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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 12, 2023
88th Legislature, Number 40
The House convenes at 10 a.m.

Three bills are on the Major State Calendar and 17 bills are on the General State Calendar for second reading consideration today. The table of contents appears on the following page.

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Alma Allen
Chairman
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HOUSE RESEARCH ORGANIZATION
Daily Floor Report
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88th Legislature, Number 40

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SUBJECT: Allowing third parties to review documents and conduct inspections

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 9 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Ortega, Reynolds, Schofield, Sherman

0 nays

WITNESSES: For —Emily Dove, Texas 2036; Ned Muñoz, Texas Association of Builders; Kyndel Bennett, Scot Campbell, Texas Land Developers Association; Mira Boyda; Judge Glock; Russell Spillers; Scott Turner (*Registered, but did not testify*: Corbin Van Arsdale, AGC-Texas Building Branch; Samuel Sheetz, Americans for Prosperity; Charlie Coleman, Lennar Corporation; Jami Sims, Real Estate Council of Austin; David Mintz, Texas Apartment Association; Scott Norman, Texas Association of Builders; Gray Rutledge, Texas Conservative Coalition; Deborah Ingersoll, Texas Land Developers Association; Becky Walker, Texas Society of Architects; Ryan Busse; Susan Ross)

Against — Andrew Espinoza, Vernon Young, City of Dallas; D J Harrell, City of Fort Worth (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso; Jon Weist, City of Irving; Adam Haynes, Conference of Urban Counties; Rebekah Chenelle, Dallas County Commissioners Court; Francis Nugent, Harris County Commissioners Court; Jim Short, Houston Real Estate Council; Julie Wheeler, Travis County Commissioners Court; Richard Alles)

On — Sally Bakko, City of Galveston; Jennifer Ostlind, City of Houston, Planning and Development Department; Bill Longley, Texas Municipal League (*Registered, but did not testify*: Brie Franco, City of Austin; Ariel Traub, City of Georgetown)

DIGEST: CSHB 14 would allow certain individuals to review a development document if a regulatory authority did not approve, disapprove, or conditionally approve the document within 15 days after the date prescribed by an applicable statute. Development documents would be

defined as a document required to be approved for a person to develop or improve land, including applications for plats, plans, and development permits. Regulatory authorities would include political subdivisions or departments of political subdivisions responsible for reviewing development documents and conducting development inspections.

Under the bill, individuals who could review the development document after the 15 day deadline would include:

- a person employed by the regulatory authority to review development documents;
- a person employed by another political subdivision to review development documents, if the regulatory authority had approved the person to review development documents; or
- a licensed engineer.

The applicant and the person whose work was the subject of the application would be prohibited from performing the review.

If a regulatory authority did not conduct a required inspection within 15 days after the date prescribed by an applicable statute, the inspection could be conducted by:

- a person certified to inspect buildings by the International Code Council;
- a person employed by the regulatory authority as a building inspector;
- a person employed by another political subdivision as a building inspector, if the regulatory authority had approved the person to perform inspections; or
- a licensed engineer.

The owner of the land or improvement subject to the inspection and a person whose work was subject to inspection would be prohibited from conducting the inspection.

A third party who reviewed a development document or conducted an inspection would be required to take actions in accordance with all applicable provisions of law and notify the regulatory authority of the results of the review or inspection within 15 days of completing the review or inspection. Regulatory authorities could prescribe a reasonable format for the notice.

A person could appeal to the governing body of a political subdivision a decision to conditionally approve or disapprove a development document or a decision regarding a development inspection made by a regulatory authority or a third party. The person would be required to file an appeal within 15 days after the decision was made. If the governing body did not affirm the decision by a majority vote within 60 days after the appeal was filed, the development document would be considered approved, or the inspection would be waived.

Regulatory authorities would not be allowed to impose a fee related to third party inspections or reviews of a development document or request or require an applicant to waive a deadline or other procedure.

The bill would take effect September 1, 2023, and would apply to development documents or requests for development inspections submitted on or after the effective date.

SUPPORTERS SAY:

CSHB 14 would streamline approval processes for property development and building reviews by allowing qualified third parties to review development documents and conduct inspections, ensuring timely responses to reviews and inspections. Delays in developments can dampen economic development and increase costs for developers, which can make housing more costly and increase the amount of time homeowners must wait before moving in. Many cities already use third parties for these actions, and these third parties would be required to follow all aspects of the law. The bill would help cities efficiently address backlogs at local planning and building departments who are struggling to hire enough staff to handle the demand, reducing barriers to development and increasing the availability of affordable housing.

CRITICS SAY:

CSHB 14 is unnecessary because cities are already remedying the application backlog by using new technology, hiring more staff, and partnering with third parties. The bill sets an unrealistic timeline for cities that does not consider the difference between developing single family homes and large commercial projects. The bill also would not set a timeline for third parties to complete reviews or inspections, holding cities to a different standard than third parties.

CSHB 14 would not require cities to approve third party engineers like they would employees of another political subdivisions, which could undermine a city's process for conducting inspections and reviewing development documents. The bill also lacks sufficient accountability and auditing measures, which could further limit cities' oversight of third parties. The bill does not clarify what would happen if a city and a third party were reviewing documents at the same time and which review would prevail, which could cause confusion.

The bill should allow additional qualified professionals to review development documents and conduct reviews, as the individuals authorized within the bill are not always the best option for these tasks. The bill also should allow municipalities to collect fees for third party reviews or inspections to cover the cost of these services and clarify if the city would be held liable for mistakes made by third parties. Appeals regarding document reviews and inspections should not be heard by city councils or other governing bodies but rather by experts who are best suited to make these decisions.

SUBJECT: Revising certain land development approval procedures

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 9 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Ortega, Reynolds, Schofield, Sherman

0 nays

WITNESSES: For — Charlie Coleman, Lennar Corporation; Ned Muñoz, Texas Association of Builders; Bill Longley, Texas Municipal League; Mira Boyda; Judge Glock; Russell Spillers (*Registered, but did not testify*: Samuel Sheetz, Americans for Prosperity; Jim Short, Houston Real Estate Council; Jami Sims, Real Estate Council of Austin; Nicole Nosek, Texans for Reasonable Solutions; Emily Dove, Texas 2036; David Mintz, Texas Apartment Association; Scott Norman, Texas Association of Builders; Kyndel Bennett, Scot Campbell, and Deborah Ingersoll, Texas Land Developers Association; Becky Walker, Texas Society of Architects; Ryan Busse; Scott Turner)

Against — Julie Wheeler, Travis County Commissioners Court (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Jim Allison, County Judges and Commissioners Association of Texas; Rebekah Chenelle, Dallas County Commissioners Court)

On — Andrew Espinoza and Vernon Young, City of Dallas; D J Harrell, City of Fort Worth; Sally Bakko, City of Galveston; Jennifer Ostlind, City of Houston, Planning and Development Department

DIGEST: CSHB 866 would revise Local Government statutes governing municipal and county approval procedures for land development applications.

Municipalities. For municipalities, the bill would remove references to a "plan" and make conforming changes.

The bill would extend to municipal planning commissions the current statutory authorization for a municipal governing body to delegate plat approval to certain employees.

The bill would replace current limitations on delegated plat approval with authorization for a delegated person to approve, conditionally approve, or disapprove a plat. If the person disapproved a plat, the applicant would have the right to appeal to the municipal governing body or planning commission.

Counties. CSHB 866 would allow a county commissioners court or court designee to authorize one or more county employees to approve, conditionally approve, or disapprove plats, and make conforming changes. An applicant would have the right to appeal to the commissioners court or court designee if the authorized person or persons disapproved the plat.

