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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, April 26, 2023
88th Legislature, Number 50
The House convenes at 10 a.m.
Part Three

Five bills are on the Major State Calendar, three resolutions are on the Constitutional Amendments Calendar, and 52 bills are on the General State Calendar for second reading consideration today. The table of contents for Part Three of today's *Daily Floor Report* appears on the following page.

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Alma Allen
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Wednesday, April 26, 2023

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Part 3

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- SUBJECT:** Requiring Medicaid reimbursement for functional family therapy
- COMMITTEE:** Youth Health & Safety, Select — favorable, without amendment
- VOTE:** 8 ayes — S. Thompson, Allison, Capriglione, Dutton, A. Johnson, T. King, Landgraf, Lozano
- 1 nay — Hull
- WITNESSES:** For — Veronica Delgado-Savage, Southwest Key Programs; Harold Arant, Claudia Moreno Villanueva, VisionQuest (*Registered, but did not testify*); Omodele Ojomo, Autism Society of Texas; Andrea Sparks, Buckner International; Michaela Bennett, Children’s Health; Christina Hoppe, Children’s Hospital Association of Texas; Georgia Bates, City of Uvalde; Dennis Borel, Coalition of Texans with Disabilities; Lindsay Lanagan, Legacy Community Health; Christine Yanas, Methodist Healthcare Ministries; Lyssette Galvan, NAMI Texas; Bryan Mares, National Association of Social Workers-Texas; Elizabeth Henry, RecoveryPeople; Zoë Jones-Walton, Texans Care for Children; Alejandro Pena, Texas American Federation of Teachers; Martin Martinez, Texas Appleseed; Jessica Lynch, Texas Association of Health Plans; Amanda Afifi, Texas Association of School Psychologists; Meredith Cooke, Texas Children's Health Plan; Carrie Kroll, Texas Hospital Association; Caitlin Flanders, Texas Medical Association; Lauren Rose, Texas Network of Youth Services; Clayton Travis, Texas Pediatric Society; Dee Carney, Texas School Alliance; Carrie Griffith, Texas State Teachers Association; Kerrie Judice, TexProtects; Brittany McAllister, The National Service Office for Nurse-Family Partnership and Child First; Julie Wheeler, Travis County Commissioners Court; Tiffany Patterson, United Ways of Texas; and 20 individuals)
- Against — (*Registered, but did not testify*: Carly Blaine)
- BACKGROUND:** Some have suggested that the lack of Medicaid reimbursement for functional family therapy makes it difficult for some at-risk youth to gain access to these services.

DIGEST: HB 2404 would define “functional family therapy” as an intensive, short-term, family-based therapeutic treatment designed to improve family dynamics, communication, and support for children who were at risk of involvement with the child welfare system, the criminal justice system, or the juvenile justice system.

The Health and Human Services Commission (HHSC) would be required to ensure that Medicaid reimbursement was given to a provider who provided functional family therapy services to a recipient under Medicaid.

If a state agency determined that a waiver or authorization from a federal agency was necessary to implement the bill, the agency would be required to request the waiver and could delay implementation until the waiver or authorization was granted.

NOTES: According to the Legislative Budget Board, HB 2404 would have a positive impact of \$259,468 on general revenue related funds for fiscal 2024-25.

- SUBJECT:** Increasing the penalty for altering, obscuring, or covering license plates
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 11 ayes — Canales, Raney, Ashby, Davis, Gámez, Caroline Harris, Lujan, Ordaz, Patterson, Perez, Romero
- 0 nays
- 2 absent — Landgraf, Lozano
- WITNESSES:** For — Mike Sullivan, Group 1 Automotive; Ray Hunt, Houston Police Officers' Union (*Registered, but did not testify*: James Parnell, Dallas Police Association; Monty Wynn, Texas Municipal League; Dallas Reed, Texas Municipal Police Association; Jo Heselmeyer, Texas State Inspection Association)
- Against — (*Registered, but did not testify*: Zachary Shell)
- BACKGROUND:** Under Transportation Code sec. 504.945(a)(7)(C), a person commits an offense if they attach or display on a vehicle a license plate that has a coating, covering, protective substance, or other material that alters or obscures the letters, numbers, or color of the license plate.
- Concerns have been raised that drivers often violate laws requiring that license plates are not obstructed or obscured from view, resulting in a hindrance to law enforcement, tolling authorities, and the general public.
- DIGEST:** CSHB 2195 would classify an offense under Transportation Code sec. 504.945(a)(7)(C) as a misdemeanor punishable by a maximum fine of \$300. If the person had been previously convicted of an offense under subsection (a)(7)(C), the offense would be a misdemeanor punishable by a maximum fine of \$600. If the person had been previously convicted of that offense two or more times, the offense would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

The bill also would add each license plate required to be displayed on a vehicle to the list of items that must be inspected on a motor vehicle registered in this state at an inspection station or by an inspector. An inspection station or inspector could not issue a passing vehicle inspection report for a vehicle equipped with a license plate prohibited under sec. 504.495.

The bill would take effect September 1, 2023.

