HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
P.O. Box 2910, Austin, Texas 78768-2910
(512) 463-0752 • https://hro.house.texas.gov

HOUSE RESEARCH ORGANIZATION

daily floor report

Tuesday, May 09, 2023
88th Legislature, Number 60
The House convenes at 9 a.m.
Part Two

Three bills are on the Major State Calendar, one resolution is on the Constitutional Amendments Calendar, and 74 bills are on the General State Calendar for second reading consideration today. The table of contents for Part Two of today's *Daily Floor Report* appears on the following page.

To access the Dynamic Floor Report, visit the following link: https://hro-dfr.house.texas.gov.

Individual bill analyses can also be found online at TLIS, CapCentral, and at https://hro.house.texas.gov/BillAnalysis.aspx.

Gary VanDeaver
Chairman
88(R) - 60

HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Tuesday, May 09, 2023

88th Legislature, Number 60

Part 2

SUBJECT: Establishing requirements for overdose reporting and mapping

COMMITTEE: Homeland Security & Public Safety — committee substitute recommended

VOTE: 6 ayes — Guillen, Bowers, Dorazio, Harless, Holland, Troxclair

1 nay — Jarvis Johnson

2 absent — Canales, Goodwin

WITNESSES: For — Adam Bazaldua, Paula Blackmon, City of Dallas; John Creuzot, Dallas County Criminal District Attorney; Wendell Campbell, High Intensity Drug Trafficking Area; Robert Abbott, Lake Travis Fire Rescue (*Registered, but did not testify*: Will Ramsay, 8th Judicial District Attorney's Office; Eric Carcerano, Chambers County District Attorney; Cheryl Lieck, Chambers County District Attorney's Office; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Erleigh Wiley, Criminal District Attorney, Kaufman County; Jessica Anderson, Houston Police Department)

Against — (*Registered, but did not testify*: Sarah Reyes, Texas Center for Justice and Equity)

On — (*Registered, but did not testify*: Lexi Quinney, Texas Department of Public Safety)

BACKGROUND: Under Health and Safety Code sec. 483.101, "opioid antagonist" means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

Some have suggested that a more streamlined process for certain health personnel to track and share overdose information could provide clarity on where there could be a large distribution of controlled substances and allow for appropriate action.

DIGEST:

CSHB 3480 would establish mandatory reporting of controlled substance overdoses for certain emergency medical services personnel and require local health authorities and law enforcement agencies to enter participation agreements for overdose mapping.

Mandatory reporting of controlled substance overdoses. CSHB 3480 would require certain emergency medical services personnel who responded to an overdose incident to report information about the incident as soon as possible to the applicable local health authority or law enforcement agency. A person who reported information about an overdose incident in good faith would not be subject to civil or criminal liability for making the report.

These requirements would apply only to emergency medical services personnel operating within the geographical jurisdiction of a local health authority or law enforcement agency, as applicable, that had entered into a participation agreement for overdose mapping.

A report would have to include, if possible:

- the date and time of the overdose incident;
- the approximate location of the overdose incident using certain information;
- whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; and
- whether the overdose was fatal or nonfatal.

A law enforcement agency could use information received from one of these reports only for mapping overdose locations for public safety purposes. Information in a report would be confidential and not subject to public disclosure.

Participation agreement for overdose mapping. A local health authority or law enforcement agency would be required to enter into a participation agreement with an entity that maintained a computerized system for mapping overdoses of one or more controlled substances for public safety purposes. A local health authority or law enforcement agency would be required to provide information from the above reports

to the partnered entity for purposes of entering the information into the computerized system. The local health authority or law enforcement agency would not be required to provide information regarding a controlled substance to the partnered entity if the entity did not maintain an overdose map that included the controlled substance.

A local health authority or law enforcement agency or an employee of of a local health authority or law enforcement agency would not be subject to civil or criminal liability for providing such information to an entity pursuant to a participation agreement. Information provided to an entity pursuant to a participation agreement would be confidential and not subject to public disclosure. The bill would not waive sovereign immunity to suit or liability.

The bill would take effect September 1, 2023.

SUBJECT: Revisions provisions related to durable power of attorney

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Julie Johnson, Davis, Flores, Murr, Schofield, Slawson, Vasut

0 nays

1 absent — Moody

WITNESSES: For — Lauren Hunt, TREP (*Registered, but did not testify*: Guy Herman, Presiding Judge of the Statutory Probate Courts of Texas; Craig Hopper, Texas Real Estate Probate Institute; Dyann McCully, TREP)

Against — None

BACKGROUND: Some have suggested that clarifying the Durable Power of Attorney Act could reduce unnecessary litigation.

DIGEST: HB 3562 would revise certain language within Estates Code regarding the durable power of attorney. The bill would amend any reference to "person" to "individual." It also would change references to an "incapacitated person" to "ward."

The bill would make the following changes related to the appointment of a permanent or temporary guardian of the estate:

- referring to the court tasked with appointing a guardian of the estate as a "court" rather than a "court of the principal's domicile"; and
- specifying that the principal who executed the power of attorney would be referred to as "ward" under these provisions.

The bill would automatically revoke the power and authority of an agent named in the power of attorney over a ward upon the qualification of a

permanent guardian of the estate, unless the court entered an order of suspension during the pendency of the guardianship of the estate.

The bill would automatically suspend the power and authority of an agent named in the power of attorney over a ward upon the qualification of a temporary guardian of the estate for the duration of the guardianship, unless the court entered an order that affirmed and stated the effectiveness of the power of attorney and confirmed the validity of the appointment of the named agent.

The bill would revise provisions on judicial relief to specify that a governmental agency with authority to provide protective services to the principal could bring an action requesting a court to construe or determine the validity of a durable power of attorney. The bill also would establish that, if such an action were brought, the court could award costs and reasonable and necessary attorney's fees in an amount the court considered equitable and just.

HB 3562 would expand the applicability of a durable power of attorney regarding business operation transactions to include powers related to an entity or entity ownership interest, subject to certain documents governing such interest. The bill would revise the enumerated powers that may be exercised by an agent by:

- removing provisions limiting certain powers to actions taken under a partnership agreement;
- specifying that certain powers would apply to ownership of an entity as well as to ownership of a business; and
- specifying that certain powers relate to a certificated or uncertificated ownership interest held by the principal.

The bill would create an exception allowing a disclaimer by a fiduciary that would result in an interest in or power over property passing to the person making the disclaimer to be effective without approval by a court if the disclaimer was authorized under statute.

The bill would take effect September 1, 2023. The bill would apply only to a durable power of attorney executed and a disclaimer made on or after the effective date.