Alternative review procedure. If a municipality or county failed to approve, conditionally approve, or disapprove an applicant's plat before the 15th day after the applicable statutory deadline, the applicant could have the plat reviewed by:

- a person with the authority to review plats for the municipality, county, or another political subdivision if the municipality or county approved the reviewer; or
- an engineer licensed under the Texas Board of Professional Engineers and Land Surveyors.

The plat could not be reviewed by the applicant or a person who prepared the plat.

An alternative reviewer would have the authority to approve, conditionally approve, or disapprove a plat as if the reviewer had been delegated authority by the municipality or county. The reviewer would be required to:

- ensure that the plat satisfied all applicable regulations; and
- provide notice of the review to the municipality or county no later than 15 days after the review.

The municipality or county could not collect an additional fee related to the alternative review.

Other provisions. CSHB 866 would allow a plat applicant and the applicable municipal or county entity to extend by agreement the 30-day deadline for plat approval or disapproval by multiple 30-day periods, rather than the single extension currently allowed. For counties, an extension would be limited to a single 30-day period for a purpose related to certain provisions of the Government Code.

A plat would be considered filed on the date it was submitted by the applicant with a completed application, fees, and other requirements:

- for municipalities, to the governing body or the authority responsible for approving plats; and
- for counties, to the commissioners court or the authority responsible for approving plats.

The bill would repeal provisions specifying that, for plat applications required by a municipality or county to include groundwater availability certification, the 30-day plat approval period begins on the date the applicant submits the certification to the applicable municipal or county entity.

The bill would take effect on September 1, 2023, and would apply only to a plat application filed on or after that date.

SUPPORTERS SAY:

CSHB 866 would streamline the local government approval process for land development. Delayed development approvals can increase costs and play a significant role in constraining housing supply, which ultimately makes housing less affordable. In 2019, the Legislature passed a law aimed at making approval procedures more efficient by limiting the time local governments could take to approve or disapprove an application. Unfortunately, the law's references to 'plans' as well as 'plats' had the unintended consequence of some cities frontloading application processes with various document requirements, including various permits and reports, that typically had come later in the development process, after an

initial plat approval. Requiring these documents up front can indefinitely delay approval of an application. CSHB 866 would prevent such frontloading by removing reference to 'plans' in the relevant statute and clarifying when a plat is considered filed, while retaining and improving beneficial aspects of the 2019 law, such as specific review timelines.

CSHB 866 would increase efficiency and relieve the backlog in development approvals by granting local governments more latitude to delegate authority to review development applications. The bill also would provide an alternative process allowing qualified third parties to review and approve or disapprove plat applications if cities or counties failed to make a decision on time.

Allowing engineers to serve as third-party reviewers would not lower the quality of the review process; because the applicant would be paying for the third-party reviewer's services, they would be incentivized to seek out a highly-qualified engineer capable of performing a robust review. Engineers would be unlikely to risk losing their licenses by performing an inadequate or ethically questionable review. Concerns local governments may have about third-party reviewers could be avoided under the bill by making a determination on a plat application in a timely fashion.

CRITICS SAY:

CSHB 866 could limit local governments' ability to ensure that developments were compatible with the public interest. The bill would not allow local governments final review or appeal of decisions made by third party reviewers. Engineers are not elected officials responsible to the public. Despite the qualifications of engineers, they may not have the appropriate expertise to assess the suitability of a particular development application.

SUBJECT: Setting limits on parkland dedications and fees for property development

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 9 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Ortega, Reynolds, Schofield, Sherman

0 nays

WITNESSES: For — John Kroll, HMWK, LLC (*Registered, but did not testify*: Justin Bragiel, Texas Hotel & Lodging Association)

Against — Kayla Reese, Austin Parks Foundation; Erika Lopez and Thomas Rowlinson, City of Austin; John Jenkins and Ryan O Conner, City of Dallas; Joel McElhany and Richard Zavala, City of Fort Worth; Jennifer Ostlind, City of Houston, Planning and Development Department; Craig Nazor, Lone Star Chapter, Sierra Club; Richard DePalma (*Registered, but did not testify*: George Cofer; Alison Alter, City of Austin; Nadia Islam, City of San Antonio; Jason Sabo, Environment Texas; Jim Short, Houston Real Estate Council; Stephanie Reyes, Real Estate Council of San Antonio (RECSA); Cyrus Reed, Sierra Club Lone Star Chapter; Monty Wynn, Texas Municipal League; Simone Benz)

On — David Mintz, Texas Apartment Association

DIGEST: CSHB 1526 would authorize a municipality with a population greater than 800,000 to require the dedication of parkland, impose a parkland dedication fee, or both require dedication and impose a fee. This authority could only be exercised through the application of a subdivision development plan, subdivision plan, site plan, land development plan, or site development plan proposing the development of multifamily, motel or hotel units. Under the bill, municipalities could impose a fee for parkland dedication, require a landowner to dedicate a portion of the landowner's property for parkland use, or require both the dedication and a fee. A municipality also could allow a landowner to choose a parkland dedication, a fee, or both.

CSHB 1526 would permit the landowner to request in writing that the municipality make a timely determination of the dedication amount required as applied to the landowner's property. The bill would also allow the municipality to make reasonable written requests to the landowner for publicly and readily available information necessary to determine the amount of the dedication. The municipality would be required to respond to the landowner's request within 30 days after receiving the request or the municipality could not require a parkland dedication as a condition for approval of a proposed development plan or application. The municipality's parkland determination would be a legally binding decision regarding the amount of land required for dedication and would remain applicable to the property for the lesser of two years or the time between the date a determination was issued and a plan application was filed. The bill would authorize the landowner to release in writing a municipality from the determination.

CSHB 1526 would prohibit municipalities from imposing a parkland dedication or a fee for any commercial use other than multifamily, hotel, or motel uses. If an application included both multifamily, hotel, or motel and commercial uses, a municipality would be required to determine the amount of parkland dedication based only on the pro rata portion of the land proposed for these uses.

The municipality could not require the landowner to dedicate more than 10 percent of the gross site area.

The bill would require the governing body of a municipality to, after providing at least a 30 days' public notice and holding a public hearing, designate all territory within its boundaries as a suburban area, urban area, or central business district area. No later than 10 days after these designations were made, the municipality would be required to notify each appraisal district in which the municipality was located of the designations. Once every 10 years, each appraisal district under which the municipality fell would be required to calculate and provide to the municipality the average land value of each designated area located in the district. Appraisal districts would be required to determine this value based on certain calculations specified within the bill.

Calculating parkland dedication fees. In determining parkland fees, municipalities that elected to set the fee in an amount greater than two percent of the median family income would be required to follow the bill's specified methods in calculating the following factors:

- the number of multifamily units;
- the number of hotel and motel rooms;
- the area's total average land value;
- the average land value for each area, if the total average value is not available;
- the dwelling unit factor (the number of parkland acres for each dwelling unit proposed by a plan application); and
- the density factor (the expected diminishment of parkland acres per dwelling unit in increasingly dense urban areas of the municipality).

In determining the fee amount, the municipality would be required to exclude the number of affordable dwelling units propose by the plan. If a municipality's fee determination did not exceed two percent of the median family income, these provisions would not apply and the calculations above would not be required.

If a municipality required a fee and a dedication, the municipality would determine the fee amount by subtracting the product of the land value and the number of acres dedicated from the standard dedication fee. If the calculation resulted in a negative number, the municipality would be required to pay the landowner the difference.

Under the bill, a municipality would be required to provide the landowner a written determination of the fees owed and would only be permitted to collect a fee as a precondition to issuance of a final certificate of occupancy. A landowner could appeal the municipality's determination to the planning commission or governing body of the municipality. The appeal would be required to include a requested adjudication of the issue in controversy. If the municipal governing body did not make a decision on the appeal to uphold, reverse, or modify the determination by the 60th day after its filing, the matter would be considered resolved in the landowner's favor.