- SUBJECT:** Imposing a backup fuel tax on certain individuals; revising definitions
- COMMITTEE:** Ways & Means — favorable, without amendment
- VOTE:** 11 ayes — Meyer, Thierry, Button, Craddick, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Desiree Castro, Texas Food and Fuel Association)
- Against — None
- On — (*Registered, but did not testify:* Brett Froh, Justin Scott, Comptroller of Public Accounts)
- BACKGROUND:** Concerns have been raised that current law lacks sufficient clarity to ensure successful prosecution of individuals who unlawfully or fraudulently acquire motor fuel, especially through means of stolen credit card data.
- DIGEST:** HB 2651 would establish that a backup fuel tax was imposed on:
- a person who acquired gasoline or diesel fuel on which tax had not been paid in an original or subsequent sale; and
 - a person who acquired gasoline or diesel fuel by any unlawful means, including purchase through unauthorized use of a credit card, debit card, or other money, regardless of whether tax had been previously paid on the fuel or had been added to the selling price.

The bill would specify that the amount of the fuel tax would be added to the fuel price in each subsequent sale such that the tax was paid by each person receiving the fuel until it was ultimately paid by the person who used or consumed the fuel.

The bill also would add and revise certain definitions under statute related to motor fuel taxes. Such changes would include amending the definition of “motor fuel” from products used or capable of use as fuel for a gasoline or diesel powered engine to products used or capable of use as fuel for any motor vehicle licensed for use on a public highway.

The bill would take effect September 1, 2023, and would not apply to tax liability accruing before that date.

NOTES:

According to the Legislative Budget Board, the bill could result in an indeterminate amount of increased revenue for the Available School Fund and the State Highway fund.

- SUBJECT:** Prohibiting the use of certain analysis and standards in insurance
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 6 ayes — Oliverson, Cain, Cortez, Caroline Harris, Hull, Paul
3 nays — A. Johnson, Julie Johnson, Perez
- WITNESSES:** For — Tom Glass, Texas Constitutional Enforcement; Brent Bennett, Texas Public Policy Foundation (*Registered, but did not testify*: Jill Sutton, Texas Osteopathic Medical Association)

Against — Jay Thompson, Afact; Lee Ann Alexander, American Property Casualty Insurance Association; Jon Schnautz, National Association of Mutual Insurance Companies; Jennifer Cawley, Texas Association of Life and Health Insurers; Beaman Floyd, Texas Coalition for Affordable Insurance Solutions (*Registered, but did not testify*: John Marlow, Chubb; Jason Sabo, Environment Texas; Lisa Kaufman, Texas Civil Justice League; Carisa Lopez, Texas Freedom Network; Joshua Houston, Texas Impact)

On — Paul Martin, Reinsurance Association of America (*Registered, but did not testify*: Shannon Meroney, AIG)
- BACKGROUND:** Some have suggested that external pressures have negatively impacted the ability of some insurance companies to make business decisions, which also can affect those seeking coverage.
- DIGEST:** CSHB 1239 would prohibit the Department of Insurance from requiring an insurer to engage in a disparate impact analysis regarding rating, underwriting, or a prohibited insurance practice unless specifically required by statute. “Disparate impact analysis” would be defined as an analysis of whether a neutral practice that was not unfairly discriminatory resulted in an unintentional impact on a legally protected group.

Prohibited criteria. An insurer could not:

- use an environmental, social, or governance model, score, or standard to refuse to insure or provide insurance coverage to a business or risk in Texas or charge a different rate than the rate charged to another business or risk in the same class for essentially the same hazard; or
- refuse to deal with, terminate business activities with, or otherwise take action that was intended to penalize a company or risk solely because the company engaged in exploration, production, use, transportation, sale, or manufacturing of fossil fuel based energy; mining; agriculture; timber; or the firearm industry.

Exceptions. An insurer would not violate the provisions of this bill if the insurer's actions were based on an ordinary insurance business purpose.

Applicability. The provisions of the bill only would apply to insurance policies issued and delivered by an insurer in Texas. CSHB 1239 would not require the filing of rates for any line, type of insurer, or type of insurance business that was not specifically required by statute to file rates with the department. The provision of the bill would not apply to fidelity, guaranty, and surety bonds or to crop insurance.

Construction of chapter. The provisions of the bill could not be construed or applied to require.

- an insurer to write any line or type of business that the insurer did not write; or
- a material change in the insurer's current business plans.

The bill would not intend to create a private cause of action or prohibit the use of information that was relevant and related to the risk being insured, even if that information could be considered in developing an environmental, social, or governance model, score, or standard.

The bill would take effect September 1, 2023, and would only apply to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2024.