SUBJECT: Authorizing a student trustee position for certain school districts

COMMITTEE: Public Education — favorable, without amendment

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

1 nay — Schaefer

WITNESSES: For —Ayaan Moledina, The Youth Power Project; Jennie Birkholz; Hayden Cohen; Cameron Samuels; Jackie Stuart; Matthew Stuart (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Ashley Walker, Black Parents and Families Association; Stephanie Perdue, Central Texas Pride Community Center, LGBT-Rex; Garry Jones, DFER; Jaime Puente, Every Texan; Paige Duggins-Clay, Intercultural Development Research Association; Lesley Rivas, Mexican American School Boards Association; Charles Luke, Pastors for Texas Children; Lauren Wolf, Pflugerville Area Democrats; Samya Chauhan, Anastasia Keeler, STEM Advocacy Conference of Texas; Alejandro Pena, Texas AFT; Alycia Castillo, Texas Center for Justice and Equity; Paige Williams, Texas Classroom Teachers Association; Cindy Cuellar, Cerena Haefs, Carisa Lopez, Denishea Williams, Texas Freedom Network; Suzi Kennon, Texas PTA; Veronica Costilla, Texas Rising; Gracie Israel, Texas Rising; Jaqueline Noyola, Texas Rising; Elaina Fowler, Carrie Griffith, Texas State Teachers Association; Erin Walter, Texas Unitarian Universalist Justice Ministry; Cynthia Van Maanen, Travis County Democratic Party; Ashley Harris, United Ways of Texas; and 68 individuals)

Against — (*Registered, but did not testify*: Alice Linahan, Women On The Wall; Michelle Evans; Mary Lowe)

On — (*Registered, but did not testify*: Eric Marin, TEA)

BACKGROUND:

Education Code sec. 11.0511 allows the board of trustees of a school district operating under a campus turnaround plan to adopt a resolution establishing a student trustee position as a nonvoting member.

Concerns have been raised that some school districts' boards of trustees may not have adequate student representation.

DIGEST:

HB 2647 would establish that a school district's board of trustees could appoint a student trustee in the manner and for a term prescribed by the board. The bill would apply only to a school district that was not operating under a campus turnaround plan.

A student trustee would not be a member of the board of trustees for which the student was appointed but would have the same powers and duties as a member of the board of trustees, including the right to attend and participate in open meetings of the board, except that the student trustee:

- could not vote on any matter before the board or make or second any motion before the board; and
- would not be counted in determining whether a quorum existed for a meeting of the board or in determining the outcome of the vote of the board.

The bill would take effect September 1, 2023.

SUBJECT: Exempting certain county courthouses from fire escape regulations

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 9 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal, Schatzline, Slaton, Tinderholt

WITNESSES: For — (*Registered, but did not testify*: Karl Holloway, Cottle County)

Against — None

On — (*Registered, but did not testify*: Orlando Hernandez, State Fire Marshal's Office of Texas; Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

BACKGROUND: Concerns have been raised that court houses in smaller counties may not have the necessary tax base or funds to retrofit historic buildings with proper fire escapes. Some have suggested exempting certain county court houses from statutory provisions that require and regulate fire escapes.

DIGEST: CSHB 717 would exempt county courthouses that were located in counties with populations of less than 50,000 and that were constructed before September 1, 1989 from current regulations that require fire escapes.

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.

SUBJECT: Expanding eligibility for disabled veteran assistance payment program

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 10 ayes — Meyer, Thierry, Craddick, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner

0 nays

1 absent — Button

WITNESSES: For —David Blackburn, Bell County; Wayne Carpenter, City of Belton; Mark Allen, City of Cibolo; Stosh Boyle, City of cibolo; Ryan Haverlah, City of Copperas Cove; David Mitchell, City of Harker Heights; Spencer Smith, City of Harker Heights; Kent Cagle, City of Killeen; Andy Williams, City of Nolanville; Juan Ayala, City of San Antonio; Roger Miller, Coryell County; Keith Sledd, Executive Director for the Heart of Texas Defense Alliance and Chair for the Governor's Committee to Support the Military.; Bobby Carroll, Randall Hoyer, Lampasas County; Mitch Fuller, Veterans of Foreign Affairs Department of Texas; Tim Woliver (*Registered, but did not testify*: Randy Pittenger, Belton Area Chamber of Commerce; Clifford Sparks, City of Dallas; Guadalupe Cuellar, City of El Paso; TJ Patterson, City of Fort Worth; Nadia Islam, City of San Antonio; Fred Shannon, City of Temple; Adam Haynes, Conference of Urban Counties; Manuel Montanez, Copperas Cove City Counsel; Rick Thompson, County Judges and Commissioners Association of Texas; Elisa M. Tamayo, El Paso County; Christopher Young, Linebarger; Kevin Kieschnick, Office of Nueces County Tax Assessor Collector; Ray Head, TAPTP; Raif Calvert, Texas Association of School Boards; Amanda Brownson, Texas Association of School Business Officials; Mark Terry, Texas Elementary Principals and Supervisors Association; Monty Wynn, Texas Municipal League; Hilary Shine)

Against — None

On — Howard Arey (*Registered, but did not testify*: Tom Malone, Comptroller of Public Accounts; Allison Mansfield, Comptroller of Public

Accounts; Keith Graf, Office of the Governor, Texas Military Preparedness Commission)

BACKGROUND:

Some have suggested expanding local government eligibility to receive reimbursement payments from the disabled veteran assistance payment program would help ensure that communities with a large number of individuals receiving the disabled veteran resident homestead property tax exemption could still provide essential services for residents.

DIGEST:

CSHB 1613 would revise provisions governing the disabled veteran assistance payments provided by the state to certain qualified local governments. The bill could be cited as the State Economic Reimbursement for Veterans Exemption (SERVE) Act.

The bill would revise language referring to a local government's general fund revenue to instead refer only to its ad valorem tax revenue. The bill also would revise the definition of "local government" under the bill's provisions to mean any municipality or county, rather than only those adjacent to a military base or containing a United States military installation. The bill would decrease the minimum amount of lost ad valorem tax revenue required for a government to qualify for a disabled veteran assistance payment from 2 percent to 1 percent for that fiscal year.

Trust fund establishment. CSHB 1613 would establish the local government assistance trust fund as a trust fund outside of the state treasury. The fund would consist of proceeds from the collection of certain taxes deposited to the credit of the fund and other money deposited at the direction of the Legislature. The comptroller would administer the fund as trustee on behalf of qualified local governments and allocate money deposited in the fund for the purpose of making payments to which qualified local governments were entitled. The comptroller could make a payment from the fund to a qualified local government without the necessity of an appropriation.

If the comptroller determined that the balance of the fund in a fiscal year was not sufficient to pay the full payment amount to qualified local governments in that year, the comptroller would proportionally reduce the

amount of each payment made to a local government that year as necessary to prevent the fund from becoming insolvent.

If in a fiscal year the amount of money in the trust fund exceeded the amount necessary to pay the full payment amount to qualified local governments in that year, the comptroller would transfer the excess amount to the general revenue fund by the last day of the year.

For the fiscal years beginning September 1, 2023 and September 1, 2024, the amount deposited to the credit of the trust fund would be $200 million. Each subsequent fiscal year, the comptroller would be required to determine the amount of proceeds from the collection of sales, excise, and use taxes to be deposited into the fund in a manner established by the bill and deposit that amount to the credit of the fund.

The bill would take effect September 1, 2023 and would apply only to eligibility of a local government to apply for, and the calculation of, a disabled veteran assistance payment beginning with the fiscal year of the local government that ends in the 2023 tax year.

NOTES:

According to the Legislative Budget Board, CSHB 1613 would have a negative impact of $400,458,000 through fiscal 2024-25.

