- assign responsibility for the law school's management to a general academic teaching institution in the university system; and
- accept and administer gifts and grants from any public or private entity for the use and benefit of the law school.

The governing board of a university system that intended to establish a law school under the bill's provisions would be required to notify the Texas Higher Education Coordinating Board (THECB). If multiple governing boards submitted notification to the coordinating board, THECB would have to determine which governing board could establish the law school. This determination would have to be based on:

- the need for a law school in a geographic area;

- potential student demand;
- available system resources;
- feasibility of each system's specific proposal; and
- other criteria THECB considered appropriate.

Before a governing board could establish a law school under the bill, the board would have to request that THECB prepare a feasibility study to determine the actions the system would have to take to obtain accreditation for the law school. THECB would have to deliver a copy of the study to the governing board and to the chair of each legislative standing committee with jurisdiction over higher education.

The establishment of the law school would be subject to available funding, either through appropriation or from other sources. No state funds could be appropriated for the law school before August 31, 2027.

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 695 would allow the establishment of a law school that would enhance educational equity and opportunity in the Rio Grande Valley by providing much-needed professional degree opportunities. Prospective law students from the Valley currently face the heavy burden of traveling hundreds of miles away from home in order to attend the nearest existing law school, and the region has far fewer attorneys per resident than the statewide average. Advanced professional degree opportunities are generally lacking in the area, and allowing for a law school to be established in the region would help to address this lack. A law school also would include a legal clinic where law students could work on local cases under attorney supervision, which would benefit the wider community, especially lower-income residents.

The bill would not mandate the establishment of a law school but would simply allow an existing university system to open a law school in the region if there was student demand and funding available to do so.

CRITICS
SAY:

The establishment of a public law school as allowed by HB 695 would increase the scope and cost of government. Any market demand for a law school in the Rio Grande Valley could be better met by a private institution.

NOTES:

According to the Legislative Budget Board, the bill would have no fiscal impact through the biennium ending August 31, 2023, but there would be substantial costs related to the establishment of the law school beginning in fiscal year 2028, when state funding would become available.

- SUBJECT:** Creating a commission to review certain penal laws, revising offenses
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Kathy Mitchell, Just Liberty; Derek Cohen, Texas Public Policy Foundation)
- Against — (*Registered, but did not testify*: Susana Carranza; Robert Norris)
- BACKGROUND:** The 84th and 85th legislatures created commissions to study penal laws outside of the Penal Code, the Texas Controlled Substance Act, and offenses related to motor vehicles. The bills required the commissions to make recommendations to the Legislature. In December 2018, the Commission to Study and Review Certain Penal Laws that was created by the 85th Legislature issued a report and was abolished. The report includes recommendations on repealing and revising offenses in the Occupations Code.
- DIGEST:** HB 816 would create a commission to study certain penal laws outside of the Penal Code, move some offenses and penalties to the Penal Code from other codes, and eliminate and revise penalties in several codes.
- Commission.** HB 816 would create a commission to study penal laws outside of the Penal Code, the Texas Controlled Substances Act, and offenses related to motor vehicles. The commission would be required to make recommendations to the Legislature about repealing or amending such laws it identified as unnecessary, unclear, duplicative, overly broad, or otherwise insufficient to serve their intended purposes. It also would be charged with evaluating laws identified by the commission created in 2015 and other successor commissions.

The commission would have nine members appointed by the governor, lieutenant governor, House speaker, chief justice of the Texas Supreme Court, and the presiding judge of the Texas Court of Criminal Appeals. The appointments would have to represent all areas of the criminal justice system. The governor would appoint the presiding officer and members would not be compensated. Appointments would have to be made by November 1, 2021.

The commission would have to report its findings by November 1, 2022, including recommendations on specific statutes to repeal or amend, and the commission would be abolished December 31, 2022.

Fraud. HB 816 would move two offenses from the Business and Commerce Code and place them in a new section of Penal Code ch. 32 on fraud. The bill would move the Business and Commerce Code sec. 17.461 offense for promoting pyramid schemes and the Business and Commerce Code ch. 522 offense on identity theft by electronic devices to new sections of the Penal Code.

Sabotage and sedition. HB 816 would move the Government Code offenses of sedition and sabotage to Penal Code ch. 40, a new section of that code.

The bill would replace the current penalties involving fines and prison terms of one or two to 20 years in prison with a penalty of a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000).

The bill would repeal Government Code sec. 557.012 capital sabotage provisions punishing an act of sabotage or attempted sabotage that caused the death of an individual with the punishments of death, life in prison, or a prison term of at least two years. HB 816 would include committing murder while committing or attempting to commit sabotage in the Penal Code sec. 19.03(a) list of offenses that are considered capital murder and eligible for the death penalty.

Natural Resources Code. The bill would modify several offenses and penalties in the Natural Resources Code, including:

- changing the penalty for illegal herding or line-riding on certain public lands from a fine of \$100 to \$1,000 and three months to two years in jail to a class C misdemeanor;
- changing the penalty for certain violations of provisions relating to the control of oil field property from a prison term of two to four years to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000); and
- reducing the penalty for failing to make available an oil tanker cargo manifest or take other actions relating to the manifest from a third-degree felony to a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000).

Occupations Code. HB 816 would amend Occupations Code offenses relating to several different occupations.

It would revise provisions of Occupations Code chs. 264 and 266 relating to dentistry. The bill would remove provisions that make each day of a violation for practicing dentistry without a license a separate offense and would keep the third-degree felony penalty for the offense. The bill also would reduce the penalty from a third-degree felony to a class A misdemeanor for first-time offenses related to holding certifications to operate dental laboratories and certain prohibited practices related to dental prosthetic appliances. Repeat offenses would be third-degree felonies.