- SUBJECT:** Establishing procedures for TDCJ during declared disasters
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 5 ayes — Herrero, Allen, Jones, Lopez, Sherman
3 nays — Kacal, Swanson, Toth
1 absent — Murr
- WITNESSES:** For — Marci Simmons, Lioness Justice Impacted Women’s Alliance, Statewide Leadership Council; Maggie Luna, Brittany Pokorski, Statewide Leadership Council; Charlie Malouff, Texas C.U.R.E., Inc (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Dennis Borel, Coalition of Texans with Disabilities; Jennifer Toon, Lioness Justice Impacted Women’s Alliance)
Against — (*Registered, but did not testify*: Henry Bohnert)
On — (*Registered, but did not testify*: Jason Clark, TDCJ)
- BACKGROUND:** Concerns have been raised that the Texas Department of Criminal Justice (TDCJ) does not have sufficient guidelines and authority to respond effectively during an epidemic, natural disaster, or other emergency.
- DIGEST:** HB 1446 would require TDCJ to develop an emergency response plan that could be implemented when responding to a declared disaster. The bill also would establish an advisory board to provide TDCJ with recommendations regarding the emergency response plan.
- Definitions.** The bill would define a "declared disaster" as certain disaster declarations made by the governor or the president of the United States.
- Emergency response plan.** TDCJ would be required to develop an emergency response plan to a declared disaster that specified the operating procedures that would be implemented by a correctional facility during a

declared disaster, including evacuation procedures and guidelines to ensure the safety and well-being of employees of the facility.

The emergency response plan also would be required to include provisions to:

- prevent or minimize extended lockdowns or periods of inmate segregation in a correctional facility;
- ensure that an inmate could continue to participate, during any extended period of a declared disaster, in any classes or programs that the Board of Pardons and Paroles required the inmate to complete before being released on parole;
- ensure that inmates had commissary access at regular intervals during any extended period of a declared disaster;
- ensure that TDCJ and each correctional facility had sufficient quantities of personal protective equipment for employees and inmates;
- ensure that an inmate was not denied access to medical care, medication, or personal hygiene items; and
- prohibit a correctional facility from suspending in-person inmate visitation during any extended period of a declared disaster, provided that a correctional facility could temporarily institute video visitation for the health and safety of inmates and staff.

Advisory board. The bill would establish an advisory board to provide the TDCJ with initial recommendations for the emergency response plan and to update those recommendations annually.

The bill would require the advisory board to consist of the executive director or their designee, the commissioner of public health of the Department of State Health Services or their designee; and the following members appointed by the governor:

- at least two members, each of whom was a correctional officer employed by TDCJ at the level of sergeant or lower and was a member of an employee organization which contained a majority membership consisting of department employees;
- at least two members, each of whom had been incarcerated;

- two members, each of whom was a family member of an inmate;
- one member who has a background in emergency planning and has created an emergency management program for accreditation purposes; and
- one member with a background in public health who was capable of ascertaining vulnerabilities to emerging diseases or infections that could affect TDCJ 's operations.

The advisory board would be required to consider all strategies to plan for emergency situations, including plans to prevent interruptions to the provision of educational and rehabilitative programming to inmates.

The advisory board would be allowed to access any facility operated by or under contract with TDCJ. TDCJ would be required to provide the advisory board with access to all relevant information necessary to make the recommendations.

The advisory board would not be governed by certain statutes regulating the composition or duration for state agency advisory committees.

Inconsistency. If TDCJ's response to a declared disaster was inconsistent with the recommendations submitted under this section, the advisory board could obtain relevant data and reports and could conduct interviews with inmates and other relevant persons to identify consequences of TDCJ's response.

Timeline. The advisory board would be required to develop its initial recommendations by March 1, 2024. TDCJ would be required to develop the emergency response plan within 180 days of receiving the initial recommendations. The advisory board would then provide annual recommendations before March 1 of each year.

The bill would take effect September 1, 2023.

- SUBJECT:** Prohibiting corporal punishment in public schools
- COMMITTEE:** Youth Health & Safety, Select — favorable, without amendment
- VOTE:** 5 ayes — S. Thompson, Hull, Allison, A. Johnson, Lozano
- 2 nays — Dutton, T. King
- 2 absent — Capriglione, Landgraf
- WITNESSES:** For —Morgan Craven, IDRA - Intercultural Development Research Association; Cindy Decker (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Julia Grizzard, Bexar County Education Coalition; Andrea Sparks, Buckner International; Jolene Sanders, Coalition of Texans with Disabilities; Aaryce Hayes, Disability Rights Texas; Paige Duggins-Clay, IDRA; Jason Sabo, Mental Health America of Greater Houston; Lesley Rivas, Mexican American School Boards Association; Hannah Gill, NAMI Texas; Abigail Findley, National Association of Social Workers - Texas Chapter; Kate Murphy, Texans Care for Children; Alejandro Pena, Texas American Federation of Teachers; Martin Martinez, Texas Appleseed; Amanda Afifi, Texas Association of School Psychologists; Sarah Crockett, Texas CASA; Alycia Castillo, Texas Center for Justice and Equity; Lauren Rose, Texas Network of Youth Services (TNOYS); Clayton Travis, Texas Pediatric Society; Suzi Kennon, Texas PTA; Elaina Fowler, Texas State Teachers Association) Eve Margolis; Chris Masey
- Against — (*Registered, but did not testify*: Adam Cahn)
- On — (*Registered, but did not testify*: Amy Blakey, Eric Marin, Justin Porter, TEA; Jennifer Fleck, Texas Education 911)
- BACKGROUND:** Education Code sec. 37.0011 establishes that schools may use corporal punishment if the board of trustees for a given school district has adopted the policy, and the student's parents or legal guardians have not provided written notice forbidding the practice.