CSHB 1526 would only apply to a plan application filed on or after January 1, 2024. 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, 2023.

SUPPORTERS SAY:

HB 1526 would help address the need for additional housing in Texas' rapidly growing cities by limiting the amount of a site plan that must be donated to park space, which can inhibit housing development. In many Texas cities, the percentage of a site required for parkland dedication and parkland dedication fees have significantly risen in recent years. These increases have led some developers to halt or relocate projects. Setting a cap on the percentage of land which a developer must donate could make more land available to help address the state’s housing shortage. The bill also would help to clarify a city's authority to determine whether a developer must donate parkland or pay a fee and provide a more expedient timeline for which a developer could obtain a dedication determination from the city. HB 1526 also could benefit a city's greenspace, as fees collected could be used to pay for the maintenance and operation of the city's parks.

CRITICS SAY:

HB 1526 could limit a city's ability to govern its park development and serve the community with new, well-maintained parks. By reducing the amount of funding and land dedicated to parks, the bill could prevent large cities from expanding their parklands, which could reduce Texans' access to greenspace and nature.

SUBJECT: Improving safety on roadways near high schools

COMMITTEE: Public Education — favorable, without amendment

VOTE: 7 ayes — Buckley, Allen, Allison, Cunningham, Cody Harris, Hinojosa, Longoria

0 nays

6 absent — Dutton, Harrison, Hefner, K. King, Schaefer, Talarico

WITNESSES: For — Pedro Lopez, Houston Independent School District (*Registered, but did not testify:* Tricia Cave, Association of Texas Professional Educators (ATPE); Jacquie Benestante, Autism Society of Texas; Garry Jones, DFER; Alejandro Pena, Texas AFT; Amy Beneski, Texas Association of School Administrators; Whitney Broughton, Texas Association of School Boards; Suzi Kennon, Texas PTA; Bryce Adams, Texas Public Charter Schools Association; Dee Carney, Texas School Alliance; Elaina Fowler and Carrie Griffith, Texas State Teachers Association; Idona Griffith; Virginia Gustin; Tiffanie Harrison; Eve Margolis; Maureen Voosen)

Against — None

On — Ian Hlavacek, City of Houston, Houston Public Works (*Registered, but did not testify*: Eric Marin, TEA)

DIGEST: HB 1263 would prohibit a local authority from adopting or enforcing a measure to prohibit or preclude the designation of a crosswalk or school crossing zone at a high school located in a municipality with a population of two million or more.

The bill would take effect September 1, 2023.

SUPPORTERS SAY: HB 1263 would improve the safety of high school students in large cities. In some areas of the state, school safety zones that help regulate traffic by using crosswalks, crossing zones, signs or flashing lights are developed

only for elementary, middle, and junior high schools. In these areas students that attend high schools located on high traffic or high-speed roadways may find themselves in dangerous situations while trying to enter and exit school grounds. State law allows municipalities to designate school crossing zones for elementary and secondary schools. Both state and federal law identify high schools as secondary schools, making them eligible for these additional protections. Municipalities that only provide school crossing zones for elementary, junior high, and middle schools may jeopardize high school student safety by limiting available safety strategies for these students.

Under the bill, large municipalities would be prohibited from excluding high schools from consideration for school crossing zones and crosswalks, but the bill would not change the process a municipality used to designate a school crossing zone or establish a crosswalk. The bill also would not require a municipality to adopt either strategy if it was not the best strategy to improve safety around that school. The bill would not change the processes a municipality must undertake to perform an engineering assessment and evaluate the applicability of the safety practices.

Safety zones are vital to protecting students and reducing the likelihood a student will be hit by a car. When it comes to safety, local policies should not exclude certain schools nor limit road safety initiatives just to certain schools. Texas must protect all students and ensure all are treated equally when considering safety.

CRITICS SAY:

While the bill could provide some benefits, HB 1263 could lead to eligible cities being required to implement roadway safety strategies without the benefit of an engineering assessment to identify which strategy would work best for the road conditions at an impacted school. A city could also be at risk of selecting a roadway safety strategy that did not align with other state and federal requirements or meet recognized engineering practices for the conditions and type of road system around the school. A better approach would be to require impacted cities to conduct an engineering study to identify best practices for safety and allow the city to evaluate the best approach to addressing roadway safety around high schools.

SUBJECT: Removing authority of political parties to determine ballots

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — Smith, Bucy, Burrows, Capriglione, DeAyala, Manuel, Swanson

0 nays

2 absent — E. Morales, Vo

WITNESSES: For — David Luther, Texas Republican Chairmans Association; James Dickey; Kathy Haigler; Susan Johnson; Eric Opiela; Dwayne Wright (*Registered, but did not testify*: Stacy McMahan, East Texans for Liberty; Beth Cubriel; Russell Hayter; Sherri Heckendorn)

Against — Clark Patterson, Libertarian Party; Cindi Castilla, Texas Eagle Forum; Robert L. Green, Travis County Republican Party and its Election Integrity Committee for Legislation; Joe White (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Andrew Amelang, Libertarian Party of Texas; Jill Glover, Chad Shoemake, Republican Party of Texas; John Beckmeyer, RPT; Ken Moore, SREC; Andrew Eller, State Republican Executive Committee SD24; and seven individuals)

On — Marco Orrantia, Texas Democratic Party; Christina Adkins, Texas Secretary of State (*Registered, but did not testify*: Katya Ehresman, Common Cause Texas; Cynthia Van Maanen, Travis County Democratic Party)

BACKGROUND: Under Election Code sec. 162.002, a person is eligible to affiliate with a political party if they are a registered voter or eligible to vote a limited ballot at the time of affiliating.

DIGEST: CSHB 1635 would prohibit a party official from denying a person eligible to affiliate with a political party the ability to affiliate.

The bill would make void and unenforceable a political party's rule that conflicted with state or federal law. Additionally, rules adopted by the state executive committee of each political party holding a presidential primary election would be required to be consistent with national party rules. The authority with whom an application for a place on the general primary election ballot was filed would review the application to determine whether the application complied with state or federal law.

CSHB 1635 would remove the ability for the county executive committee to determine that the drawing of names for a general primary ballot be conducted by the primary committee. Additionally, the county chair, rather than the executive committee, would be required to supervise the overall conduct of a primary election in each county.

CSHB 1635 would prohibit a political party from using a primary fund to pay expenses relating to a primary election if that party had authorized a party official to reject an application for a place on the primary ballot or declare a candidate ineligible for any reason not specified under state or federal law. Additionally, any funds disbursed to the primary fund of a political party used in such a way would be sent to the secretary of state immediately on request and deposited in the state treasury to finance primary elections.

CSHB 1635 would repeal provisions requiring the establishment of a primary party committee in each county that has party county executive committee and provisions requiring a party's county chair to submit the format for the official primary election ballot to the primary committee for its review and approval.

The bill would take effect September 1, 2023.

SUPPORTERS SAY:

CSHB 1635 would ensure that primary voters could decide who was on a ballot rather than political party leadership. By eliminating the ability for a party to remove eligible candidates from a primary ballot, the bill would make certain that voters could consider all candidates qualified to run.

By requiring the county chair to supervise primary elections, CSHB 1635 would ensure that the election process was objective. The bill would

protect the integrity of Texas primaries by closing potential loopholes for bad actors to make rules that could compromise these elections.

With frequent turnover of party chairs, CSHB 1635 would address inconsistencies and misinterpretations stemming from partisan rulemaking by removing a parties' authority to manage primary ballots. CSHB 1635 would codify standard practices for the Republican and Democratic parties and simplify the process for candidates.