The bill would revise other sections of the Occupations Code, including:

- reducing from a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) to a class A misdemeanor Occupation Code sec. 1701.533 violations of prohibitions on hiring persons convicted of certain crimes as peace officers, public security officers, county jailers and others in violation of license requirements;
- establishing in Occupations Code ch. 1802 a civil penalty for frivolous claims against an auctioneer with penalties of up to \$5,000 per day for each violation and repealing provisions making

such claims related to auctioneers class B misdemeanors (up to 180 days in jail and/or a maximum fine of \$2,000);

- repealing Occupations Code sec. 2155.002 provisions allowing a fine of \$25 to \$100 and a jail term of up to 30 days or both for violations relating to hotel personnel posting certain notifications of room rates or charging room rates that are higher than the posted rates and making all such offenses misdemeanor fines of up to \$100; and
- repealing Occupations Code sec. 2156.006 offenses for certain recordkeeping violations by persons in charge of theaters and for discrimination against reputable productions.

Tampering with certain educational records. HB 816 would move the Education Code penalty dealing with tampering with certain educational records to the Penal Code. Similar provisions in Education Code sec. 44.051 would be repealed.

Taxes on tobacco products. The bill would revise several Tax Code offenses dealing with cigarettes and tobacco products.

Three offenses would have their penalties reduced from third-degree felonies to class A misdemeanors with repeat offenses being third-degree felonies. This reduction would apply to Tax Code sec. 154.513 offenses relating to using or handling previously used or old-design cigarette tax stamps; Tax Code sec. 155.209 offenses related to transporting certain tobacco products; and Tax Code sec. 155.211 offenses for possessing certain tobacco products for which a tax is owed.

Other provisions. The bill would make other changes, including reducing penalties for willfully and knowingly violating the Public Utility Regulatory Act and knowingly violating the Gas Utility Regulatory Act from third-degree felonies to class A misdemeanors.

The possible jail term of up to three months for illegally thrashing pecans would be removed, leaving the possible penalty of \$5 to \$300.

The bill would change the penalty in Local Government Code sec. 615.002 for offenses involving violating certain rules about parking near courthouses from a fine so \$1 to \$20 to a class C misdemeanor.

HB 816 would repeal numerous provisions, including:

- Alcoholic Beverage Code sec. 101.64 prohibitions on holders of alcoholic beverage licenses or permits possessing or displaying cards, calendars, placards, pictures, or handbills that are immoral, indecent, lewd, or profane;
- Business and Commerce Code secs. 17.30, 17.31, and 204.005 provisions on misusing certain dairy container proprietary marks, misusing shopping carts and other containers that bear certain marks, and violations relating to handling certain returnable containers;
- Business and Commerce Code ch. 504 provisions creating a criminal offense related to the prohibited uses of crime victim and motor vehicle accident information;
- Labor Code sec. 502.021 provisions making it a class C misdemeanor for employers to provide certain commercial agricultural laborers with hoes with handles shorter than four feet;
- several Occupations Code provisions relating to criminal penalties for certain actions in health professions;
- several Occupations Code ch. 1101 offenses related to occupations dealing with real estate sales;
- several Occupations Code ch. 1802 offenses relating to auctioneers;
- Occupations Code sec. 1805.103 penalties related to transactions for the sale of used business machines;
- Occupations Code sec. 2158.003 provisions making it a class C misdemeanor for certain parking lot owners to charge more than a specified rate for a special event;
- fines relating to prohibitions on certain activities near the canceled superconducting supercollider project in Ellis County; and
- several provisions in Vernon's Civil Statutes, including provisions relating to prohibitions on certain railway, telegraph, and telephone companies giving free passes and to other restrictions on fares; a prohibition on certain types of peddling by persons who are deaf or

mute; and penalties applied to acts violating a law on discrimination and restrictions on labor.

The bill would take effect September 1, 2021, and would apply only to offenses committed on or after that date. To the extent of any conflict, HB 816 would prevail over any other act of the 87th Legislature's regular session relating to nonsubstantive additions and corrections.

- SUBJECT:** Allowing passenger vehicles to be equipped with digital license plates
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 10 ayes — Canales, E. Thompson, Ashby, Bucy, Harris, Landgraf, Lozano, Ortega, Rogers, Smithee
- 3 nays — Davis, Martinez, Perez
- WITNESSES:** For — (*Registered, but did not testify*: Carolyn Saegert, Stalwart Strategies; Thomas Parkinson)
- Against — Terri Hall, Texas TURF, Texans for Toll-Free Highways; Don Dixon; (*Registered, but did not testify*: Matt Long, Fredericksburg Tea Party of Texas)
- On — Arturo Ballesteros, North Texas Tollway Authority; Shay Luedeke, Tax Assessor-Collector Association of Texas; Roland Luna, Texas Department of Motor Vehicles; (*Registered, but did not testify*: Clint Thompson, Texas Department of Motor Vehicles)
- BACKGROUND:** Transportation Code sec. 504.154 requires the Texas Department of Motor Vehicles to allow certain vehicles to be equipped with a digital license plate on the rear of the vehicle in lieu of a physical license plate. Eligible vehicles include a vehicle that is part of a commercial fleet, owned or operated by a government entity, or not a passenger vehicle.
- DIGEST:** CSHB 1105 would allow any registered vehicle to be equipped with a digital license plate.
- 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:** CSHB 1105 would authorize all passenger vehicles in the state to be equipped with a digital license plate. Last legislative session, a pilot program was established that allowed commercial fleets and government

vehicles to use digital plates, and the Texas Department of Motor Vehicles (TxDMV) successfully created administrative rules and a program for the issuance of digital plates. After working with a vendor to provide such plates for two years, Texas is ready to deploy digital license plates statewide. This would save state money on costs typically incurred by the state to process vehicle registration in-person and mail registration stickers, since the digital plates could display the insignia instead. The bill also would create a new revenue stream for specialty plates and provide law enforcement with additional tools to keep Texans safe.