SUBJECT: Establishing limitations on property taxes for certain low-income persons

COMMITTEE: Ways & Means — committee substitute recommended

VOTE: 10 ayes — Meyer, Thierry, Craddick, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner

0 nays

1 absent — Button

WITNESSES: For — (*Registered, but did not testify*: 15 individuals)

Against — None

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

BACKGROUND: Concerns have been raised that local taxing entities do not have the ability to grant property tax freezes to senior citizens or citizens with disabilities. Some have suggested that providing such a tax limitation would help low-income seniors and people with disabilities who may have difficulty keeping up with rapidly increasing property taxes.

DIGEST: CSHB 3757 would establish requirements for a qualifying taxing unit that chose to limit the total amount of taxes that could be imposed by the unit on the residence homestead of an eligible individual who was disabled or who was age 65 or older. An "eligible individual" would be defined as an individual whose household income did not exceed 200 percent of the federal poverty level. A "qualifying taxing unit" would be defined as a taxing unit other than a school district, county, municipality, or junior college district.

A qualifying taxing unit would be prohibited from increasing the total annual amount of property taxes on the residence homestead of an eligible individual who was disabled or over age 65 above the amount of the taxes the taxing unit imposed on the homestead in the first tax year in which the

individual qualified for the limitation. The bill would include additional provisions related to imposing the tax limitation in certain circumstances.

Tax officials in a qualifying taxing unit would be required to appraise the residence homestead of an eligible individual who was disabled or over age 65 and calculate taxes on the residence homestead in the same manner as other residence homesteads. If the calculated tax exceeded the allowed limitation, the imposed tax would be the amount of the tax that was imposed on the residence homestead in the first year in which the eligible individual qualified that residence homestead for the exemption.

If an eligible individual had made improvements to the individual's homestead other than repairs and required improvements, the taxing unit could increase the value on the appraisal roll and increase taxes according to provisions specified in the bill. A replacement structure for a structure that had been rendered uninhabitable or unusable by a casualty or by wind or water damage would not be considered an improvement for purposes of tax limitation unless the square footage of the replacement structure exceeded that of the replaced structure, or the exterior of the replacement was of higher quality construction and composition than the replaced structure.

The limitation on tax increases would expire on January 1 if:

- none of the owners of the structure who qualified for the exemption had been using the structure as a residence homestead;
- none of the owners of the structure qualified for the exemption for an individual that was disabled or 65 years of age or older; or
- none of the owners of the structure were eligible individuals.

If an exemption had been erroneously allowed, the tax assessor for the applicable county would be required to add the amount of taxes that should have been imposed for any applicable year as back taxes.

A limitation on tax increases would not expire because the owner of an interest in the structure conveyed the interest to a qualifying trust if the owner or the owner's spouse was a trustor and would be entitled to occupy the structure.

The bill would establish the process for determining the tax amount on a different residence if an eligible individual or the eligible individual's surviving spouse qualified a different residence in the same taxing district. The bill would require the chief appraiser in the district where the former residence had been located to provide a certificate that included the information necessary to determine whether the individual would qualify for a limitation on a subsequently qualified homestead.

The surviving spouse of an eligible individual who qualified for a limitation on tax increases could qualify for the limitation on taxes if:

- the surviving spouse was disabled or was age 55 or older when the eligible individual died and also would qualify as an eligible individual; and
- the residence homestead of the eligible individual had been the residence homestead of the surviving spouse when the eligible individual died and remained the residence of the surviving spouse.

Provisions would be included to address circumstances when the eligible individual died in the first year in which the individual qualified for the limitation, and the surviving spouse remained in the qualifying residence.

An heir property owner who qualified the heir property as the owner's residence would be considered the sole owner of the property for the purposes of these provisions.

The chief appraiser for an appraisal district in which a qualifying tax unit participated could require an individual to provide any information necessary for the appraiser to determine whether the individual was an eligible individual.

The bill would add the authorized limitation to other tax exemptions for which the stockholders of a housing corporation could request a separate appraisal of real property and improvements, and to provisions for determining the current total value of property for school districts.

The bill would take effect January 1, 2024, but only if the constitutional amendment to authorize a limitation on the total amount of ad valorem taxes that a political subdivision other than a school district, county, municipality, or junior college district could impose on the residence homesteads of certain low-income persons where were disabled or elderly and their surviving spouses was approved by the voters.

NOTES:

CSHB 3757 is the enabling legislation for CSHJR 153, which is also on the daily calendar for second reading consideration today.

SUBJECT: Amending health coverage of tests used to detect prostate cancer

COMMITTEE: Insurance — committee substitute recommended

VOTE: 6 ayes — Oliverson, A. Johnson, Cortez, Caroline Harris, Julie Johnson, Perez

2 nays — Cain, Hull

1 absent — Paul

WITNESSES: For — Stuart Wolf, MD, Texas Urological Society; Patrick Bingham; Robert Wright (*Registered, but did not testify*: James Gray, American Cancer Society Cancer Action Network; Kyle Mauro, Bayer; Lindsay Lanagan, Legacy Community Health; John Carlo, Ben Wright, Texas Medical Association; Jaime Capelo, Texas Urological Society; Ware Wendell, Texas Watch; Joseph Da; Parker Davis)

Against — Shanneè Tracey, GuideStone Financial Resources of the Southern Baptist Convention (*Registered, but did not testify*: Annie Spilman, NFIB; Blake Hutson, Texas Association of Health Plans)

BACKGROUND: Concerns have been raised that the cost of preventative care screening services may deter some at-risk people from receiving prostate cancer screenings to detect early-stage prostate cancer.

DIGEST: CSHB 118 would prohibit a health benefit plan providing coverage for tests used to detect prostate cancer from charging any premium, copayment, coinsurance, deductible, or any other form of cost sharing for a covered test used to detect prostate cancer.

The bill would expand the applicability of provisions related to health coverage of tests used to detect prostate cancer to include certain health benefit plans and insurers, including the Medicaid program, the Children's Health Insurance Program, plans for state and public school employees, and certain other plans and issuers specified in the bill. The bill would

remove health and accident coverage provided through risk pools from the list of applicable health benefit plans and insurers.

The bill would repeal a provision requiring health benefit plans issued under the Texas Public School Employees Group Insurance Program to cover certain tests used for the detection of prostate cancer for certain enrollees.

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.

The bill would take effect September 1, 2023, and would apply only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2024.

SUBJECT: Establishing a veteran housing program under TDCJ

COMMITTEE: Corrections — committee substitute recommended

VOTE: 8 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Sherman, Swanson, Toth

1 absent — Murr

WITNESSES: For — Charlie Malouff, Texas C.U.R.E., Inc; Virginia Simonson, Texas Council of Chapters, Military Officers Association of America; Steven Price, The VOICES of Our Veterans (*Registered, but did not testify*: Justin Martinez, Texas Center for Justice and Equity)

Against — None

On — (*Registered, but did not testify*: April Zamora, Texas Department of Criminal Justice)

BACKGROUND: Some have suggested that a dedicated housing program for incarcerated veterans would aid in addressing their unique mental health needs by providing peer support and mitigating feelings of isolation that arise during incarceration.

DIGEST: CSHB 4837 would require the Texas Department of Criminal Justice (TDCJ) to establish a housing program for inmates who were veterans of the U.S. armed forces. The program would need to dedicate certain cellblocks or dormitories for use in the program and include procedures to verify the veteran status of each inmate during the diagnostic process and allow an inmate whose veteran status was verified to opt in to the housing dedicated for use in the program.