CSHB 1635 would not infringe upon an individual's right to freedom of association, as this right is not absolute and exceptions have been provided by The U.S. Supreme Court for the necessity of government regulation of the election process.

CRITICS SAY:

CSHB 1635 would allow the government to intervene in party politics, which would be an over-step as parties are private entities that should be kept separate from the government. Parties may know more about candidates than general voters and could make a more informed decision about a candidate's eligibility. CSHB 1635 would limit a party's ability to apply its informed discretion and established party values to a candidate in a primary ballot. The supervision of primary elections should remain with the executive committee rather than the county chair. CSHB 1635 also could infringe upon a party member's right to freedom of association by prohibiting political parties from removing a candidate from a primary ballot.

SUBJECT: Requiring courts to withdraw an execution date on certain motions

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For — (*Registered, but did not testify*: M Paige Williams, Dallas County Criminal District Attorney John Creuzot; John Litzler, Texas Baptist Christian Life Commission; Jenny Andrews, Texas Catholic Conference of Bishops; Shea Place, Texas Criminal Defense Lawyers Association; Joshua Houston, Texas Impact; Delfino Garza)

Against — (*Registered, but did not testify*: James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers' Union; John Wilkerson, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association)

On — (*Registered, but did not testify*: Maro Robbins, Office of Capital and Forensic Writs)

DIGEST: CSHB 180 would require, on the motion of the state's attorney, a convicting court to withdraw an order setting an execution date in a death penalty case.

The bill would take effect September 1, 2023, and would apply only to an order entered on or after that date.

SUPPORTERS SAY: By requiring a judge to honor a prosecutor's request to withdraw an execution date, CSHB 180 would provide clarity to courts and prosecutors. Current law allows the state's attorney to request the withdrawal of an execution date in a death penalty case but only the presiding judge may order the withdrawal. In most cases, judges will honor a prosecutor's requests for withdrawal. However, recent conflicts between judges and attorneys on this issue has created uncertainty in the

law and conflicts between legal authorities, which can impact public trust in the justice system and result in unjust outcomes. CSHB 180 would provide clarity by granting the authority to the state's attorney, who often has better knowledge of the case facts that may be unknown to a trial judge and may be better positioned to make this decision.

CRITICS SAY:

CSHB 180 could allow prosecutors to withdraw execution dates without sufficient reason. The judge and prosecutor should be required to agree on the issue of execution date withdrawal.

SUBJECT: Creating a pre-K partnership and work development program

COMMITTEE: International Relations & Economic Development — committee substitute recommended

VOTE: 9 ayes — Button, Ordaz, Bumgarner, Clardy, Hayes, Meza, C. Morales, Plesa, Shine

0 nays

WITNESSES: For — Amanda Gomez, Brenda Peak, Day Nursery of Abilene (*Registered, but did not testify*: Seth Winick, Childcare Network, and Primrose Schools, Mandi Kimball, Children At Risk; Kathlyn McHenry, Early Care and Education Consortium; Sharon Perry, Kids r Kids; Brian Gutman, Learning Care Group; Christine Yanas, Methodist Healthcare Ministries; David Fincher, National Child Care Coalition; Sarah Douglas, National Federation of Independent Business (NFIB); Melissa Hoisington, Primrose Schools; David Feigen, Texans Care for Children; Raif Calvert, Texas Association of School Boards; Cody Summerville, Texas Association for the Education of Young Children; Kelsey Streufert, Texas Restaurant Association; Laura Atlas Kravitz, Texas Women's Foundation (TXWF); Travis Krogman, The Greater Austin Chamber of Commerce; Brenda Schultz, Seth Winick, The Learning Experience; Kurt Hutson; Kevin Kilgore; Arun Singh; Claudia Teran; Alfonso Velasco)

Against — None

On — Lauren Gerken, Texas Council for Developmental Disabilities; Reagan Miller, Texas Workforce Commission (*Registered, but did not testify*: Monica Martinez, Texas Education Agency)

DIGEST: CSHB 1615 would establish a pre-K partnership program that would partner certain eligible child-care providers with local school districts and open-enrollment charter schools to provide required pre-K classes. Using existing funds, the Texas Workforce Commission and the Texas Education Agency would coordinate to develop strategies to expand availability of partnership programs.

CSHB 1615 would establish a scholarship program for current and prospective child care workers. The scholarships funds could be used to pay for:

- earning a Child Development Associate (CDA) credential and costs related to the CDA exam;
- earning an associates or bachelors in early childhood education or a similar field;
- participation in a registered child-care apprentice program;
- books and supplies for educational or apprenticeship programs;
- release time or stipends to attend class;
- travel expenses related to training or classes; and
- stipends for mentors or master teachers providing hands-on training.

The bill also would require that a representative of the child care workforce be placed on workforce development boards.

This bill would take effect on September 1, 2023.

SUPPORTERS SAY:

CSHB 1615 would increase the number of quality pre-K centers available to parents and provide continued education opportunities for child care workers. By helping certain child-care providers partner with local school districts, CSHB 1615 would help to ensure access to quality pre-K education throughout Texas. CSHB 1615 would improve retention and recruitment of child care workers by creating a scholarship program that would support the development of more quality child care workers and allow existing workers to continue their education.

CRITICS SAY:

CSHB 1615 should add language about disability inclusion for programs to help ensure that children with disabilities have better access to inclusive pre-K options.

SUBJECT: Permitting filing of death claims through an insurance carrier

COMMITTEE: Business & Industry — favorable, without amendment

VOTE: 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado

0 nays

WITNESSES: For —Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Menda Speckels (*Registered, but did not testify*: Thomas Villarreal, Austin Police Association; Christopher Irwin, Austin Police Association PAC; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); James Parnell, Dallas Police Association; Robin Foster, Harris County Deputies' Organization FOP #39; Ray Hunt, Houston Police Officers' Union; Aidan Alvarado, Laredo Firefighters Association; Emily Amps, Texas AFL-CIO; Glenn Deshields, Texas State Association of Firefighters; John Wilkerson, TMPA; and 8 individuals)

Against — (*Registered, but did not testify*: Ray Sullivan, American Property and Casualty Insurance Association)

On — (*Registered, but did not testify*: Erica De la Cruz, Texas Department of Insurance, Division of Workers' Compensation)

DIGEST: HB 2314 would allow individuals to file for death benefits under the workers' compensation system through an insurance carrier. The insurance carrier would be required to create and maintain a record documenting receipt of the claim and provide written notice to the Division of Workers' Compensation that the person filed the claim.

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, 2023.

SUPPORTERS SAY:

HB 2314 would simplify the death benefits process by allowing family members to file claims directly through their insurance carrier. Under current statute, to receive death benefits an individual must file a claim directly with the Division of Workers' Compensation within the year of the person's death. Navigating workers' compensation can be confusing and family members often believe that they have taken all necessary steps after filing the claim, but legitimate claims are often still denied based on a technicality. HB 2314 would assist grieving family members and simplify the process by permitting them to file directly with an insurance carrier.

Provisions of the bill would only apply to workers' compensations insurance carrier as the provisions fall under the workers' compensation section of the Labor Code. Concerns over erroneous filings would be mitigated as insurance carriers and the TDI communicate with each other during the filing process.

CRITICS SAY:

HB 2314 could create confusion in the death benefits filing process. When a business changed insurance carriers, individuals could mistakenly file a claim with the wrong carrier. This could lead to claims being lost if carriers received claims from individuals they did not cover. Keeping the filing of these claims within the Division of Workers' Compensation could ensure carriers received the correct claims. HB 2314 also should clarify that claimants must file with their workers' compensation insurance carrier, not any insurance carrier.