Current law requires vehicles equipped with a digital license plate in the rear of the vehicle to also be equipped with a physical plate in the front of the vehicle. This ensures that law enforcement or digital plate readers still could capture the license plate. Any additional testing or collection of data on digital license plates could be initiated by TxDMV.

Concerns about the security aspects of digital plates are unfounded. Digital license plates use the same encrypted software as online banking systems, so there is little risk that the plates would be hacked. The plate's technology also would ensure that even if the power was cut or the plate was disconnected from the vehicle, its default display would be the license plate number. It would be easier for someone to steal or damage a physical plate than a digital plate.

CRITICS
SAY:

CSHB 1105 inappropriately would expand digital license plate eligibility to all passenger vehicles in the state before better information on the technology was available. After the pilot program was established last legislative session, TxDMV established rules to implement the program, including a requirement for a vendor providing digital plates to work with an independent third party to conduct a field test on the technology. This third party could only be a nonprofit, university, or government entity.

Because such a field test has not been conducted according to TxDMV rules, there is not sound data on digital license plates and this legislation is premature. If this bill were enacted, Texas would be the first state to implement such a widespread digital license plate program. The Legislature needs to know how digital license plates will interact with toll readers and law enforcement license plate readers before authorizing

passenger vehicles to be equipped with digital plates. This bill should not be rushed, considering the current system of issuing license plates is effective.

There are also cybersecurity concerns regarding digital license plates. Such technology could be hacked, creating safety and privacy concerns, or the owner of a digital plate could manipulate the display to evade law enforcement. The Department of Public Safety does not have any data on the security or viability of these plates.

OTHER
CRITICS
SAY:

CSHB 1105 should amend the current law to require the registration sticker to be placed on the windshield of the vehicle rather than on the digital plate. If the Legislature chooses to expand the use of digital license plates, it should ensure that vehicle owners with digital plates registered their vehicles with county tax offices in the same manner as others.

NOTES:

According to the Legislative Budget Board, the bill could increase revenue to the TxDMV Fund by \$19,285 per year beginning in fiscal 2022, due to the payment of administrative fees on issuance of a digital license plate. TxDMV anticipates a one-time technology cost of \$362,000 to the fund to implement the provisions of the bill.

- SUBJECT:** Designating November 7 as Victims of Communism Day
- COMMITTEE:** Culture, Recreation and Tourism — favorable, without amendment
- VOTE:** 9 ayes — K. King, Gervin-Hawkins, Burns, Clardy, Frullo, Israel, Krause, Martinez, C. Morales
- 0 nays
- WITNESSES:** For — Elida Dakoli, Victims of Communism Memorial Foundation; Brad Hodges; Amber Williams; (*Registered, but did not testify*: Jason Vaughn, Texas Young Republicans; Frank Holman; Thomas Parkinson)
- Against — (*Registered, but did not testify*: Idona Griffith)
- DIGEST:** HB 1057 would designate November 7 as Victims of Communism Day in memory of the more than 100 million people who died and countless others who suffered under communist regimes. Victims of Communism Day could be regularly observed by appropriate ceremonies and activities.
- The bill would take effect September 1, 2021.
- SUPPORTERS SAY:** HB 1057 would recognize and honor the victims who have suffered and died under communist rule. Victims of Communism Day would help raise awareness and educate future generations about the crimes perpetrated by communist regimes in the 20th century and that continue in some countries to this day.
- The date of Victims of Communism Day, November 7, marks the day in 1917 when the Bolsheviks seized power in Russia, which led to the creation of the world’s first communist government. The Victims of Communism Memorial Foundation designated the date as part of a 50-state movement to remember the victims of communism.
- Texas has a designated Holocaust Remembrance Week to remember the victims of fascism, and this bill would help ensure that the victims of communism are treated with the same dignity and are not forgotten.

CRITICS
SAY:

It would be better for HB 1057 to condemn totalitarianism, murder, and crimes against humanity in all forms and avoid conflating the actions of specific governments in history with a broad political philosophy.

- SUBJECT:** Expanding rights of sexual assault victims during reporting, investigation
- COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended
- VOTE:** 7 ayes — White, Bowers, Goodwin, Harless, E. Morales, Patterson, Tinderholt
2 nays — Hefner, Schaefer
- WITNESSES:** For — Jenny Black, SAFE Alliance; David Scott, TCFV; Katherine Strandberg, Texas Association Against Sexual Assault (TAASA); (*Registered, but did not testify*: Ken Shetter, One Safe Place; Idona Griffith; Georgia Keysor; Thomas Parkinson; Janice Riley)
Against — None
On — (*Registered, but did not testify*: Brian Hawthorne and AJ Louderback, Sheriffs Association of Texas)
- BACKGROUND:** Government Code sec. 420.003 defines "sexual assault program" to mean any local public or private nonprofit corporation, independent of a law enforcement agency or prosecutor's office, that is operated as an independent program or as part of a city, county, or state agency and that provides the minimum service to adult survivors of stranger and non-stranger sexual assault.
Code of Criminal Procedure art. 15.051 prohibits a peace officer or a prosecutor from requiring a polygraph exam of a person who charges or seeks to charge in a complaint the commission of certain offenses, including continuous sexual abuse of young child or children, indecency with a child, sexual assault, aggravated sexual assault, and prohibited sexual conduct. If the peace officer or attorney requests a polygraph exam, the complainant must be informed that the exam is not required.
- DIGEST:** CSHB 1172 would require a peace officer, before conducting an interview with a victim reporting a sexual assault, other than a victim who was a

minor, to offer the victim the opportunity to have an advocate from a sexual assault program be present during the interview. If an advocate was not available, the officer would have to offer the opportunity to have a crime victim liaison from the law enforcement agency or a victim's assistance counselor from a state or local entity be present during the interview.