Some have suggested that allowing corporal punishment in schools does not reflect best practices for discipline and classroom management.

DIGEST:

HB 772 would prohibit the use of corporal punishment as a disciplinary action in Texas school districts. Corporal punishment would include hitting, spanking, paddling, or deliberately inflicting physical pain. Certain statutory provisions providing for immunity from liability of an educator and for justification for the use of force would not apply to an action of an employee, volunteer, or contractor that violated the bill.

The bill would not apply to off-campus corporal punishment administered by a parent to their child, and would authorize school employees, volunteers, or contractors to use reasonable and necessary restraint as defined in statute under certain circumstances.

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.

- SUBJECT:** Allowing certain after-school programs to provide school safety training
- COMMITTEE:** Youth Health & Safety, Select — committee substitute recommended
- VOTE:** 9 ayes — S. Thompson, Hull, Allison, Capriglione, Dutton, A. Johnson, T. King, Landgraf, Lozano
- 0 nays
- WITNESSES:** For — Mitzi Faniola, Boys & Girls Clubs; Mandi Kimball, Children at Risk; Cody Summerville, Texas Association for the Education of Young Children (*Registered, but did not testify*: Mark Wiggins, Association of Texas Professional Educators; Omodele Ojomo, Autism Society of Texas; Jolene Sanders-Foster, Coalition of Texans with Disabilities; Garry Jones, DFER; John Aquino, Human Rights Campaign Austin; Christine Yanas, Methodist Healthcare Ministries; Grover Campbell, TASB; Maddox Hilgers, Texans Care for Children; Colby Nichols, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Jenny Andrews, Texas Catholic Conference of Bishops; Lauren Rose, Texas Network of Youth Services; Laura Colangelo, Texas Private Schools Association; Amanda Garcia, Texas Students for DEI; Kerrie Judice, TexProtects; Cynthia Van Maanen, Travis County Democratic Party; Tiffany Patterson, United Ways of Texas; and 30 individuals)
- Against — (*Registered, but did not testify*: Carly Blaine; Christine Gwillim)
- On — (*Registered, but did not testify*: Eric Marin, TEA; John Scott, Texas Education Agency; Lindsey Sikes)
- BACKGROUND:** Concerns have been raised that after-school care programs may not have access to school safety training available to schools.
- DIGEST:** CSHB 1905 would define "accredited private school" as a private school accredited by an organization recognized by the Texas Private School Accreditation Commission or the Texas Education Agency (TEA).

"Organization providing out-of-school-time care" would include faith-based organizations, before-school or after-school programs, summer camps, Texas 4-H or other agricultural programs, and youth sports organizations.

Using money available for the purpose, CSHB 1905 would allow a school district to provide school safety training courses, including certain active shooter training courses, available at no cost to employees of accredited private schools located in the district, child-care facilities, or other organizations providing out-of-school-time care to children younger than 18 years old who resided in the district.

TEA would be allowed to solicit and accept gifts, grants, and donations from any public or private source to pay for these school safety training courses.

The bill would take effect September 1, 2023.

SUBJECT: Adjusting requirements for operating a migrant labor housing facility

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 9 ayes — Lozano, Gates, Bernal, Cortez, Cunningham, J. González,
Hayes, Romero, Tepper

0 nays

WITNESSES: For — Quynh-Huong Nguyen, Woori Juntos (*Registered, but did not testify*); Ana Gonzalez, Texas AFL-CIO; John Litzler, Texas Baptist Christian Life Commission; Nicole Ma, Steven Wu, Woori Juntos; Jennie Birkholz; Jordan Preddy)

Against — (*Registered, but did not testify*: Lauren Fairbanks, Texas Cotton Ginners' Association; Joy Davis, Texas Farm Bureau; Ryan Skrobarczyk, Texas Nursery & Landscape Association)

On — Cory Green, Texas Education Agency

BACKGROUND: Government Code ch. 2306 subchapter LL establishes guidelines for operating and maintaining a migrant labor housing facility.

Concerns have been raised that the Texas Department of Housing and Community Affairs (TDHCA) lacks adequate accountability and enforcement mechanisms to address noncompliance with migrant labor housing facility regulations, particularly for repeat offenders.

DIGEST: CSHB 238 would amend Government Code ch. 2306 subchapter LL to adjust requirements and penalties relating to the establishment and maintenance of a migrant labor housing facility.

Civil penalties. HB 238 would amend the civil penalty to subject a person who violated subchapter LL to a penalty of \$50 for each person occupying the migrant labor housing facility in violation of the subchapter for each day that the violation occurred, rather than a flat penalty of \$200 for each day that the violation occurred.

The bill also would add to the entities by which an action to collect a civil penalty could be brought. Under the bill, an action could be brought by TDHCA through a contested case hearing process, or a migrant agricultural worker, if a complaint regarding the violation had been submitted and, at the time the complaint was submitted, the worker lived in the migrant labor housing facility and was not temporarily in the United States under an H2-A Temporary Agricultural Workers visa.