SUBJECT: Increasing the age requirement for certain exemptions from jury service

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Slawson, Vasut

0 nays

WITNESSES: For — (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Guy Herman, Statutory Probate Courts of Texas; Lee Parsley, Texans for Lawsuit Reform; George Christian, Texas Association of Defense Counsel; George Christian, Texas Civil Justice League; Laura Tamez, Texas Trial Lawyers Association; Ware Wendell, Texas Watch; Calvin Tillman)

Against — None

DIGEST: HB 2015 would raise the age at which a person could qualify for an exemption from a petit jury or apply for a permanent exemption from petit jury service from 70 to 75 years of age. The bill would make conforming changes to provisions regarding the age requirement for permanent exemptions from jury service.

The bill would only apply to a person who was summoned to appear for service on or after the effective date of the bill.

The bill would take effect September 1, 2023.

SUPPORTERS SAY: HB 2015 would reconcile a discrepancy in Texas law between the retirement age of judges and exemption age of jurors. Currently, judges can serve until the age of 75, while jurors can claim age-based exemptions at the age of 70. By raising the exemption age to 75, the bill would establish a uniform standard for the age at which a person is deemed capable of serving in a judicial capacity.

The bill also would increase the pool of eligible jury candidates, which could help to alleviate shortages that existed in the state. The proposed increase in the age limit is also appropriate given that life expectancy and overall health of older individuals continues to improve.

CRITICS SAY:

No concerns identified.

SUBJECT: Regulating the application of enrollment formula to UIL classification

COMMITTEE: Public Education — favorable, without amendment

VOTE: 10 ayes — Buckley, Cunningham, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Schaefer, Talarico

2 nays — Allen, Allison

1 absent — Dutton.

WITNESSES: For — (*Registered, but did not testify*: Anita Scott, Texas Home School Coalition; Bryce Adams, Texas Public Charter Schools Association; Mary Elizabeth Castle, Texas Values Action; Jennifer Allmon, The Texas Catholic Conference of Bishops)

Against — (*Registered, but did not testify*: Barry Haenisch, Texas Association of Community Schools)

On — Jamey Harrison, UIL (*Registered, but did not testify*: Eric Marin, Monica Martinez, Texas Education Agency)

DIGEST: HB 699 would require the University Interscholastic League (UIL) to apply the same student enrollment calculation formula to all schools whether or not the school allowed a non-enrolled student to participate in the league activity when assigning league classification to a public school.

The bill would apply beginning with the 2023-24 school year, and 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, 2023.

SUPPORTERS SAY: In 2021, the 87th legislature passed HB 547, which provided for the participation of home-schooled students in UIL activities. The competition committee for UIL, responsible for adopting rules to implement this law, approved a rule that would alter a school's UIL classification if the school chose to provide homeschoolers access to UIL

activities. Though the rule was vetoed, such regulations could have discouraged districts from opening their teams to home school students. HB 699 would serve to clarify legislative intent by ensuring that such measures were statutorily prohibited, reducing possible disincentives for school districts, and expanding opportunities for home school students to participate on competitive teams.

CRITICS SAY:

HB 699 should allow home school students participating in a public school's sports teams to be counted towards a school's overall enrollment. While the number of home school students involved in a school's UIL activities may not be enough to alter the school's classification, the use of district resources by a home school student should in some manner be reflected in the school's enrollment.

OTHER CRITICS SAY:

With the failure of the competition committee's proposed rule, UIL's classification practice is presently the same as that described in the bill. If the bill was passed, it would not change UIL's current process for classifying schools.

SUBJECT: Adding the offense of stalking to the Texas Crime Information Center

COMMITTEE: Homeland Security & Public Safety — favorable, without amendment

VOTE: 6 ayes — Guillen, Jarvis Johnson, Bowers, Goodwin, Harless, Holland

0 nays

3 absent — Canales, Dorazio, Troxclair

WITNESSES: For — M Paige Williams, Dallas County Criminal District Attorney John Creuzot (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); James Parnell, Dallas Police Association; David Batton, Harris County Deputies' Organization FOP 39; Jessica Anderson, Houston Police Department; Ray Hunt, Houston Police Officers' Union; James Smith, San Antonio Police Department; Carlos Ortiz, San Antonio Police Officers Association; Esmeralda Flores, Texas Council on Family Violence; Dallas Reed, Texas Municipal Police Association; Jose Escribano, Travis County Constable Precinct 3; Thomas Parkinson)

Against — None

BACKGROUND: The Texas Crime Information Center (TCIC) is the statewide law enforcement database maintained by the Department of Public Safety (DPS). In 2021, the 87th Legislature enacted HB 766, which required that conditions imposed on a defendant's bond for certain violent crimes were entered into TCIC and notice was given to law enforcement and the victim of the offense.

DIGEST: HB 767 would add stalking to the list of offenses for which a bond notification was released from the TCIC database.

The bill would go into effect September 1, 2023.

SUPPORTERS SAY: HB 767 would protect stalking victims by notifying them when an offender was released on bond. Conditions of bond are often imposed to

restrict the offender from coming into contact with the victim or going to certain locations. Sharing this information would give law enforcement more tools to help protect victims and be aware of threats that could be posed by offenders out on bond. This requirement also could help reduce the likelihood of an offender retaliating and would give victims of stalking a greater sense of safety.

CRITICS SAY: No concerns identified.

SUBJECT: Authorizing educational representatives for certain special needs students

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Buckley, Allen, Allison, Cunningham, Cody Harris, Harrison, Hinojosa, K. King, Longoria, Talarico

0 nays

3 absent — Dutton, Hefner, Schaefer

WITNESSES: For — Mara LaViola, Texans for Special Education Reform and Texas Parent to Parent; Edgar Pacheco (*Registered, but did not testify*: Jolene Sanders, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Molly Sprenger, Libertforkids; Alejandro Pena, Texas American Federation of Teachers; Isabel Casas, Texas Council of Community Centers; Linda Litzinger, Texas Parent to Parent; Aaron Gregg, Texas Psychological Association; Suzi Kennon, Texas PTA; Carrie Griffith, Texas State Teachers Association; Quynh-Huong Nguyen, Woori Juntos; and eight individuals)

Against — (*Registered, but did not testify*: Richard Bohnert; Henry Bohnert)

On — Andrea Chevalier, TCASE; Olivia Pacheco, UT Law Disability Rights Clinic (*Registered, but did not testify*: Eric Marin, Justin Porter, and Kristin McGuire, Texas Education Agency)

BACKGROUND: 20 U.S.C., sec. 1401, the Individuals with Disabilities Education Act, defines "parent" as:

- a natural, adoptive, or foster parent of a child;
- a guardian;
- an individual acting in the place of a natural or adoptive parent with whom the child lives or who is legally responsible for the child's welfare; or

- an individual assigned to be a surrogate parent.

DIGEST:

CSHB 166 would allow a student's parent or, if the parent was unavailable, the person who most recently represented the student's interests, to serve as an educational representative for a student who:

- was 18 years old or older or whose disabilities of minority had been removed;
- had been certified as not having the ability to provide informed consent for the student's educational program; and
- had not been determined to be incompetent.

The bill would allow a qualified professional to certify in writing that a student did not have the ability to provide informed consent for the student's educational program. A certification would be based on the professional's knowledge and expertise and clear and convincing evidence obtained by a personal examination of or interview with the student. A professional under the bill would be a licensed physician, licensed physician assistant, licensed clinical psychologist, licensed clinical social worker, or licensed specialist in school psychology. Such a professional could not be an employee of the school district and could not have conflicting interests with the student or person seeking appointment as the student's educational representative.