An advocate, liaison, or counselor authorized to be present during an interview could only provide the victim with counseling and other support services and information on the rights of crime victims under state law. The advocate, liaison, or counselor and the sexual assault program could not delay or otherwise impede the interview process. A sexual assault program providing an advocate or an entity providing a victim's assistance counselor would have to pay all associated costs.

A peace officer or law enforcement agency that provided an advocate, liaison, or counselor with access to a victim would not be subject to civil or criminal liability for providing that access.

If a victim was confined in a penal institution at the time the victim sustained injuries from an alleged sexual assault, the penal institution would have to provide, at the victim's request, a representative to be present during an interview related to the investigation conducted by a peace officer. A representative could not delay or otherwise impede the interview process.

The bill would prohibit requiring, requesting, or taking a polygraph exam of a complainant who charged or sought to charge the commission of the offenses of continuous sexual abuse of young child or children, indecency with a child, sexual assault, aggravated sexual assault, and prohibited sexual conduct.

The bill would repeal a provision that allows a law enforcement agency to decline to request a forensic medical exam if the person reporting the sexual assault had made one or more false reports of sexual assault to any law enforcement agency and there was no other evidence to corroborate the current allegations.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

CSHB 1172 would expand the rights of sexual assault survivors during engagement with law enforcement, protecting the dignity of survivors and increasing the likelihood that they would stay engaged with the criminal justice process. The bill would continue efforts to create a system in Texas within which survivors could feel safe, encouraging more to come forward.

Improving the law enforcement interviewing process would support survivors, build trust in the criminal justice system, and lead to better and more just outcomes. Survivors currently have the right to have an advocate present during sexual assault forensic exams. These advocates offer emotional support and assistance navigating legal, criminal, and mental health systems. The law enforcement interview often is difficult and re-traumatizing for survivors and thus survivors also should have the right to an advocate's presence during law enforcement interviews. The bill would not burden law enforcement agencies as it only would require an officer to offer an advocate if one was available.

The bill also would support survivors and remove barriers to reporting by eliminating two processes that could communicate mistrust and intimidate survivors. Some survivors cite the fear of the reporting process and concerns they will not be believed or respected by law enforcement as reasons for not reporting sexual assaults to authorities. To improve survivor experience in the criminal justice system, the bill would ensure the right of survivors to forensic medical exams and appropriately prohibit the use of polygraph exams on survivors, a process some have reported as dehumanizing.

**CRITICS
SAY:**

CSHB 1172 would impose a burden on rural law enforcement agencies as many may not have access to an advocate from a sexual assault program or a victim's liaison from their agency, making implementing the bill a challenge. To reduce the impact on rural agencies that already are short on resources, the bill should encourage instead of require peace officers to offer the opportunity to have an advocate present during an interview. The bill also could allow for victims' advocates to be present through videoconference in the way telemedicine currently is being implemented.

SUBJECT: Requiring sexual assault, domestic violence training for cosmetologists

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 11 ayes — S. Thompson, Kuempel, Darby, Ellzey, Fierro, Geren, Goldman, Guillen, Hernandez, Huberty, Pacheco

0 nays

WITNESSES: For — (*Registered, but did not testify*: Jo Cassandra Cuevas, Operation Texas Shield; Krista Del Gallo, Texas Council on Family Violence; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Brian Francis, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code sec. 1602.354 requires the Texas Commission of Licensing and Regulation by rule to recognize, prepare, or administer continuing education programs for the practice of cosmetology. The programs are required to include information on human trafficking, including methods for recognizing and assisting potential victims. Participation in these programs is mandatory for all cosmetology license renewals.

DIGEST: HB 404 would require continuing education programs for cosmetology license holders to include information on sexual assault and domestic violence awareness. The Texas Commission of Licensing and Regulation would have to adopt rules to implement the bill by March 1, 2022. The rules would apply only to a continuing education program provided on or after September 1, 2022.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

HB 404 would provide greater access to resources for individuals experiencing sexual violence by requiring cosmetologists to complete training on domestic violence and sexual assault awareness before renewing a cosmetology license. Requiring this training would allow cosmetologists to spot the warning signs of domestic violence and sexual assault and direct potential victims to help. Cosmetologists often are the only people whom a victim of domestic violence can visit without their abuser present. This puts cosmetologists in a unique position to help victims of domestic violence and sexual assault in Texas.

The bill would not burden cosmetologists because it would not require them to complete an additional continuing education course. HB 404 simply expands the scope of existing continuing education courses to include sexual assault and domestic violence awareness training.

**CRITICS
SAY:**

HB 404 unnecessarily would burden cosmetology license holders seeking to renew their licenses with training unrelated to cosmetology.