A civil penalty could not be collected while:

- a related contested case hearing brought by TDHCA was pending;
- a related action for injunctive relief was pending;
- a related action brought by a county attorney or the attorney general was pending; or
- the operator of the facility was waiting for the facility to be inspected to confirm remediation for the violation, or was providing housing at a different facility to which the migrant workers who occupied the facility had been relocated.

A civil penalty would begin accruing on:

- for a violation with a remediation period of seven days, the day TDHCA determined that the operator had failed to remedy the violation, or the day an inspection established such failure, whichever was earlier; or
- for a violation with a remediation period of 30 days, the 31st day following the date that notification of the complaint was received from the department, unless the operator had relocated the workers who occupied the facility.

TDHCA would be required to adopt a penalty schedule that increased the penalty for a person who repeatedly violated any rules under subchapter LL or any rules established under the bill.

A penalty collected by TDHCA through a contested case hearing or by the county attorney or the attorney general would be deposited in the general

revenue fund and could be appropriated only to the department for the enforcement of subchapter LL.

Complaint, notice and dismissal processes. TDHCA would be required to establish processes for submitting a complaint of a facility and determining whether a complaint was unfounded. Processes also would be established regarding the investigation, resolution, or dismissal of a complaint, including confirmation of remediation.

TDHCA would be required to notify the operator of a facility no later than five days after a complaint of the facility was received. The notice would include the date the complaint was received, the subject of the complaint, the name of each person contacted in regards to the complaint, and the timeline for remedying the complaint. If TDHCA could not contact a facility operator to notify them of a complaint, TDHCA would have to mail the complaint to the operator.

If TDHCA determined that a complaint was unfounded, the department could dismiss the complaint and would be required to include in the record the reason for the dismissal. TDHCA would be required to notify the facility operator of the dismissal in a timely manner and include the reason for the dismissal.

A migrant labor housing facility operator would be required to remedy a complaint no later than seven days after the complaint was received. TDHCA would be required to establish a procedure by which a facility operator could submit proof of remediation through visual evidence and a sworn affidavit. After the operator submitted such proof, TDHCA would be required to have the facility inspected as soon as possible following a week after the notice was received.

For complaints that alleged a violation that the department determined posed an imminent hazard or threat to the health and safety of the facility occupants, a facility operator would be required to remedy the complaint no more than 30 days after notice of the complaint was received. The department could refer such a complaint to a local authority for immediate inspection of the facility.

The department also would be required to establish a procedure for requiring the owner of the facility to relocate the occupants to another facility if the remediation of the complaint was projected to take longer than 30 days. A housing facility to which a person was relocated:

- would be required to meet the occupancy standards established in the bill;
- would be required to be located in the same vicinity as the vacated facility; and
- could not require a rent payment from a displaced migrant agricultural worker that exceeded the rent charged for the vacated facility.

Any rules regarding the relocation procedure would not apply to a migrant agricultural worker in the country under an H2-A visa.

Other provisions. The bill would prohibit a person who owned, established, maintained, operated, or otherwise provided a migrant labor housing facility from retaliating against a person for filing a complaint or providing information in good faith relating to a possible violation. The prohibition also would apply to a person who employed a migrant agricultural worker who occupied a facility and a farm labor contractor.

The court in a lawsuit brought under any provisions of subchapter LL or any provisions established by the bill could award reasonable attorney's fees to the prevailing party.

TDHCA would be required to identify other state agencies that could interact with occupants of migrant housing facilities to assist the department in identifying and locating unlicensed facilities. Any information provided to TDHCA by other agencies could be used only for those purposes and could not include the identification information of any migrant agricultural workers. The information would be confidential and not subject to disclosure under certain statutes related to public information.

The bill would take effect September 1, 2023. TDHCA would be required to adopt the rules necessary to implement the bill by March 1, 2024. The

bill would apply only to a violation that occurred on or after the effective date.

- SUBJECT:** Requiring suicide prevention measures in municipal jails
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 6 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal
- 2 nays — Slaton, Tinderholt
- 1 absent — Schatzline
- WITNESSES:** For — (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Aaryce Hayes, Disability Rights Texas; Christine Yanas, Methodist Healthcare Ministries; Hannah Gill, NAMI Texas; Jennifer Allmon, The Texas Catholic Conference of Bishops; Cynthia Van Maanen, Travis County Democratic Party; Muneeb “Meebs” Aslam; Susana Carranza; Thomas Parkinson; Maria Person)
- Against — None
- On — Brandon Wood, Commission on Jail Standards
- BACKGROUND:** Concerns have been raised regarding the rate of inmate suicides in the Texas jail system.
- DIGEST:** CSHB 484 would require municipal jails to provide two hours of training each to jailers and certain other staff on identifying, managing, and documenting inmates potentially at risk of suicide or with mental health conditions.
- The bill would require jails to conduct mental health screenings during intake. A jail also would be required to regularly check on inmates identified as potentially suicidal and to install cameras directly outside their cells.
- In the event of a suicide or attempted suicide, jails would be required to report the incident to the attorney general within 48 hours for data collection and analysis purposes.