In housing inmates under the program, TDCJ would be required to comply with the prohibition on housing inmates with different custody classifications in the same cellblock or dormitory except under specified circumstances. The bill would prohibit TDCJ from housing an inmate in a cellblock or dormitory dedicated for use in the program if TDCJ

determined that housing the inmate would jeopardize the safety or security of other inmates or staff. If necessary, a cellblock or dormitory dedicated for use in the program could be used to house inmates who were not veterans.

TDCJ would be required to establish the program as soon as practicable after the effective date.

The bill would take effect September 1, 2023.

SUBJECT: Revising application criteria for the Skills Development Fund

COMMITTEE: International Relations & Economic Development — committee substitute recommended

VOTE: 8 ayes — Button, Ordaz, Bumgarner, Clardy, Hayes, Meza, C. Morales, Shine

0 nays

1 absent — Plesa

WITNESSES: For — Detra Davidson, Jon Tucker Construction, LTD (*Registered, but did not testify*: Jennifer Carter, Foodwill Central Texas; Sarah Douglas, National Federation of Independent Business; J.D. Hale, Texas Association of Builders; Stephanie Matthews, Texas Association of Business; Mike Meroney, Texas Association of Manufacturers; Carlton Schwab, Texas Economic Development Council; Ashley Harris, United Ways of Texas)

Against — None

On — Mary York, Resource Witness from Texas Workforce Commission; Phil Shackelford, Texas Workforce Association

BACKGROUND: Labor Code sec. 303.003 states that a community based organization may apply for money to participate in a workforce training program only in partnership with a community college or the Texas A&M Engineering Extension Service.

Some have suggested that allowing small businesses to work directly with the Texas Workforce Commission (TWC) would help ensure access to skills development funds for community-based organizations that may be unable to partner with the designated parties.

DIGEST: CSHB 1338 would revise the application criteria in Labor Code sec. 303.003 to allow a community-based organization to apply if, at least 90

days before the organization applied, the organization submitted to a community and technical college or the Texas A&M Engineering Extension a written request for a partnership and had been unable to obtain the partnership.

The organization applying for funding would be required to provide evidence of any certification, license, or registration required by law to the commission.

The bill would take effect September 1, 2023 and would apply only to an application submitted on or after the effective date.

SUBJECT: Establishing the private child care task force

COMMITTEE: Human Services — favorable, without amendment

VOTE: 5 ayes — Frank, Rose, Campos, Hull, Manuel

3 nays — Klick, Noble, Shaheen

1 absent — Ramos

WITNESSES: For — (*Registered, but did not testify*: Julia Hatcher, TAFDA; Charles Miller, Texas 2036; Clayton Travis, Texas Pediatric Society; Amy Bresnen; Susan Stewart)

Against — None

BACKGROUND: Some have suggested that a study the availability and affordability of private child care could help increase access to quality, affordable private child care.

DIGEST: HB 940 would establish the private child care task force to study private child care providers in Texas and methods to reduce the amounts charged for and increase the availability of private child care services. The task force would be composed of:

- one member appointed by the governor, who would serve as the presiding officer;
- three members of the Senate, appointed by the lieutenant governor; and
- three members of the House, appointed by the speaker of the House.

The task force would be required to develop a written report on the study and recommendations to reduce the amounts charged for and increase the availability of private child care services. The report would be submitted to the governor, lieutenant governor, the speaker of the House, and each member of the Legislature by November 1, 2024.

Task force members would not be entitled to compensation but could receive reimbursement for certain expenses, which could be paid for by gifts, grants, and donations. The task force would meet at least quarterly at the call of the presiding officer. Meetings could occur through telecommunication.

The task force would be abolished and the bill would expire on June 1, 2024.

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: Specifying burdens of proof and evidentiary presumptions in certain cases

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

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

0 nays

WITNESSES: For — Karen Marshall; Kisha Mitchell-Dinkins (*Registered, but did not testify*: Lisa David, County & District Clerk Association; M Paige Williams, Dallas Criminal District Attorney John Creuzot; Greg Hansch, National Alliance on Mental Illness (NAMI) TX)

Against — (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney)

BACKGROUND: Concerns have been raised that defendants previously found not guilty by reason of insanity are assumed to be insane if charged with another crime in the future.

DIGEST: HB 322 would establish that the presumption of the defendant's competency and the burden of proof to establish the defendant's incompetency by a preponderance of the evidence would apply in a trial of a case regardless of any finding of the defendant's incompetency to stand trial in a previous case.

The bill also would specify that the burden of proof by a preponderance of the evidence that the defendant was insane at the time of the alleged conduct would apply in a defendant's case regardless of any previous acquittal of the defendant by reason of insanity or another prior judgement of a court indicating the defendant's lack of sanity.

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

SUBJECT: Authorizing workplace visit absences for certain high school students

COMMITTEE: Public Education — favorable, without amendment

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

0 nays

1 present not voting — Dutton

WITNESSES: For — (*Registered, but did not testify*: Aaron Mccloud, Intervene K-12; Annie Spilman, NFIB; Gilbert Turrieta, Texas Association of Builders; Barry Haenisch, Texas Association of Community Schools; Mike Meroney, Texas Association of Manufacturers; Amy Beneski, Texas Association of School Administrators; Mark Terry, Texas Elementary Principals and Supervisors Association; Bryce Adams, Texas Public Charter Schools Association; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify*: Eric Marin, Mike Meyer, Monica Martinez, James Terry, Texas Education Agency)

BACKGROUND: Some have suggested that school districts should allow high school students interested in pursuing certain careers to visit relevant workplaces without being penalized with unexcused absences.

DIGEST: HB 131 would allow a school district to excuse a high school junior or senior from attending school to visit a professional at the professional's workplace to determine the student's interest in pursuing a career in the professional's field. The district could not excuse such an absence for more than two days during the student's junior or senior year. The district would be required to adopt a policy to determine when such an absence could be excused and a procedure to verify the student's visit at the workplace.

The bill would include such an absence in the list of excused absences for which a student could not be penalized and would be counted as if the student attended school for calculating the average daily attendance of district students. A student would be allowed a reasonable time to make up school work missed on the days of the absence.

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: Allowing record expunction and revising nursing disciplinary procedures

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Klick, Campos, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith

2 nays — Collier, Tinderholt

WITNESSES: For — Jack Frazee, Tracey Ramsey Abbott, Texas Nurses Association; Sheila Hemphill, Texas Right To Know

Against — None

On — Mark Majek, Texas Board of Nursing

BACKGROUND: Some have suggested that amending certain disciplinary processes and ensuring equal application of state law to Texas-based nurses and out-of-state nurses practicing under a waiver or emergency declaration could help ensure fairness in the nursing profession.

DIGEST: **Record expunction.** CSHB 2726 would require the Texas Board of Nursing to adopt procedures to expunge records related to the discipline of a nurse under certain conditions. To be eligible for expunction of records, a nurse would be required to:

- successfully complete the requirements of any disciplinary order that the board imposed on the nurse and any agreed settlement or alternative dispute resolution that the board approved; and
- not have committed an additional or repeated violation within the five years preceding a request for record expunction.

In determining a nurse's eligibility for record expunction, the board would consider the seriousness of previous violations of statute or board rule, as demonstrated by the sanctions imposed on the nurse. The board could not expunge a record related to a violation that directly harmed a patient.