- SUBJECT:** Allowing lottery game drawings to be held on Sundays
- COMMITTEE:** Licensing and Administrative Procedures — favorable, without amendment
- VOTE:** 11 ayes — S. Thompson, Kuempel, Darby, Ellzey, Fierro, Geren, Goldman, Guillen, Hernandez, Huberty, Pacheco
- 0 nays
- WITNESSES:** For — Syed Shamsie; (*Registered, but did not testify:* Robert Howden, Texans for a Strong Economy)
- Against — Rob Kohler, Christian Life Commission of the Baptist General Convention of Texas
- On — (*Registered, but did not testify:* Ryan Mindell, Texas Lottery Commission)
- BACKGROUND:** Government Code sec. 466.015(c) allows the Texas Lottery Commission to adopt rules governing the establishment and operation of the lottery, including the frequency of the drawing or selection of a winning ticket.
- Government Code ch. 466 specifies that a portion of revenue from lottery ticket sales and unclaimed prizes, after certain other distributions are made, must be transferred to the Foundation School Fund.
- DIGEST:** HB 394 would require the Texas Lottery Commission to adopt rules permitting a lottery game drawing to be held on a Sunday. The commission would have to adopt these rules by January 1, 2022.
- 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 394 would generate significant revenue for small business owners, the state, and the Foundation School Fund by allowing lottery drawings to

occur on Sundays. Currently, lottery tickets can be purchased every day of the week. Allowing lottery game drawings to occur every day of the week as well would be a logical extension of current lottery operations in Texas. Increased revenue from new lottery drawings would help small business owners selling lottery tickets and help fund education in the state.

CRITICS
SAY:

No concerns identified.

NOTES:

According to the Legislative Budget Board, the bill would result in a positive impact of about \$27.6 million through fiscal 2022-23.

- SUBJECT:** Requiring DIR to create a website listing property tax databases
- COMMITTEE:** Ways and Means — committee substitute recommended
- VOTE:** 11 ayes — Meyer, Thierry, Button, Cole, Guerra, Martinez Fischer, Murphy, Noble, Rodriguez, Sanford, Shine
- 0 nays
- WITNESSES:** For — Adam Bogard, Harris County Appraisal District; Brent South, Texas Association of Appraisal Districts; Dale Craymer, Texas Taxpayers and Research Association; (*Registered, but did not testify:* Melissa Shannon, Bexar County Commissioners Court; Adam Haynes, Conference of Urban Counties; Charles Reed, Dallas County Commissioners Court; David Mintz, Texas Apartment Association; Wroe Jackson, Texas Association of Manufacturers; Ray Head, Texas Association of Property Tax Professionals; Hector Rivero, Texas Chemical Council; Monty Wynn, Texas Municipal League; Julia Parenteau, Texas Realtors)
- Against — None
- On — (*Registered, but did not testify:* Korry Castillo, Comptroller of Public Accounts; Dale Richardson, Texas Department of Information Resources)
- BACKGROUND:** Tax Code sec. 26.17 requires the chief appraiser of each appraisal district to create and maintain an online property tax database that contains certain information and is accessible and searchable by the public.
- DIGEST:** CSHB 2723 would require the Department of Information Resources to develop and maintain an easily accessible website by January 1, 2022, that listed each property tax database maintained by a chief appraiser and included a method to assist a property owner in identifying the appropriate property tax database. The website's address would have to be "Texas.gov/PropertyTaxes" and it would be required to provide a separate link to the location of each property tax database.

Certain notices required under the Education Code, Tax Code, and Water Code would be required to include specified information directing the reader to visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes). These notices would include:

- a notice of a public meeting to discuss and adopt a public school district's budget and proposed tax rate;
- a notice of appraised value;
- a notice of a public hearing on a tax increase; and
- a notice of a public hearing on a water district's tax rate.

The bill also would amend Tax Code provisions so that a chief appraiser would not be required to deliver a certain notice by August 7 of each year to a property owner detailing the estimated amount of taxes to be imposed on the owner's property if the owner already had received a separate notice of the appraised value of the property for that tax year. The chief appraiser would be required to deliver the notice of estimated taxes by email if the property owner had requested it and the chief appraiser had confirmed the request.

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. The bill would apply only to notices required to be delivered for a tax year that begins on or after January 1, 2022.

**SUPPORTERS
SAY:**

CSHB 2723 would reduce confusion over chief appraiser database websites by centralizing all websites under the [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) domain. This would allow taxpayers to quickly search for, identify, and view the appropriate chief appraiser website. The lack of standardization of chief appraiser website addresses has made it difficult for some taxpayers to search for and identify the correct database.

References to individual databases on official notices have been mistaken by some taxpayers for fraudulent or junk correspondence. Directing them to an official state website would alleviate these concerns. Tasking the Department of Information Resources with creating and maintaining the [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) website fits in with the department's existing

responsibility to maintain the texas.gov domain and would have no significant fiscal impact on the state.

The bill also removes a requirement for delivery of a redundant notice of estimated taxes to be imposed. This responds to taxpayer concerns and would allow populous counties to save a significant amount of funds that would be spent on mailing these redundant notices.

CRITICS
SAY:

No concerns identified.

- SUBJECT:** Including Muslim imams in list of who may conduct a marriage ceremony
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 9 ayes — Neave, Swanson, Cook, Frank, Leach, Ramos, Talarico, Vasut, Wu
0 nays
- WITNESSES:** For — Insiya Aziz, Emgage Action; (*Registered, but did not testify:* Richard Evans, Emgage Action; Susana Carranza; Idona Griffith; Vanessa MacDougal; Robert Norris)

Against — (*Registered, but did not testify:* Anna Alkire; Beth Maynard; Ruth York)
- BACKGROUND:** Family Code sec. 2.202(a) grants the authority to conduct a marriage ceremony to a licensed or ordained Christian minister or priest, a Jewish rabbi, an officer of a religious organization who is authorized by the organization to conduct a marriage ceremony, and active and retired state justices, judges, and magistrates.
- DIGEST:** HB 2039 would add Muslim imams to the list of persons authorized to perform a marriage ceremony in Texas.

The bill would take effect September 1, 2021.
- SUPPORTERS SAY:** HB 2039 would recognize Texas's large and growing Muslim population by adding Muslim imams to the list of persons authorized to conduct a marriage ceremony in the state. While imams fall under the general category of those who can perform marriage ceremonies as an "officer of a religious organization," they are not included by name in the current statute as priests, Christian ministers, and Jewish rabbis are.