Such a certification could not be construed as a finding of the student's incompetence or incapacity for any other purpose or as relevant or precedential evidence in any future court or legal action seeking to remove decision-making authority from the student.

The education commissioner would be required to develop and post on the TEA website model forms that could be used for a certification.

To make the determination that a student did not have the ability to provide informed consent, the qualified professional would be required to consider whether the student was unable to use an alternative to guardianship and was unable to communicate the student's preferences, decisions, and consent for the student's educational program. The professional could not determine that the student was unable to provide

informed consent based solely on whether the student had been voluntarily or involuntarily hospitalized for a mental illness or had an intellectual or developmental disability.

A professional who provided a certification for a student would provide a copy of the certification to the student and the student's parent or guardian. Such a certification would be renewed annually. Certain reevaluations of an adult student could be used to request certification for the student.

On receiving a student's certification accompanied by a written notice from a student's parent, guardian, or prior educational representative dated no earlier than the 91st day before the date the notice was submitted, a school district would be required to notify the student within five days after receipt of the notice. The district also would be required to accept the certification no later than the 15th school day after receipt of the notice. The district would promptly acknowledge and recognize as educational representative:

- the student's parent;
- the person who last cared for the student;
- the person with whom the student lived; or
- another appropriate individual who was preferred by the student, was not employed by the district, and had significant knowledge of the student.

CSHB 166 would require an appointed educational representative to consider the student's interests, preferences, and goals and to consult with the student before providing informed consent or making education decisions. The representative would be required to notify the student when the representative had provided informed consent or made educational decisions. The representative also would have all the rights of a parent under the Education Code. The scope of an educational representative's appointment would be limited to representing the educational interests of the student under federal regulations on the transfer of parental rights at the age of majority.

The bill would require the school district to include a statement in the student's individualized educational program if the student disagreed with an informed consent or educational decision made by the educational representative.

An educational representative's term would expire on the earliest of:

- the date the student was no longer eligible for special education services;
- the date the student graduated from high school;
- the date a guardian was appointed to the student; or
- the date the student rescinded the representative's appointment.

A student who had not been determined to be incompetent could rescind the appointment of the educational representative at any time.

The bill would require that any documentation relating to the certification of an educational representative be confidential.

The bill would not prohibit the appointment of a guardian for a student who had already been appointed an educational representative.

The bill would use the federal Individuals with Disabilities Education Act definition of "parent."

The Texas Education Agency (TEA) could not regulate the appointment or selection of an educational representative. TEA would have no jurisdiction over issues concerning the capacity of an adult student.

The bill would repeal sec. 29.017(f) of the Education Code pertaining to the adoption of certain rules.

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, 2023.

SUPPORTERS SAY:

CSHB 166 would help provide better educational services and assistance to adult special needs students. There are more than 20,000 special needs students in the state between the ages of 18 and 21, whose needs and

abilities vary. Some do not have or need a guardian but also are not be able to fully understand their rights or provide informed consent. The bill would help these students by allowing educational representatives to represent them for their benefit.

CRITICS SAY:

No concerns identified.

SUBJECT:	Exempting Commendation Medal recipients from certain parking fees
COMMITTEE:	Defense & Veterans' Affairs — favorable, without amendment
VOTE:	8 ayes — Wilson, R. Lopez, Bumgarner, Dorazio, Frank, Garcia, Morales Shaw, Slaton 0 nays 1 absent — Muñoz
WITNESSES:	For — Mike Gonzalez Against — (*Registered, but did not testify*: Susan Stewart) On — (*Registered, but did not testify*: Lenore Enzel, Military Officers Association of America; James Cunningham, Military Officers Association of America and Texas Coalition of Veterans Organizations; Annette Quintero, Texas Department of Motor Vehicles)
BACKGROUND:	Transportation Code sec. 504.315 requires TxDOT to issue certain specialty license plates to military award recipients, including recipients of the Commendation Medal with Valor. Sec. 681.008(b) exempts vehicles with certain license plates, including those listed under sec. 504.315, from incurring certain city and state parking meter fees. Under sec. 504.321, TxDOT must issue specialty license plates for recipients of the Commendation Medal.
DIGEST:	HB 659 would add recipients of the Commendation Medal to Transportation Code sec. 504.315(c), making vehicles with these license plates exempt from certain parking meter fees. The bill would repeal sec. 504.321 of the Transportation Code. This bill would take effect September 1, 2023.
SUPPORTERS SAY:	HB 659 would honor recipients of the Commendation Medal by extending to them the same exemption from certain parking fees that is currently

available to recipients of the Commendation Medal with Valor. This would include service members who received the Commendation Medal before 2016, before the Commendation Medal with Valor was introduced. Correcting this oversight would ensure that veterans and service members who received this award were recognized for their bravery and celebrated by receiving the benefit of complimentary parking.

CRITICS SAY: No concerns identified.

SUBJECT: Requiring a seller's disclosure to include the type of fuel gas piping

COMMITTEE: Business & Industry — favorable, without amendment

VOTE: 8 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert

0 nays

1 absent — Neave Criado

WITNESSES: For — Ariana Kistner; Becky Teel

Against — (*Registered, but did not testify*: Susan Stewart)

On — (*Registered, but did not testify*: Tony Slagle, Texas Real Estate Commission)

DIGEST: HB 697 would require a seller's disclosure notice when selling a property to include the type of fuel gas piping. Options listed would include black iron pipe, copper, and corrugated stainless steel tubing (CSST).

This bill would take effect September 1, 2023

SUPPORTERS SAY: HB 697 would protect home buyers by informing them about the type of gas piping on the property. Sellers are required to provide buyers with a disclosure on the state of the property. This notifies the buyer of the risks associated with the property and helps shield the seller from lawsuits. The type of fuel gas piping in a home can affect its safety, with some evidence linking CSST to fires. Requiring the disclosure of the type of gas piping in a home would inform the buyer of potential dangers and allow them to take steps to mitigate any dangers posed.

CRITICS SAY: No concerns identified.

SUBJECT: Prohibiting discrimination based on hair texture or protective hairstyle

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 10 ayes — Hunter, Hernandez, Guillen, Metcalf, Raymond, Slawson, Smithee, Spiller, S. Thompson, Turner

1 nay — Geren

2 absent — Anchía, Dean

WITNESSES: For — Ash Hall, ACLU of Texas; Sharon Watkins Jones, Children at Risk; Ricardo Martinez, EQTX Equality Texas; Alisha Tuff, IDRA; Angel Carroll, Measure; Meme Styles, Measure and Pi Omega Zeta Chapter; and 7 individuals (*Registered, but did not testify*: Kathryn Kizer, Access Education RRISD; Lauren Johnson and Brian Klosterboer, ACLU of Texas; Maggie Stern, Children's Defense Fund - Texas; Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Hon. Rudy Metayer, City of Pflugerville; Rudy Metayer, City of Pflugerville, Texas Black Caucus Foundation; Matthew Garcia, Dallas Regional Chamber; Garry Jones, DFER; Dallas Jones, Elite Change Inc.; Lauren Landry, Equality Texas; Luis Figueroa, Every Texan; Kathy Mitchell, Just Liberty; Charlondra Thompson, MetroTex; Shannon Doyle, National Association of Social Workers - Texas Chapter; Ana Gonzalez, Texas AFL-CIO; Alejandro Pena, Texas American Federation of Teachers; Whitney Broughton, Texas Association of School Boards; Alycia Castillo, Texas Center for Justice and Equity; Joshua Houston, Texas Impact; Suzi Kennon, Texas PTA; Brandon Garcia, Texas Public Charter Schools Association; Elaina Fowler, Texas State Teachers Association; Kristen Lenau, Texas Women's Healthcare Coalition; Jonathan Feinstein, The Education Trust; Cynthia Van Maanen, Travis County Democratic Party; Tiffany Patterson, United Ways of Texas; Priscilla Barbour, Vistra; and 45 individuals)

Against — (*Registered, but did not testify*: Paula Pinzon, Casa de Encuentro; Martha Fierro)

On — Jiovanni Jones, Center for Justice Research

DIGEST: HB 567 would prohibit any student dress or grooming policy adopted by a school district or public institution of higher education, including a student dress or grooming policy for any extracurricular activity, from discriminating against a hair texture or protective hairstyle commonly or historically associated with race.