The bill would take effect September 1, 2023

- SUBJECT:** Establishing a grant program to plug certain leaking water wells
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 8 ayes — T. King, E. Thompson, Gámez, Kacal, Lalani, Metcalf, Price, Rogers
- 0 nays
- 3 absent — Kitzman, Ramos, Zwiener
- WITNESSES:** For — Virginia Palacios, Commission Shift; Cole Ruiz, Middle Pecos Groundwater Conservation District; Schuyler Wight (*Registered, but did not testify*: Vanessa Puig - Williams, EDF; Marisa Bruno, Hill Country Alliance; Jason Modglin, Texas Alliance of Energy Producers; Billy Howe, Texas Farm Bureau; Adam Burklund, West Texas Regional Groundwater Management Alliance; Nancy McKee; Linda Kaye Rogers)
- Against — None
- BACKGROUND:** Concerns have been raised about the health risks posed by leaking water wells that can contaminate groundwater or pollute surface water.
- DIGEST:** CSHB 4256 would create the leaking water wells fund as a fund in the state treasury outside the general revenue fund, consisting of money appropriated or transferred by the Legislature, gifts or grants, and interest earned on deposits and investments. Interest earned on money in the fund would be retained in the fund. The fund could only be used to implement the leaking water wells program established by the bill.
- The bill would require the Texas Commission on Environmental Quality (TCEQ) to establish and administer a program to plug leaking water wells. The commission would be required to provide grants to districts with the authority to regulate water wells to offset the cost of plugging wells.
- To be eligible for a grant, a district would have to:

- demonstrate that the project included a leaking water well that met certain criteria specified by the bill;
- obtain any necessary approval from a surface owner for access to the property where the leaking well was located;
- engage as necessary in a bid process to hire a contractor or subcontractor to perform the work.

A contract for work on a project that had received a grant would have to be awarded to a contractor or subcontractor selected from a list of approved well pluggers maintained by the Railroad Commission. The contract could be awarded based on a recipient's published criteria for best value. A grant recipient could use the grant only to pay the cost of the project for which the grant was provided, and could not use the grant to pay for associated administrative costs.

A well plugged under the program would have to be permanently plugged in accordance with criteria that TCEQ would be required to establish in consultation with the Railroad Commission. Any amount of a grant not spent to complete a project would have to be returned to TCEQ for deposit to the credit of the fund.

The bill would establish that \$40 million was appropriated from general revenue to the comptroller to immediately transfer to the leaking water wells fund.

CSHB 4256 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.

NOTES:

According to the Legislative Budget Board, CSHB 4256 would have a negative impact of \$40 million to general revenue related funds through fiscal 2024-25.

- SUBJECT:** Requiring DFPS to offer certain services to relative caregivers
- COMMITTEE:** Youth Health & Safety, Select — committee substitute recommended
- VOTE:** 7 ayes — S. Thompson, Hull, Allison, Dutton, A. Johnson, T. King, Lozano
- 0 nays
- 2 absent — Capriglione, Landgraf
- WITNESSES:** For — Andrea Sparks, Buckner International; Beverly Morris, Texas Grandparents Raising Grandchildren (*Registered, but did not testify*: Andrea Earl, AARP Texas; Lauren Johnson, ACLU of Texas; Omodele Ojomo, Autism Society of Texas; Rebecca Young Montgomery, Center for Transforming Lives; Jolene Sanders, Coalition of Texans with Disabilities; Ricardo Martinez, EQTX Equality Texas; Ana O’Quin, Girls Empowerment Network; Christine Yanas, Methodist Healthcare Ministries; Hannah Gill, NAMI Texas; Shannon Doyle, National Association of Social Workers - Texas Chapter; Kate Murphy, Texans Care for Children; Alejandro Pena, Texas American Federation of Teachers; Sarah Crockett, Texas CASA; Leela Rice, Texas Council of Community Centers; Lauren Rose, Texas Network of Youth Services (TNOYS); Clayton Travis, Texas Pediatric Society; Mary Beth Kiser, Texas Psychological Association; Elaina Fowler, Texas State Teachers Association; Brittney Taylor-Ross, TexProtects; and 40 individuals)
- Against — None
- On — (*Registered, but did not testify*: Brock Boudreau, DFPS)
- BACKGROUND:** Some have suggested that children in state conservatorship do not have adequate access to mental and behavioral health services, and increasing access to services could make familial placements more successful.
- DIGEST:** CSHB 2481 would require the Department of Family and Protective Services (DFPS) to facilitate access to a counseling and crisis

management program to provide mental and behavioral telehealth services and mobile mental and behavioral health intervention services to relative or other designated caregivers and children who are placed with relative or other designated caregivers.

The mental and behavioral health services would be accessible electronically through a computer or telephone application. The mobile mental and behavioral health services would be deployed to the location of the child or caregiver that required intervention services. These services would have to be available 24 hours a day, seven days a week and could be provided only by a licensed psychologist, a licensed marriage and family therapist, a licensed professional counselor, a licensed clinical social worker, or any similarly qualified mental health professional as established by DFPS rule.