HB 2039 would clarify current law and eliminate confusion for Muslim leaders. Currently, about 500,000 Muslims call Texas home. Beyond resolving an ambiguity in current law, the bill appropriately and equitably

recognizes a large and important religious group in Texas by formally including Muslim imams among those authorized to celebrate marriages.

CRITICS
SAY:

No concerns identified.

SUBJECT: Amending taxpayers' suits to recover disputed taxes or penalties

COMMITTEE: Ways and Means — committee substitute recommended

VOTE: 10 ayes — Meyer, Thierry, Button, Cole, Guerra, Martinez Fischer,
Murphy, Noble, Sanford, Shine

0 nays

1 absent — Rodriguez

WITNESSES: For — Dale Craymer, Texas Taxpayers and Research Association;
(*Registered, but did not testify*: Daniel Womack, Dow, Inc.; Joy Davis,
Texas Farm Bureau)

Against — None

On — (*Registered, but did not testify*: Karey Barton, Comptroller of
Public Accounts)

BACKGROUND: Tax Code ch. 111 governs state tax collection procedures. Under sec.
111.008, if the comptroller makes a deficiency determination and is not
satisfied with the amount of tax required to be paid to the state by a
person, the comptroller may determine the amount to be paid. Sec.
111.009 allows a person to petition the comptroller for a redetermination,
if they meet certain filing requirements.

Under sec. 111.022, if the comptroller believes that the collection of a tax
is jeopardized by delay, the comptroller must issue such determination
and the amount is due and payable immediately.

Ch. 112 governs taxpayers' suits. Under subch. B, a person may bring suit
against the state to recover an occupation, excise, gross receipts, franchise,
license, or privilege tax or fee required to be paid to the state, if the person
has first paid the tax under protest.

Under subch. D, a person may sue the comptroller to recover an amount of tax, penalty, or interest that was the subject of a tax refund claim that was denied by the comptroller. The person would have to pay any additional tax found due in a jeopardy or deficiency determination that applies to the tax liability period covered in the tax refund claim.

DIGEST: CSHB 2080 would revise the process by which a person could sue the state to recover taxes paid under protest and establish a process to dispute taxes after a redetermination.

Suit after redetermination. CSHB 2080 would establish procedures by which a person could sue the comptroller to dispute an amount of tax, penalty, or interest assessed in a deficiency redetermination or jeopardy determination if the person had:

- filed a request for redetermination;
- obtained a redetermination that included a finding by the comptroller of the disputed and undisputed amounts; and
- filed a motion for rehearing of the redetermination that stated the specific grounds of error and the disputed amounts and otherwise complied with state law.

A suit after redetermination would have to be filed against both the comptroller and the attorney general. The suit also would have to be filed within 90 days of the issue date of the denial of the motion for rehearing or it would be barred.

Payments. The bill would require the person bringing suit to pay the redetermination amounts that were not disputed in the motion for rehearing. The failure to pay an undisputed amount would not affect the jurisdiction of a court to consider the suit.

The person bringing a suit could pay the disputed amounts as provided by current law. A disputed amount that was not paid according to law and that was determined to be due in a final judgment would accrue penalties and interest.

After the comptroller had been timely served in such a suit, the comptroller and the attorney general would be enjoined from collecting

disputed amounts from the person bringing the suit during the pendency of the suit but would not be enjoined from asserting tax liens. Damages could be awarded if the court determined that all or part of the enjoined collection amounts were disputed solely for delay.

Judgment. CSHB 2080 would require the amount of a judgment refunding disputed taxes, penalties, or interest to be credited against the amount imposed and due from the plaintiff. The remainder of the amount not credited would have to be refunded to the plaintiff.

The plaintiff would be entitled to interest on the tax refunded in a judgment equal to the amount of interest that would be due if the tax had been deposited in the comptroller's suspense account. The interest would accrue beginning from the date that the tax was paid until:

- the date the amount was credited against the plaintiff's tax liability;
or
- a date determined by the comptroller that was not sooner than 10 days before the actual date on which a refund warrant was issued.

Other provisions. CSHB 2080 would allow the state to counterclaim in a suit if it related to taxes imposed under the same statute and during the same period as the taxes subject to suit. The counterclaim would have to be filed by 30 days before the date set for trial on the merits of the suit.

The attorney general would be required to represent the comptroller in a suit after redetermination.

The bill also would establish provisions for suits after redetermination similar to those governing other taxpayers' suits, including provisions regarding required records, issues in the suit, requiring trial de novo, and applying the rule of res judicata.

Suit after protest payment. CSHB 2080 would revise certain provisions governing taxpayers' suits against the state to recover taxes paid under protest.

The bill would specify that a person could bring a suit to recover any tax, penalty, or interest assessed in a deficiency determination. The bill would specify that to bring such a suit, the person would have to pay the amount assessed in the deficiency determination and submit the written protest within six months after the deficiency determination became final.

The bill would provide that provisions requiring the payment of protested taxes before bringing suit and provisions establishing certain procedural requirements in bringing the suit were not severable from other laws governing such a suit. If the provisions were held invalid, the entire subchapter governing suits after protest payment would be invalid.

The bill would remove a provision exempting certain suits for protests against the franchise tax from the requirement that they be brought within 91 days after the date the protest payment was made.

The attorney general would represent the comptroller in a suit after protest payment. A person would be prohibited from intervening in such a suit.

The bill would remove the requirement for the officer who received a payment made under protest to send daily to the comptroller the payments received, a list of the persons making the payments, and a written statement that the payments were made under protest.

Attorney's fees. Except in certain sanctions, attorney's fees could not be awarded in a suit seeking legal or equitable relief against the state, a state agency, or an officer of the state relating to the applicability, assessment, collection, constitutionality, or amount of a tax, fee, or penalty imposed by the state or a local government or collected by the comptroller.