A disciplinary order expunged under the bill would be void. A disciplinary order and any related investigatory document expunged from a nurse's record would not be public information and would not be subject to disclosure, except by appropriate court order or subpoena.

The board would report the expunction of a nurse's disciplinary record to the National Practitioner Data Bank. A nurse whose disciplinary record had been expunged could state that the expunged disciplinary record did not exist in response to an inquiry.

The board could establish a fee for record expunction in an amount reasonable and necessary to cover the cost of administration. The board would be required to adopt the necessary rules by December 1, 2023.

Practicing under emergency declaration. A person practicing nursing in the state under the authority of a waiver or emergency declaration issued by the governor would be subject to the board's jurisdiction and to state law related to the practice of nursing disciplinary action.

Disclosure of certain records. A complaint, filing of formal charges, final board order, and disciplinary proceeding related to a nurse's ordered participation in a board-approved pilot program for innovative applications in the practice and regulation of nursing would be subject to disclosure only under certain conditions.

The bill would take effect September 1, 2023, and would apply only to a person practicing nursing on or after the effective date.

NOTES:

According to the Legislative Budget Board, CSHB 2726 would have a positive impact of $12,832 on general revenue related funds for fiscal 2024-25.

SUBJECT: Prohibiting municipalities from disallowing certain petitioning

COMMITTEE: Urban Affairs — committee substitute recommended

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

0 nays

WITNESSES: For — Dallas Reed, Texas Municipal Police Association; Jay McClellan, Texas Municipal Police Association / Missouri City Police Officers Association (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Ray Hunt, HPOU; Carlos Ortiz, San Antonio Police Officers' Association; Joe Morris, Texas Game Warden Peace Officers Association)

Against — (*Registered, but did not testify*: Calvin Tillman)

BACKGROUND: Some have suggested that fire fighters and police officers who are employed by a municipality they do not reside in should be allowed to circulate petitions and collect signatures for certain initiatives, regardless of residence in the municipality.

DIGEST: CSHB 997 would prohibit a municipality from adopting or enforcing a charter provision, ordinance, policy, or other measure that prohibited an employee of the municipality's police or fire departments from circulating or signing certain authorized petitions related to police officer and fire fighter employment.

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 statute governing the port access account fund

COMMITTEE: Transportation — committee substitute recommended

VOTE: 11 ayes — Canales, Raney, Ashby, Davis, Gámez, Caroline Harris, Lozano, Lujan, Ordaz, Perez, Romero

0 nays

2 absent — Landgraf, Patterson

WITNESSES: For — Chris Fisher, Port of Beaumont and Texas Ports Association; Victor Martinez Jr, Port of Palacios/Texas Ports Association (*Registered, but did not testify*: Steven Albright, AGC of Texas; Greg Macksood, Calhoun Port Authority; Julie Williams, Chevron; Karen Rove, City of McAllen, Texas; Karen Rove, City of Pharr, Texas; Michael Vargas, Pharr International Bridge / City of Pharr; Gavin Massingill, Port Freeport; Kerrick Henny, Port Houston; Mario A. Martinez, Port of Brownsville; Brian Yarbrough, Port of Corpus Christi Authority; Keith Strama, Sabine Neches Navigation District; Robert Nathan, Schneider Electric; Rebecca Grande, Texas Association of Business; Glenna Bruun, Texas Ports Association; Dennis Kearns, Texas Railroad Association; Dana Moore, Texas Trucking Association)

Against — None

On — (*Registered, but did not testify*: Lance Simmons, Marc Williams, Texas Department of Transportation; Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

BACKGROUND: Some have suggested that statute governing the port access fund should be clarified to facilitate investments that will help meet increasing demand and maintain the state's leadership in maritime trade.

DIGEST: CSHB 2605 would add money appropriated by the Legislature and money received from the federal government to the money to be credited to the

port access account fund. Money appropriated by the Legislature could only be used to fund eligible port development and infrastructure projects.

The bill would replace references to “port access improvement projects” with “port connectivity projects” and replace references to “port security, transportation, or facility projects” with “port development and infrastructure projects.”

An applicant eligible to receive funding for a port development and infrastructure project could not receive more than 20 percent of the total amount appropriated to the Texas Department of Transportation for such projects.

The bill would extend eligibility for port access account funding to the acquisition of mechanized equipment used to move cargo or passengers in commerce and trade generally, rather than in international commerce only.

The bill would specify that fund expenditures would be subject to approval by the Port Authority Advisory Committee.

CSHB 2605 would take effect September 1, 2023.

SUBJECT: Authorizing schools to operate certain local remote learning programs

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

VOTE: 6 ayes — S. Thompson, Hull, Allison, Capriglione, A. Johnson, T. King

0 nays

3 absent — Dutton, Landgraf, Lozano

WITNESSES: For — (*Registered, but did not testify*: Taylor Sims, Graduation Solutions; Dr. Roosevelt Nivens, Lamar CISD; Melissia Smith, LCISD; Leela Rice, Texas Council of Community Centers; Suzi Kennon, Texas PTA)

Against — (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Paige Williams, Texas Classroom Teachers Association)

On — (*Registered, but did not testify*: Justin Porter, Marian Schutte, John Scott, Texas Education Agency)

BACKGROUND: Education Code ch. 30A establishes the state virtual school network to provide high-quality electronic course education for Texas students.

Some have suggested that schools could better serve the needs of students at risk of dropping out of school by offering additional remote learning options to those students.

DIGEST: HB 1678 would authorize a school district or charter school to operate a local remote learning program offering virtual courses outside the state virtual school network to eligible students at risk of dropping out of school. A virtual course offered under the local remote learning program would have to be provided through asynchronous instruction and provide for at least the same number of instructional hours as required for a course offered in a program that met the minimum number of minutes of school operation required by statute.

Provisions regarding the state virtual school network would not apply to a virtual course offered under a local remote learning program.

A student would be eligible to enroll in a local remote learning program virtual course if the student was enrolled at the high school level and at risk of dropping out and if the student's district or charter school determined that participation in the program was suitable for the student. The bill would require a district or charter school that operated such a program to develop a process to identify students who were eligible to enroll in virtual courses offered under the program and screen students to ensure that participation was suitable for the student.

A district or charter school could, but would not be required to, provide technological equipment to students who enrolled in a virtual course offered under a local remote learning program. A student enrolled in a virtual course offered under such a program would be counted toward the district's or charter school's average daily attendance in the same manner as other students. The commissioner of education would adopt rules providing for a method of taking attendance, once each school day, for students enrolled in one of these courses.

The bill would not prohibit a student of a district or charter school that offered such a program from enrolling in courses offered through the state virtual school network.

The bill would apply beginning with the 2023-2024 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.

SUBJECT: Allowing certain employees to appeal to independent hearing examiners

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 9 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal, Schatzline, Slaton, Tinderholt

0 nays

WITNESSES: For — Christopher Dyer, Dallas County Sheriffs' Association; Robin Foster, Harris County Deputies' Organization; Dallas Reed, Texas Municipal Police Association (*Registered, but did not testify*: Chris Jones, Jennifer Szimanski, Marvin Ryals, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officers' Association; David Batton, Harris County Deputies' Organization FOP 39; Ray Hunt, Houston Police Officers' Union; Robert Campbell, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs' Regional Alliance; Brien Casey, Williamson County Deputies' Association; Noel Johnson, Williamson County Sheriff's Office)

Against — (*Registered, but did not testify*: Kathy Mitchell, Just Liberty; Brian Hawthorne, Sheriffs' Association of Texas; Cicely Kay, Travis County Commissioners Court)

On — (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

BACKGROUND: Some have suggested that allowing an employee covered by an applicable county civil service system to appeal to an independent third-party hearing examiner would ensure a bipartisan and fair appeals process.