DFPS would be required to seek reimbursement from Medicaid or a health plan that provided coverage for these services. DFPS could contract with an outside vendor to provide these services.

The DPFS commissioner would be required to adopt rules as necessary to implement the bill as soon as practicable after the effective date. DFPS would have to begin offering mental and behavioral telehealth services by January 1, 2024, and mobile mental and behavioral health intervention services by January 1, 2025.

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.

NOTES:

According to the Legislative Budget Board, the fiscal implications of CSHB 2481 could not be determined because it was unknown how many families would use the program.

- SUBJECT:** Requiring a Texas Produced Water Consortium pilot program
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 8 ayes — E. Thompson, Gámez, Kacal, Kitzman, Lalani, Price, Rogers, Zwiener
- 1 nays — Ramos
- 2 absent — T. King, Metcalf
- WITNESSES:** For — (*Registered, but did not testify*: Lauren Spreen, Apache Corporation; Tsion Amare, Environmental Defense Fund; Christian Bionat, Greater Houston Partnership; Doug Shaw, TAGD; Jeremy Mazur, Texas 2036; Caleb Troxclair, Texas Alliance of Energy Producers; Kyle Frazier, Texas Desalination Association; Ryan Paylor, Texas Independent Producers & Royalty Owners Association; Jennifer Bremer, Texas Land & Mineral Owners Association; CJ Tredway, Texas Oil & Gas Association)
- Against — None
- On — Alex Ortiz, Sierra Club; Rusty Smith, Texas Produced Water Consortium (*Registered, but did not testify*: John Dupnik, Temple McKinnon, Texas Water Development Board)
- BACKGROUND:** Education Code sec. 109.205(c) prohibits the Texas Produced Water Consortium (TPWC) from receiving state money, except for money appropriated to its host university for the consortium’s research purposes, or resources otherwise provided by the host university and other state university entities or state agencies.
- Some have suggested that the work of TPWC towards finding beneficial uses for fluid oil and gas waste should be continued through a pilot program funded by the Legislature.

DIGEST: HB 2757 would repeal the prohibition on the Texas Produced Water Consortium receiving state money and would require the consortium to select a pilot project or program for consideration and implementation by October 1, 2023. No later than October 1, 2024, TPWC would be required to submit to the Legislature a report regarding the status of the project or program and any suggested policy, regulatory, or legislative changes based on an analysis of the project or program's implementation.

TPWC would be required to implement the bill's provisions only if the Legislature appropriated money for that purpose. If the Legislature did not appropriate money, TPWC would be authorized, but not required, to implement the bill's provisions using other available money.

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.

NOTES: According to the Legislative Budget Board, CSHB 2757 would have an estimated negative impact to general revenue related funds of \$5 million.

- SUBJECT:** Authorizing the forcible entry of vehicles to save a domestic animal
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 5 ayes — Leach, Julie Johnson, Davis, Flores, Vasut
- 3 nays — Murr, Schofield, Slawson
- 1 absent — Moody
- WITNESSES:** For — (*Registered, but did not testify:* John Hubbard, Ian Randolph, Animal Legal Defense Fund; James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officers Association; Ray Hunt, HPOU; Alex Gamez, Humane Society; George Christian, Texas Civil Justice League; Stacy Sutton Kerby, Texas Humane Legislation Network; John Wilkerson, Texas Municipal Police Association; Carol Sims; Jessica Zaboroski)
- Against — (*Registered, but did not testify:* Josselyn Molina, Deeds Not Words)
- BACKGROUND:** Some have suggested that removing civil liability for those who forcibly enter vehicles to save a pet could help to avoid unnecessary animal deaths when animals are left in locked hot cars.
- DIGEST:** HB 3756 would establish that an individual who forcibly entered a vehicle to remove a domestic animal was immune from civil liability if the person:
- determined that the motor vehicle was locked or there was no reasonable method for the animal to exit without assistance;
 - had a good faith and reasonable belief that entry into the vehicle was necessary to avoid imminent harm to the animal;
 - before entering ensured that law enforcement was notified or called 911;
 - used no more force than necessary to enter the vehicle;

- remained with the animal in a safe location that was reasonably close until law enforcement or a first responder arrived; and
- placed contact and certain other information on a note on the vehicle's windshield.

The person would not be immune from civil liability if upon notifying law enforcement or 911, the person was advised not to enter the vehicle.

Domesticated animal would be defined as a dog, cat, or other domesticated animals that could be kept as a household pet. The term would not include a livestock animal.

The bill would take effect on September 1, 2023 and would apply only to a cause of action accrued after the effective date.