Repealed statutes. The bill would repeal the following statutes:

- Government Code sec. 403.212(e), which exempts taxes or fees under protest from certain requirements before injunction;
- Tax Code secs. 112.056 and 112.057, which require a petitioner to pay additional taxes when due under protest after filing a suit and during an appeal;

- Tax Code secs. 112.058(d) and (e), which prohibit the protest payments of certain taxes from being placed in a suspense account; and
- Tax Code ch. 112, subch. C, which governs the process by which an injunction prohibiting the assessment or collection of a tax could be brought against a public official.

Applicability, effective date. The bill would exempt a redetermination suit or a suit for a tax refund from the applicability of certain statutes in the Government Code governing suits brought by persons owing taxes or fees.

The bill would take effect September 1, 2021, and apply only to a suit to dispute an amount of tax, penalty, or interest that became due and payable on or after that date.

**SUPPORTERS
SAY:**

CSHB 2080 would reform the law governing taxpayers' suits by expanding taxpayers' ability to file a suit challenging a tax assessment by the comptroller. The bill would provide that a taxpayer who filed a suit challenging a tax assessment did not have to first pay the disputed amounts. The bill would allow all taxpayers, regardless of income status, the ability to challenge a tax and align state law more closely with the Texas Constitution, which provides that all courts be open and all injured persons have remedy by due course of law. There has been significant litigation in the state in recent years regarding the limited access taxpayers have to courts if they do not prepay a contested tax or penalty. The bill would correct this oversight by making state courts more accessible.

**CRITICS
SAY:**

No concerns identified.

- SUBJECT:** Prohibiting probation conditions that restrict contact with certain persons
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 8 ayes — Murr, Allen, Bailes, Burrows, Martinez Fischer, Rodriguez, Sherman, White
- 1 nay — Slaton
- WITNESSES:** For — Jorge Renaud, Latino Justice PRLDEF; Matthew Lovitt, National Alliance on Mental Illness-Texas; Dawn Freeman, ReGen Hope Initiative Inc.; Douglas Smith, Texas Criminal Justice Coalition; Kathryn Griffin; (*Registered, but did not testify:* Greg Hansch, National Alliance on Mental Illness-Texas; Mary Molnar, Texas Voices for Reason and Justice; Thomas Parkinson)
- Against — None
- On — (*Registered, but did not testify:* Carey Green, Texas Department of Criminal Justice)
- DIGEST:** CSHB 787 would prohibit judges from establishing certain conditions of community supervision (probation) that would prohibit defendants from contacting or interacting with persons involved in specified types of community, training, and advocacy organizations outlined in the bill. Judges could not prohibit probationers from interacting with someone who belonged to an organization that included persons who had criminal histories and who engaged in activities that the director of the probation department determined included:
- working with community members to address criminal justice issues;
 - offering training and programs to assist formerly incarcerated persons; and
 - advocating for criminal justice reform, including by engaging with state and local policy makers.

The bill would take effect September 1, 2021, and would apply to defendants placed on community supervision on or after that date.

**SUPPORTERS
SAY:**

CSHB 787 would ensure that judges did not issue overly broad prohibitions on the activities of probationers that could prevent probationers from meaningful, rehabilitative interactions with others who were or are involved with the criminal justice system and have had similar experiences.

Many worthwhile programs, organizations, and activities include individuals with criminal histories and can offer vital services and support to help probationers rehabilitate and become successful members of the community. For example, peer support programs can help probationers by providing support from someone with similar experiences, and community based organizations advocating criminal justice issues may include individuals who have been justice-involved. Denying probationers the chance to be a part of these organizations can deny them an opportunity to be around positive role models and learn valuable skills.

The bill would recognize the value of community and apply to organizations that could offer probationers positive experiences, and probation department directors would have a role in determining what organizations met the conditions of the bill. While judges could not issue broad prohibitions on certain groups, they would retain discretion to set conditions of probation.

**CRITICS
SAY:**

CSHB 787 could limit judges' discretion to craft conditions of probation that were specific to an individual probationer. Currently, probationers subject to a prohibition that interferes with their chances to obtain services or support from an organization or to participate in a meaningful activity could consult with their probation officer, who could ask a judge to alter the terms of probation.

- SUBJECT:** Limiting parole for certain trafficking offenses involving children
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 8 ayes — Murr, Allen, Bailes, Burrows, Rodriguez, Sherman, Slaton, White
0 nays
1 absent — Martinez Fischer
- WITNESSES:** For — (*Registered, but did not testify:* George Craig, Houston Police Department; AJ Louderback and Tom Maddox, Sheriffs Association of Texas)

Against — None

On — (*Registered, but did not testify:* Cara Pierce, Office of the Attorney General; David Gutierrez, Texas Board of Pardons and Paroles)
- BACKGROUND:** Penal Code ch. 20A establishes the offense of human trafficking. Secs. 20A.02(a)(5), (6), (7), or (8), establish offenses involving child labor and sex trafficking and receiving certain benefits from such trafficking. Penal Code sec. 20A.03 establishes the offense of continuous human trafficking which makes it an offense if, during a period that is 30 or more days in duration, an individual engages two or more times in conduct that constitutes human trafficking against one or more victims.

Under Penal Code sec. 508.145(d)(1), individuals convicted of certain offenses are ineligible for parole until their time served, without consideration of good conduct time, equals one-half of their sentence or 30 years, whichever is less, with a minimum of two years. This eligibility applies to the offenses of human trafficking and continuous human trafficking.

DIGEST: CSHB 465 would make individuals convicted of certain continuous human trafficking offenses based on trafficking offenses involving children ineligible for parole.