The bill would add language to Labor Code provisions that prohibit employment discrimination because of race or on the basis of race to include discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. An employer, labor union, or employment agency would commit an unlawful employment practice if the entity adopted or enforced a dress or grooming policy that discriminated against a hair texture or protective hairstyle commonly or historically associated with race.

The bill would add language to the Texas Fair Housing Act prohibitions on discrimination because of race or on the basis of race to include discrimination because of or on the basis of a person's hair texture or protective hairstyle commonly or historically associated with race.

For all provisions, the bill would specify that "protective hairstyle" would include braids, locks, and twists.

The bill would take effect September 1, 2023, and would apply only to an unlawful employment practice or discriminatory housing practice that occurred on or after that date.

SUPPORTERS SAY: HB 567, also known as the CROWN Act, would protect civil rights by prohibiting discrimination based on hair texture and style in education, employment, and housing. Black Texans have suffered negative impacts including lost employment opportunities and suspension from school due to policies that discriminated against their natural hair. Many Black women have changed their hair to fit in at work, often by using chemical straighteners that burn the scalp and recently have been linked to uterine cancer. Other ways of forcing natural hair to comply with policies regulating appearance such as binding, pinning, or pulling up hair are often impractical and painful. Discriminatory hair policies in schools are damaging to Black students' self-esteem, especially for girls. Certain

hairstyles, including braids, locks, and twists, can be necessary preserve natural Black hair. A person's success should not be inhibited by the way their hair grows, which has no bearing on academic or professional performance. Black Texans should be free to embrace their natural hair at home, school, and work.

HB 567 would not create a new protected class but would only add consideration of hair texture and style to existing prohibitions on racial discrimination. The bill also would not interfere with federal regulations on safety and hygiene. Inclusive work environments are more productive, so the bill would not harm businesses.

CRITICS SAY:

While preventing hair-based discrimination is a worthy goal, the bill should specify that it would not prevent employers from maintaining health and safety regulations, such as requiring employees to wear hair coverings when working with food.

SUBJECT: Extending deadline to establish school residency for military families

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Buckley, Allen, Cunningham, Dutton, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Schaefer, Talarico

0 nays

1 absent — Allison

WITNESSES: For — Keith Sledd, Executive Director for Heart of Texas Defense Alliance and Chair for the Governor's Committee to Support the Military (*Registered, but did not testify*: Grover Campbell, TASB; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Mark Terry, Texas Elementary Principals and Supervisors Association; Bryce Adams, Texas Public Charter Schools Association; Dee Carney, Texas School Alliance)

Against — (*Registered, but did not testify*: James Ransdell, True Texas Project; Susan Stewart)

On — (*Registered, but did not testify*: Eric Marin, TEA; James Terry, Texas Education Agency)

DIGEST: HB 1955 would extend the deadline for active-duty military to provide proof of residence to their children's school district from within ten days of receiving a relocation order to 90 days. The definition of residence would include residence in a military temporary lodging facility.

The bill would apply to the 2023-2024 school 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, 2023.

SUPPORTERS SAY: HB 1955 would provide military families with more time to find housing when being ordered to relocate to or in Texas. Under current law, military

families are required to provide proof of residence to their public school district within ten days of being issued a relocation order. However, due to the competitive housing market, many families now need up to 90 days to find suitable housing. The proposed change under the bill would provide the children of military families with more stability and reduce the amount of stress they faced during relocation.

CRITICS SAY: No concerns identified.

SUBJECT: Increasing a criminal penalty for multiple offenses of indecent exposure

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Moody, Bhojani, Bowers, Darby, Harrison

0 nays

4 absent — Cook, Leach, C. Morales, Schatzline

WITNESSES: For — Jason Ellis; Jacob Putman; (*Registered, but did not testify*: M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Jessica Anderson, Houston Police Department; Ray Hunt, Houston Police Officers' Union; Cindi Castilla, Texas Eagle Forum; John Wilkerson, Texas Municipal Police Association; Thomas Parkinson; Gail Stanart)

Against — None

DIGEST: HB 1730 would enhance the penalty for indecent exposure from a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000) to a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000) if the defendant had been previously convicted of such an offense. The penalty for indecent exposure would be enhanced further to a state-jail felony (180 days to two years in a state jail and an optional fine of up to $10,000) if the defendant had been convicted of the same offense two or more times.

The bill would take effect September 1, 2023, and would apply only to an offense committed on or after that date.

SUPPORTERS SAY: HB 1730 would establish a penalty enhancement for repeat offenders of indecent exposure, an offense often recommitted by its perpetrators. Current law only requires sex offender registration after a second conviction of indecent exposure, which is the only crime listed on the sex offender registry that is not a felony. This measure is not a sufficient penalty or deterrent given the tendency for defendants to reoffend.

The enhancement created by HB 1730 would provide an adequate remedy for offenders. While the bill would increase the punishment for indecent assault, it also could increase the amount of resources courts could provide to offenders. At the felony range, courts can order longer probations and provide rehabilitative treatment to offenders. With the possibility of increased penalties, offenders could be more willing to comply with treatment and probation recommendations. While the number of individuals who commit indecent exposure is small, repeat offenders sometimes go on to commit a physical contact crime, such as assault or unlawful restraint. By providing a targeted penalty enhancement, HB 1730 could allow courts to intervene and appropriately treat reoffenders of indecent assault.

By increasing the penalty for multiple convictions of indecent exposure, HB 1730 would provide justice to victims, who are often traumatized by the encounter.

CRITICS SAY: No concerns identified.

SUBJECT: Allowing wildlife conservation associations to sell raffle tickets online

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

VOTE: 9 ayes — K. King, Walle, Goldman, Harless, Hernandez, Herrero, T. King, Patterson, S. Thompson

2 nays — Schaefer, Shaheen

WITNESSES: For — Shane Bonnot, Coastal Conservation Association; Kirby Brown, Scott Grant, Ducks Unlimited; Joe Betar, Houston Safari Club Foundation (*Registered, but did not testify*: Carrie Simmons, Texas Chapter of the Wildlife Society; Joey Park, Texas Wildlife Association)

Against — Rob Kohler, Christian Life Commission of the Baptist General Convention of Texas (*Registered, but did not testify*: Dan Mays, Kickapoo Traditional Tribe of Texas)

BACKGROUND: Under Occupations Code sec. 2002.003, an organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act is defined as a qualified nonprofit organization if the organization:

- does not distribute any of its income to its members, officers, or governing body, other than as reasonable compensation for services;
- has existed for the three preceding years;
- does not devote a substantial part of its activities to attempting to influence legislation and does not participate or intervene in any political campaign on behalf of any candidate for public office in any manner, including by publishing or distributing statements or making campaign contributions;
- qualifies for and has obtained a certain exemption from federal income tax from the Internal Revenue Service under 501(c); and
- does not have or recognize any local chapter, affiliate, unit, or subsidiary organization in this state.

Under Occupations Code sec. 2002.054(a)(3), an organization may not sell or offer to sell tickets for a raffle statewide.