- SUBJECT:** Allowing parents to elect for a student to repeat a course or grade
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 13 ayes — Buckley, Allen, Allison, Cunningham, Dutton, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Schaefer, Talarico
- 0 nays
- WITNESSES:** For — Carrie Moore, Texas Education 911 and County Citizens Defending Freedom (*Registered, but did not testify*: Frank Corte, International Leadership Texas; Gabriel Grantham, Texas 2036; Whitney Broughton, Texas Association of School Boards; Bryce Adams, Texas Public Charter Schools Association; Michelle Evans; Mary Lowe)
- Against — (*Registered, but did not testify*: Julia Grizzard, Bexar County Education Coalition; Barry Haenisch, Texas Association of Community Schools; Cerena Haefs, Denisha Williams, Texas Freedom Network; Kai Bovik)
- On — (*Registered, but did not testify*: Eric Marin, TEA; Monica Martinez, Texas Education Agency)
- BACKGROUND:** Concerns have been raised that provisions allowing parents of students in grades four through eight to chose for their child to repeat a course or grade level if the parent determines the child has not properly learned the material have expired and should be reinstated.
- DIGEST:** HB 3803 would add grades four through eight to the school levels under which a parent or guardian of a student in those grades could elect for the student to repeat the grade in which they were enrolled the previous school year. The parent or guardian of a high school student could elect for the student to repeat any course from the previous school year, unless the school district or open-enrollment charter school determined the student had met all the requirements for graduation.

The bill would apply beginning with 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.

- SUBJECT:** Revising permit criteria considered by groundwater conservation districts
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 8 ayes — T. King, E. Thompson, Gámez, Kacal, Lalani, Metcalf, Price, Rogers
- 0 nays
- 3 absent — Kitzman, Ramos, Zwiener
- WITNESSES:** For — Andrew Sansom, Belding Farms; Gregory Ellis, Clients of the Firm; Andrew Wier, Simsboro Aquifer Water Defense Fund; Leah Martinsson, Texas Alliance of Groundwater Districts; Nancy McKee; Linda Kaye Rogers (*Registered, but did not testify*: Vanessa Puig - Williams, EDF; Carlos Rubinstein, Belding Farms and Cockrell Investment Partners; Larry French, Texas Public Policy Foundation; Shauna Fitzsimmons Sledge, Upper Trinity GCD, Prairielands GCD, North Texas GCD; Adam Burklund, West Texas Regional Groundwater Management Alliance; Mary Wier)
- Against — (*Registered, but did not testify*: David Gibson, Texas Corn Producers Association; Billy Howe, Texas Farm Bureau)
- BACKGROUND:** Concerns have been raised that although many people rely on groundwater wells that do not require permits from a groundwater conservation district, those districts are not currently required to consider whether a permit applicant’s proposed water use would unreasonably affect those wells.
- DIGEST:** HB 5052 would revise the factors required to be considered by a groundwater conservation district before granting, denying, or amending a permit to include consideration of whether the proposed use of water would unreasonably affect wells that were exempt from the requirement to obtain a permit under applicable statute or district 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.

SUBJECT: Expanding requirements for school peace and resource officer curriculum

COMMITTEE: Youth Health & Safety, Select — favorable, without amendment

VOTE: 6 ayes — S. Thompson, Allison, Dutton, A. Johnson, T. King, Lozano

1 nays — Hull

2 absent — Capriglione, Landgraf

WITNESSES: For — Ana O’Quin, Girls Empowerment Network; Shannon Doyle, National Association of Social Workers - Texas Chapter; Bill Avera, Texas School District Police Chiefs’ Association (*Registered, but did not testify*); Tricia Cave, Association of Texas Professional Educators; Omodele Ojomo, Autism Society of Texas; Jason Sabo, Children at Risk; Georgia Bates, City of Uvalde; Jolene Sanders, Coalition of Texans with Disabilities; James Parnell, Dallas Police Association; David Batton, Harris County Deputies Organization FOP 39; Ray Hunt, Houston Police Officers’ Union; Hannah Gill, NAMI Texas; Nancy Humphrey, Plano Independent School District; Mark Reynolds, Sheriffs’ Association of Texas; David Feigen, Texans Care for Children; Alejandro Pena, Texas American Federation of Teachers; Colby Nichols, Texas Association of School Administrators, Texas Association of Community Schools; Amanda Afifi, Texas Association of School Psychologists; Pamela McPeters, Texas Classroom Teachers Association; Leela Rice, Texas Council of Community Centers; Mark Terry, Texas Elementary Principals and Supervisors Association; John Wilkerson, Texas Municipal Police Association; Lauren Rose, Texas Network of Youth Services; Suzi Kennon, Texas PTA; AJ Louderback, Texas Sheriffs Regional Alliance; Elaina Fowler, Texas State Teachers Association; Thomas Parkinson)

Against — None

On — Shannon Hoffman, The Hogg Foundation for Mental Health (*Registered, but did not testify*; Eric Marin, TEA)

BACKGROUND: Some have suggested that school peace officers and resource officers do not have sufficient training to support students with mental health conditions.

DIGEST: HB 4777 would add to the list of learning objectives to be included in curriculum for school peace officers and resource officers the effects of mental health conditions, including grief and trauma, on student behavior and the ways in which using evidence-based, grief-informed, and trauma-informed strategies support a safe school environment and protect the mental health of students.

As soon as practicable after the effective date of the bill, the Texas Commission on Law Enforcement would be required to amend the model training curriculum as necessary to implement these changes.

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.