CSHB 465 also would prohibit parole in specified cases of human trafficking involving children unless the defendant pled guilty and a specific finding was made during the trial. Under these circumstances, the prosecutor, the defendant's attorney, and the defendant would have to agree in writing that the defendant would become eligible for release on parole when time served, without consideration of good conduct time, equaled one-half of their sentence or 30 years, whichever was less, with a minimum of two years. Judges, upon the motion of a prosecutor, would be required to make an affirmative finding that the parties had entered into such an agreement and enter the finding into the case judgment.

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

SUPPORTERS SAY: CSHB 465 would help protect children from human traffickers and more appropriately punish those who commit this heinous offense by limiting parole eligibility for trafficking offenses involving children.

Currently, those trafficking children are eligible for parole after serving portions of their sentences, but this is inappropriate given the harm these traffickers do to vulnerable youths. By limiting parole, the bill would ensure they remained in prison an appropriate amount of time and would protect children and the public by preventing them from committing repeat offenses.

Those who commit continuous human trafficking with child victims should have to serve their full sentences, and it is important to remove even the possibility of release in such cases. CSHB 465 would make parole eligibility in these cases consistent with similar offenses, including continuous sexual abuse of a young child.

Individuals convicted of other trafficking offenses involving children also should have to serve their sentences without parole, but the bill would establish some flexibility in cases in which prosecutors feel the potential

for parole would be appropriate. The bill would give prosecutors more discretion in these cases, and the agreement that would be established by the bill would be completely voluntary and would require defendants and their attorneys to agree in writing.

CRITICS
SAY:

CASHB 465 could raise questions of whether criminal defendants were entering guilty pleas voluntarily if their parole eligibility was established based on signing an agreement about that eligibility.

Current law already requires those convicted of human trafficking to serve large parts of their sentences before being eligible for parole. Parole eligibility does not mean individuals are released, only that the Board of Pardons and Paroles considers release.

SUBJECT: Allowing the establishment of a public law school in El Paso County

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 9 ayes — Murphy, Pacheco, Cortez, Frullo, Muñoz, Ortega, Raney, C. Turner, J. Turner

0 nays

2 absent — P. King, Parker

WITNESSES: For — David Stout, El Paso County; Ray Mancera; Janet Monteros;
(*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso;
Daniel Collins, El Paso County; Thomas Parkinson)

Against — None

DIGEST: HB 199 would enable the governing board of a university system to establish and operate a school of law in El Paso County.

The governing board could:

- in administering the law school, prescribe courses leading to customary degrees at leading American law schools and award those degrees;
- assign responsibility for the law school's management to a general academic teaching institution in the university system; and
- accept and administer gifts and grants from any public or private entity for the use and benefit of the law school.

The establishment of the law school would be subject to available funding, either through appropriation or from other sources. Only one law school could be established under the provisions of the bill.

A university system governing board intending to establish a law school under the bill's provisions would be required to notify the Texas Higher Education Coordinating Board (THECB), which would have to post

notice of the intention on its website and provide other governing boards a reasonable opportunity to supply similar notice. If it received multiple notices, THECB would be required to determine which governing board would be allowed to establish the law school based on appropriate criteria, including:

- community and student input;
- available system resources; and
- the feasibility of each system's specific proposal.

Before a governing board established a law school under the bill, the governing board would have to request that THECB prepare a feasibility study to determine the actions necessary to obtain accreditation for the law school. THECB would have to deliver a copy of the study to the governing board and to the chair of each legislative standing committee with jurisdiction over higher education.

The governing board of the university system that established an El Paso law school would be allowed to acquire, construct, and renovate buildings, structures, and other facilities for the law school for projects to be financed by bonds, the aggregate principal of which could not exceed \$40 million. The board could pledge to the payment of bonds all or any revenue funds, including tuition charges, of an entity within the university system. Any such pledge could not be reduced or abrogated while relevant bonds remained outstanding. Funds could be transferred from other entities within the university system in order to meet obligations related to the El Paso law school.

If the bill passed with at least a two-thirds majority vote in both legislative houses and an El Paso law school was established by a university system, the law school would be entitled to participate in the appropriate state fund for the university system that established it. The Legislature could reallocate the total amount of funding for certain institutions to allow for an allocation to the law school before the first periodic allocation of funds.

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.

SUPPORTERS
SAY:

HB 199 would allow the establishment of a law school that would benefit El Paso County by making it easier for residents of the region, which suffers a shortage of legal representation, to attend law school. Specialists in specific legal areas are particularly scarce in the El Paso region, and El Paso is the only major metropolitan area in Texas without a law school. The closest existing law schools are hundreds of miles away from the county, imposing a significant burden on prospective law students from El Paso who want to remain a part of their current community. This distance also may make it less likely that individuals who leave to study law will return to El Paso and apply their law degree at home. Citizens of El Paso County have established the El Paso Law School Initiative, which has been endorsed by the county commissioners court, demonstrating clear community support for the project that HB 199 would enable.

HB 199 allows private sector actors to play a fundamental role in the process of establishing a law school in El Paso, as the bill authorizes the governing board of a university system to accept gifts and grants for the benefit of establishing a law school to meet the demonstrated need for adequate legal representation in El Paso. Texas's university systems have developed world-class institutions in this state, often with the partnership of private sector actors, because this is not a binary "public or private" process. HB 199 does not create a new university system, force the expansion of an existing university system or require a university system to establish any institution, or exclude private sector actors from this process.

CRITICS
SAY:

The establishment of a public law school as allowed by HB 199 would increase the scope and cost of government. Any market demand for a law school in El Paso County would be better met by a private institution.

NOTES:

According to the Legislative Budget Board, HB 199 would have a negative impact on state funds of about \$11.8 million through the biennium ending August 31, 2023.