DIGEST: HB 993 would require a written notice for an applicable promotional bypass, demotion, or notice of disciplinary action issued to a county sheriff's employee to state that, in an appeal of a termination, suspension, promotional bypass, or recommended demotion, the appealing employee could elect to appeal to an independent third-party hearing examiner

instead of to a county civil service commission. The letter would be required to state that if the employee elected to appeal to a hearing examiner, the employee would waive all rights to appeal to a district court, with certain exceptions. To appeal to a hearing examiner, the appealing employee would be required to submit to a county civil service commission a written request as part of the original required notice of appeal stating the employee's decision to appeal to an independent third-party hearing examiner. The hearing examiner's decision would be final and binding on all parties.

If the employee chose to appeal to a hearing examiner, the employee and the sheriff, or their designees, would be required to first attempt to agree on the selection of an impartial hearing examiner. If the parties did not agree on the selection within 10 days after the appeal was filed, the county civil service commission would be required to immediately request a list of seven qualified neutral arbitrators from certain programs. The employee and the sheriff could agree on one of the neutral arbitrators on the list. If they did not agree within five working days after receiving the list, each party would be required to alternate striking a name from the list, and the remaining name would be the hearing examiner.

The parties would be required to agree on a date for the hearing which would have to begin as soon as the hearing examiner could be scheduled. If the hearing examiner could not begin the hearing within 45 calendar days of selection, the employee could, within two days after learning that fact, call for the selection of a new hearing examiner. In each hearing, the hearing examiner would have the same duties and powers as a county civil service commission, including the right to issue subpoenas. The hearing examiner would be authorized to uphold, reduce, or overturn the discipline imposed on the employee.

The parties could agree to an expedited hearing procedure under which the hearing examiner would be required to render a decision on the appeal within 10 days after the hearing ended. Otherwise, the hearing examiner would be required to make a reasonable effort to render a decision on the appeal within 30 days after the hearing ended or the briefs were filed. The hearing examiner's inability to meet time requirements would not affect the hearing examiner's jurisdiction, the validity of the disciplinary action,

or the hearing examiner’s final decision. The bill would required that the hearing examiner’s fees and expenses be shared equally by the appealing employee and by the sheriff's department. The costs of a witness would be paid by the party who called the witness.

No evidence of lost compensation would have to be required by the hearing examiner to award the employee compensation. If the suspension, termination, or demotion was overturned or reduced, the employee would be entitled to:

- full compensation for the actual time lost as a result of the suspension;
- restoration of or credit for any other benefits lost as a result of the suspension; and
- in the case of an overturning of a demotion, the difference in compensation between the position they were demoted from and the position they held between the demotion and the ruling of the hearing examiner.

If an employee was owed a monetary award for backpay after the final decision of the hearing examiner was rendered, the county's obligations would be the same as those established in statute.

A district court could hear an appeal of a hearing examiner’s award only on the grounds that the hearing examiner was without jurisdiction or exceeded the hearing examiner’s jurisdiction or that the order was procured by fraud, collusion, or other unlawful means or the ruling was arbitrary or capricious.

An appeal would be under the substantial evidence rule, and the judgment of the district court would be appealable. An appeal to district court would have to be filed with proper jurisdiction within 45 days after the hearing examiner issued the final ruling and state the basis for the appeal clearly. 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.

SUBJECT: Revising certain juvenile court procedures

COMMITTEE: Juvenile Justice & Family Issues — committee substitute recommended

VOTE: 7 ayes — Dutton, Lujan, Cook, J. Lopez, Martinez Fischer, Smithee, Talarico

0 nays

2 absent — Leo-Wilson, Wu

WITNESSES: For — (*Registered, but did not testify*: Amanda List, Texas Appleseed; Alycia Castillo, Texas Center for Justice and Equity; Roberto Lopez, Texas Civil Rights Project; Julie Wheeler, Travis County Commissioners Court; Ashley Harris, United Ways of Texas)

Against — None

BACKGROUND: Concerns have been raised that certain procedures within the juvenile justice system may hinder some individuals' rehabilitation and reentry into society.

DIGEST: Under CSHB 503, a court could order the sealing of records for a person placed on determinate sentence probation if the person:

- was not committed to the Texas Juvenile Justice Department (TJJD) for conduct eligible for a determinate sentence, habitual felony conduct, or felony-grade delinquent conduct for which the person was placed on probation;
- was not transferred to an appropriate district court; and
- had been discharged from the probation sentence.

The bill would specify that a court could not order the sealing of records for a person who was committed to TJJD or a post-adjudication secure correctional facility without a determinate sentence, unless the person had been discharged from the agency or facility.

The bill also would establish that a court would retain jurisdiction over a person, regardless of the person's age, who was a respondent in certain juvenile proceedings if the petition or motion was filed while the respondent was younger than 18 or 19 years old, the proceeding was not completed before the respondent turned 18 or 19 years old, and the court entered a finding that the proceeding had been delayed through no fault of the state.

The bill would take effect September 1, 2023, and would apply only to conduct that occurred on or after that date.

SUBJECT: Revising provisions for initial medical examinations for certain children

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Frank, Rose, Campos, Hull, Klick, Noble, Shaheen

1 nay — Ramos

1 present not voting — Manuel

WITNESSES: For — (*Registered, but did not testify*: Meagan Corser, Family Freedom Project; Judy Powell, Parent Guidance Center; Ajshay James; Thomas Parkinson)

Against — Marjan Linnell, Texas Pediatric Society

On — Stephanie Muth, DFPS (*Registered, but did not testify*: Erica Banuelos, Brock Boudreau, DFPS; Dr. Ryan Van Ramshorst, Health & Human Services Commission)

BACKGROUND: Family Code sec. 264.1076(b) requires the Department of Family and Protective Services (DFPS) to ensure that an initial medical examination is given to a child within three business days after the child was removed from their home if the child was removed due to sexual abuse, physical abuse, or an obvious physical injury or if the child had a chronic medical condition, medically complex condition, or diagnosed mental illness.

Concerns have been raised that DFPS has applied requirements for initial medical examinations to all children placed in its conservatorship, and that these extra examinations may be unnecessary or traumatizing to the child in some cases.

DIGEST: HB 463 would establish that only children removed due to sexual abuse, physical abuse, or an obvious physical injury or children with a chronic medical condition, medically complex condition, or diagnosed mental illness could receive an initial medical exam within three days of being removed from the home.

By December 31, 2024, DFPS would be required to submit a report to the standing committees of the House and the Senate with primary jurisdiction over child protective services and foster care evaluating the statewide implementation of the three-day medical examination requirement. For each region of the state, the report would have to include the level of compliance with the three-day medical examination requirement, the number of these medical examinations conducted, and the reason for each medical examination.