DIGEST:

HB 2138 would provide an exception to Occupations Code sec. 2002.054(a)(3) for a nonprofit wildlife conservation association, including each local chapter, affiliate, wildlife cooperative, or unit that was a qualified nonprofit organization under Occupations Code sec. 2002.003. These nonprofits would be allowed to use the organization's website to sell or offer tickets for a raffle to previously identified supporters of the organization.

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, 2023

SUPPORTERS SAY:

HB 2138 would provide additional, more streamlined opportunities for previously established supporters and members of wildlife associations to support Texas conservation projects. By allowing for the online sale of charitable raffle tickets, which already can be sold in-person, nonprofit wildlife conservation associations could provide safer platforms for transactions. Currently, these groups can call members interested in purchasing raffle tickets and write a member's name and credit card information down on a piece of paper, leaving that member's personal information at risk of exposure. HB 2138 would allow for safer and easier options that would discourage this practice. Organizations could use secure online platforms and verify the identity of their raffle winners. Additionally, nonprofit wildlife conservation associations can already advertise their charitable raffles online but cannot sell tickets online, leaving an interested market unable to safely participate.

HB 2138 would enhance fundraising opportunities for preestablished supporters of nonprofit wildlife conservation associations. For times when in-person events were not possible, as was common during the COVID-19 pandemic, these organizations would still be able to raise money for important causes. This is not an uncommon circumstance, as only a small portion of organization members can typically attend in-person raffles. The bill would provide more opportunities for members to support the causes they cared about and allow organizations to capitalize on available

funding. HB 2138 also would support Texas conservation projects and could funnel millions of dollars into the Texas economy. Wildlife organizations in several other states, including those that prohibit gambling, already have the ability to sell charitable raffle tickets online, and Texans are buying those tickets. This bill would keep funding in Texas and support Texas wildlife.

The online raffles described in HB 2138 would not qualify as online gambling, as the wildlife conservation associations would not receive a portion of the winnings. Additionally, the bill would only allow the online purchase of raffle tickets by existing supporters and members of these organizations, which would not include the general public. For individuals who had concerns about a risk of problem gambling, the state would have resources for support.

CRITICS SAY:

HB 2138 could pose a cybersecurity risk for Texas consumers who purchased raffle tickets using online platforms. The bill also does not define a "previously identified supporter," which could create enforcement difficulties for the state. The lack of restrictions on how organizations identified or defined these supporters and the absence of voluntary self-exclusion measures or other support programs for problem gamblers could harm Texans affected by gambling addiction.

Additionally, online payment for raffle tickets could be interpreted as class III gaming, which is not currently allowed in Texas. Under the federal Indian Gaming Regulatory Act, class III gaming includes gambling formats such as an electronic game of chance. In order to maintain the current balance between federal, state, and tribal interests, the bill should avoid language that could interfere with current gaming compacts.

SUBJECT: Prohibiting DPS from suspending a driver's license for certain offenses

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

WITNESSES: For —Sarah Mae Jennings, Texas Fair Defense Project; James DePiazza; (*Registered, but did not testify*: J.R. Woolley, Justices of the Peace and Constables Association of Texas; Jenny Andrews, Texas Catholic Conference of Bishops; Justin Martinez, Texas Center for Justice and Equity; Matt Long, Texans Uniting for Reform and Freedom; Thomas Parkinson)

Against — None

DIGEST: CSHB 842 would prohibit the Department of Public Safety (DPS) from suspending a person's driver's license or extending the suspension of a driver's license for driving while license invalid (DWLI) if:

- the offense was committed before September 1, 2019;
- the person was convicted of the offense after August 31, 2023; and
- the person paid the fee required for the reinstatement of the person's driver's license.

CSHB 842 would require the fee to be deposited to the Texas mobility fund.

This exemption would not apply to a commercial driver's license or a person who was operating a commercial vehicle or transporting hazardous materials at the time of the offense.

The bill would take effect September 1, 2023.

SUPPORTERS SAY:

CSHB 842 would address an excessive and ineffective driver’s license suspension process and provide relief to certain DWLI offenders. From 2003-2019, DPS operated the Driver Responsibility Program (DRP), which required individuals to pay surcharges for certain traffic violations which, if not paid, resulted in a license suspension. Some drivers with suspended licenses later received DWLI citations and fell into a cycle of ticket debt and continuous license suspensions. The Texas Legislature repealed DRP in 2019, and DPS no longer suspends licenses solely based on unpaid surcharges. However, under the current process, individuals who received DWLI citations prior to 2019 will have their licenses suspended for up to two years once that individual pleas guilty and pays the required fees. CSHB 842 would prohibit DPS from suspending or extending the suspension of a driver’s license for a DWLI offense committed before the repeal of DRP to ensure that individuals attempting to resolve these citations would not face additional burdensome license suspensions.

CSHB 842 would increase equity by removing a barrier that has kept many Texans from employment, which has been especially burdensome for low-income individuals. Driver’s license suspensions can prevent individuals from obtaining work or commuting to work, resulting in unemployment and lost wages. CSHB 842 give these individuals the opportunity to validate their driver's licenses, end the cycle of debt and continuous suspension, and pursue other economic opportunities.

CRITICS SAY:

CSHB 842 should expand the exemption to all DWLI offenses rather than just those committed under DRP. Although DRP initiated the backlog in DWLI cases, the current process for issuing driver’s license suspensions for DWLI citations is also burdensome.

SUBJECT: Establishing the Texas Leadership Scholars Program for certain students

COMMITTEE: Higher Education — committee substitute recommended

VOTE: 9 ayes — Kuempel, Paul, Bucy, Burns, Clardy, Cole, M. González, Howard, Lalani

0 nays

2 absent — Burrows, Raney

WITNESSES: For — (*Registered, but did not testify*: Ben Stratmann, Dallas Regional Chamber)

Against — None

On — Harrison Keller, Texas Higher Education Coordinating Board

DIGEST: CSHB 1590 would establish the Texas Leadership Scholars Program for high-achieving students with financial need. The program would be administered by the Texas Higher Education Coordinating Board (THECB). The bill would require THECB to award scholarships and provide academic achievement support to eligible students under the program.

An eligible student would be required to:

- have graduated from a Texas public high school;
- have either qualified academically for automatic admission to a general academic teaching institution or have been nominated by the student's high school for participation in the program and hold another academic distinction recognized by THECB;
- be enrolled in a baccalaureate degree program at a general academic teaching institution;
- be economically disadvantaged; and
- comply with any additional requirement adopted by THECB.

The bill would allow a student to continue participating in the program if the student was enrolled in a baccalaureate degree program at a general academic teaching institution, maintained a minimum overall grade point average determined by THECB rule, and complied with any additional requirement adopted by THECB.

THECB could enter into agreements with general academic teaching institutions or other higher education institutions to provide participating students with research-based support to make satisfactory academic progress and graduate on time. THECB also could enter into such agreements to provide participating students with leadership development opportunities, including program cohort learning communities; mentoring, research, and internship opportunities; networking with state government, business, and civic leaders; and statewide cohort learning institutes or seminars.

THECB could solicit, accept, and spend grants, gifts, and donations from any public or private source for the purposes of the program.

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, 2023.

SUPPORTERS SAY:

CSHB 1590 would help the state's most gifted economically disadvantaged students, especially those from Black, Latino, and rural communities, pursue a college education while staying in Texas. The Texas Leadership Scholars pilot program has already shown positive results, helping eligible students focus on education and gain access to professional networks and mentors, among other opportunities. Many students in the pilot program were relieved of financial stress that otherwise could have hindered them. The bill would expand the program statewide to provide better educational opportunities to more gifted students who might not otherwise be able to afford them.

CRITICS SAY:

No concerns identified.

NOTES: According to the Legislative Budget Board, the cost to the state of the bill for the biennium would be $20,000,000.