The bill would take effect September 1, 2023, and would apply only to children entering DFPS conservatorship on or after the effective date.

SUBJECT: Establishing a veterans-related training program for county jailers

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 6 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Rosenthal, Schatzline

2 nays — Slaton, Tinderholt

1 absent — Orr

WITNESSES: For — Mitch Fuller, Veterans of Foreign Wars Department of Texas (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Jim Brennan, Texas Coalition of Veterans Organizations; 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; Brian Hawthorne, Sheriffs Association of Texas; Dr. Blake Harris, Texas Veteran's Commission (*Registered, but did not testify*: Buddy Mills, Sheriffs' Association of Texas)

BACKGROUND: Some have suggested that encouraging jailers to understand the unique needs, medical characteristics, and military culture of the veteran population could improve outcomes and create safer jail environments for incarcerated veterans.

DIGEST: CSHB 1282 would require the Texas Commission on Law Enforcement to, in consultation with the Texas Veterans Commission, develop a training program for county jailers on interacting with veterans in the criminal justice system.

A person could not be appointed as a county jailer, except on a temporary basis, unless the person had satisfactorily completed the established training program. A county jailer who, on the effective date of the bill,

held a county jailer license would be required to complete the new training program by August 31, 2025.

The bill would take effect September 1, 2023, and would apply to any licensed county jailer, regardless of when their license was issued.

SUBJECT: Establishing the Rural County Law Enforcement Grant Program

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Rosenthal, Schatzline, Slaton, Tinderholt

0 nays

1 absent — Orr

WITNESSES: For — Jim Allison, County Judges and Commissioners Association of Texas; Dennis Gaas, Texas Justice of the Peace and Constables Association (*Registered, but did not testify*: Javier Salazar, Bexar County Sheriff's Office; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Adam Haynes, Conference of Urban Counties; Raymond Ochoa, Deputy Sheriffs' Association of Bexar County; Joe Morris, Game Warden Peace Officers Association; Brian Hawthorne, Sheriffs' Association of Texas; Charles Maley, South Texans' Property Rights Association; Leela Rice, Texas Council of Community Centers; Dallas Reed, Texas Municipal Police Association)

Against — None

On — (*Registered, but did not testify*: Will Counihan, Texas Comptroller of Public Accounts)

BACKGROUND: Some have suggested that more assistance is needed to support rural county law enforcement agencies with financial resources and staffing as they increasingly take on a greater role in the community.

DIGEST: CSHB 1487 would establish the Rural County Law Enforcement Grant Program. The bill would define "rural county law enforcement agency" as the sheriff's office or constable's office of a county with a population of 275,000 or less.

The comptroller would be required to establish and administer a grant program through which a rural county law enforcement agency could apply for a grant. The grant could be used to pay for:

- the salaries of certain employees, including the hiring of additional employees;
- the purchase, lease, or maintenance of equipment, vehicles, office technology services and hardware, and office infrastructure and related facilities; and
- any costs for personnel training and related office expenses.

A rural county law enforcement agency could apply for a grant no more than once each fiscal year. The comptroller would be required to award a grant to a rural county law enforcement agency that applied for the grant using money appropriated for that purpose. The grant could not be more than:

- $250,000, if the applicant was located in a county with a population of less than 10,000;
- $350,000, if the applicant was located in a county with a population between 10,000 and 50,000; or
- $500,000, if the applicant was located in a county with a population between 50,000 and 275,000.

Before a rural law enforcement agency used grant money, the agency would be required to obtain written approval to use the money from the applicable county commissioners court. A rural county law enforcement agency that was awarded a grant would be required to return any unspent money to the comptroller by the second anniversary of when the money was disbursed to the agency.

By December 1 of each even-numbered year, the comptroller would be required to submit a report to the Legislature on the results and performance of the grant program. The comptroller would be required to adopt rules to administer the bill, including rules that established:

- eligibility criteria for grant applicants;

- grant application procedures;
- guidelines relating to grant amounts;
- procedures for evaluating grant applications; and
- procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

The bill would take effect January 1, 2024.

NOTES:

According to the Legislative Budget Board, the fiscal implications of CSHB 1487 cannot be determined because costs are dependent upon the amount appropriated to the program, the number of applicants, and the number of grantees.

SUBJECT: Prohibiting release to mandatory supervision for certain violent offenses

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Sherman, Swanson, Toth

0 nays

1 absent — Murr

WITNESSES: For — Andy Kahan, Crime Stoppers Houston; Joyelle Johnson (*Registered, but did not testify*: James Parnell, Dallas Police Association; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; Rhonda Kuykendall, Human Trafficking Survivor Leader Council; Ashley Brooks, Texas Association Against Sexual Assault; Lauren Lluveras, Texas Council on Family Violence; Jourdan Johnson; Thomas Parkinson)

Against — (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Allen Place, Texas Criminal Defense Lawyers Association; Henry Bohnert; Benny Hernandez)

On — (*Registered, but did not testify*: Bobby Lumpkin, Texas Department of Criminal Justice; Benny Hernandez III)

BACKGROUND: Some have suggested that giving the Board of Pardons and Paroles more discretion in determining parole eligibility regarding the release of certain violent offenders, particularly those whose offenses were against family members and women, could improve public safety and prevent further crimes against women.

DIGEST: HB 1577 would add certain offenses to the list of convictions that would prevent an inmate's release to mandatory supervision, including assault-related second-degree felonies and any assault-related offense involving:

- dating, family and household violence;
- a forced abortion; or

- a known pregnancy.

The bill would take effect September 1, 2023, and would apply only to offenses committed on or after the effective date.

SUBJECT: Amending reporting of child abuse or neglect

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Campos, Hull, Klick, Manuel, Noble, Shaheen

2 nays — Rose, Ramos

WITNESSES: For — Andrea Sparks, Buckner International; Meagan Corser, Family Freedom Project; Judy Powell, Parent Guidance Center; Kate Murphy, Texans Care for Children; Julia Hatcher, Texas Association of Family Defense Attorneys; Andrew Brown, Texas Public Policy Foundation (*Registered, but did not testify*: Krystal Grimes, Bluebonnet Counseling Association; Bradley Pierce, Heritage Defense)

Against — (*Registered, but did not testify*: Paige Williams, Texas Classroom Teachers Association; Suzi Kennon, Texas PTA)

On — (*Registered, but did not testify*: Stephen Black, Sasha Rasco, Christine Steinberg, DFPS)

BACKGROUND: Some have suggested that reporting requirements for suspected child abuse or neglect should be revised to reduce the number of inappropriate or unfounded reports made.

DIGEST: **Mandatory reporting.** CSHB 1667 would remove a provision requiring any person with reasonable cause to believe that abuse or neglect had adversely affected a child's health or welfare to immediately make a report. The bill would remove provisions which required a professional to report an offense of indecency with a child for which the professional had reasonable cause to believe that the child had been abused.

A person who was not a professional could make a report of child abuse or neglect if the person had reasonable cause to believe that abuse or neglect had adversely affected a child's health or welfare. A reporter's identity would be confidential and could be disclosed only by court order

under certain circumstances, to a law enforcement officer for a criminal investigation of the report, or if the report authorized disclosure in writing.

Referrals to services. Concerns solely related to a child's behavior, truancy, or conditions of poverty that did not adversely affect the child's physical or mental health or welfare would not have to be reported. If the professional had reasonable cause to believe the child was not at risk of abuse or neglect based on these concerns, a professional could refer the family to a community-based prevention or family preservation services provider instead of reporting to a law enforcement agency or applicable state agency.

A professional who made such a referral would have to make reasonable efforts to ensure that the family was connected with an appropriate service provider. A community-based prevention or family preservation services provider that received such a referral would have to provide appropriate resources or referrals to enhance the parents' ability to provide a safe and stable home environment for the child.

The option to provide community referrals would not apply to cases in which a professional had reasonable cause to believe that a child had been or could be subjected to certain aggravated circumstances, including child abandonment, serious bodily injury or sexual abuse by a parent, and certain other offenses.

A professional who was required to make a report would not commit an offense for failing to report if the professional referred the child's family to an appropriate service provider instead of making a report.

Training. Professionals required to report child abuse or neglect would have to receive training regarding reporting requirements, including matters to be reported, alternatives to reporting, matters that could be referred to appropriate service providers, and procedures for reporting. The Department of Family and Protective Services (DFPS) would develop this training program.

Contents of reports. A person who made a report of child abuse or neglect would have to provide their name and contact information. DFPS

would be required to make reasonable efforts to obtain information required to be in a report. If DFPS was unable to obtain the reporter's name and contact information, DFPS could investigate the report under procedures for investigating anonymous reporting.

Required disclosures. An agency or organization receiving a report of child abuse or neglect would have to inform the reporter that:

- the person was required to provide their name and contact information;
- the person's identity would be confidential and subject to disclosure only under certain circumstances; and
- knowingly making a false report with the intent to deceive was a criminal offense.

The bill would take effect September 1, 2023, and would apply only to reports of suspected child abuse or neglect made on or after the effective date.

SUBJECT: Requiring DFPS to provide notification of changes to investigation reports

COMMITTEE: Human Services — favorable, without amendment

VOTE: 7 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble

1 nay — Shaheen

1 absent — Ramos

WITNESSES: For — (*Registered, but did not testify*: Andrea Sparks, Buckner International; M Paige Williams, Dallas Criminal District Attorney John Creuzot; Kate Murphy, Texans Care for Children; Stephanie Battaglia, Texas CASA; Amy Bresnen, Texas Family Law Foundation; Lauren Rose, Texas Network of Youth Services; Brittney Taylor-Ross, TexProtects; Cicely Kay, Travis County Commissioners Court; Cynthia Van Maanen, Travis County Democratic Party)

Against — None

On — Marta Talbert, DFPS

BACKGROUND: Some have suggested that interested parties should be notified of changes made to child abuse or neglect investigation reports to ensure these parties can effectively help the child.

DIGEST: HB 1990 would require the Department of Family and Protective Services (DFPS) to notify certain parties of any edits or corrections DFPS made to written child abuse or neglect investigation reports, including the child's parent, the parent's attorney, the child's attorney ad litem and guardian ad litem, and any other person the court determined had an interest in the child's welfare.

The bill would take effect September 1, 2023.

SUBJECT: Creating remedies for certain property owners' association violations

COMMITTEE: Business & Industry — favorable, without amendment

VOTE: 7 ayes — Longoria, Vasut, Cole, Frazier, Isaac, Lambert, Neave Criado

2 nays — J. González, Hinojosa

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

Against — Martha Perkins, Texas Community Association Advocates; Clint Brown, Texas legislative action committee (*Registered, but did not testify*: Drew Campbell, Associa)

BACKGROUND: Concerns have been raised that there may be a lack of available remedies for when a property owners' association board member violates the Texas Residential Property Owners Protection Act or a dedicatory instrument.

DIGEST: HB 1367 would create provisions related to the recall of property owners' association board members and board member violations of the Texas Residential Property Owners Protection Act or the association's dedicatory instruments.

Recall of board members. HB 1367 would allow owners holding at least 20 percent of all voting interests in a property owners' association to petition the association and require a special meeting to be called for the sole purpose of conducting a recall election for a member of the board. The petition could not name more than one board member to be subject to recall.

Each owner signing the petition would be required to provide the owner's name, residential address, and the date signed. The petition would have to be sent by certified mail, return receipt requested, to the registered agent of the property owners' association at the address for the association according to the most recently filed management certificate.

Within 90 days after the property owner's association received the petition, the association would be required to hold a meeting for the sole

purpose of conducting the recall election. If the majority of the votes received were for the recall of the named board member, the member's position on the board would become vacant immediately. The board could appoint a new member to serve for the remainder of the unexpired term of the position.

Board member violations. An owner could bring an action against a property owners' association for violation of the Texas Residential Property Owners Protection Act or the association's dedicatory instruments by a board member while acting in the member's official capacity.

The owner could file a petition against the association with the justice of the peace property precinct in which all or part of the property was located. If the justice of the peace found that the board member committed a violation while acting individually or with other board members, the justice of the peace could grant a judgment:

- ordering the property owners' association to immediately remove the board member from the board;
- against the property owners' association for damages incurred by the owner as a result of the violation; or
- authorizing the owner to deduct the amounts awarded to the owner from any future or special assessments payable to the property owners' association.

The prevailing party would be entitled to a judgment for court costs and reasonable attorney's fees incurred by the party in connection with the action.

The owner would be required to send written notice to the association of their intent to bring an action by the 10th business day before they brought an action against a property owners' association. The written notice would have to be mailed in a specific manner and describe the alleged violation with sufficient detail.

The bill would take effect September 1, 2023, and would apply only to a violation that occurred on or after the effective date.

SUBJECT: Authorizing formation of a municipal housing authority asset commission

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Lozano, Gates, Bernal, Cortez, J. González

3 nays — Cunningham, Hayes, Tepper

1 absent — Romero

WITNESSES: For — Gerald Cichon, CEO - El Paso Housing Authority (*Registered, but did not testify*: John Montford, City of El Paso Housing Authority; Sarah Anderson)

Against — None

BACKGROUND: Some have suggested that a local municipal housing authority would benefit from the ability to form a commission to protect and preserve its financial assets.

DIGEST: HB 2625 would authorize the formation of a municipal housing authority asset commission by a housing authority operating in:

- a county with a population of at least 800,000 located on the international border; and
- a municipality with a population of at least 600,000 or more located in that county.

The asset commission would be formed by adoption of a resolution by the commissioners of the municipal housing authority and at least 80 percent of the members of the commissioners court of the county. The commission would be composed of five members serving staggered terms of five years and appointed by a majority of the municipal housing authority's commissioners. An asset commission member would be required to:

- be a licensed real estate broker;

- be a certified public accountant;
- be a licensed attorney certified in real estate law;
- have at least five years of continuous experience in property management;
- have at least five years of continuous experience in finance, accounting, or banking;
- have at least five years of continuous experience as an architect, engineer, or surveyor;
- have at least five years of continuous experience in developing, financing, constructing, operating, or managing a multifamily housing portfolio of at least 3,000 units;
- have at least five years of continuous experience as an owner or management representative of a private, a nonprofit, an educational, or a governmental entity with at least 500 employees; or
- be a current or former chief executive officer, chief financial officer, or executive director of a public housing authority that owned or managed at least 5,000 units.

In addition to these qualifications, at least one asset commission member would be required to have at least 10 years of experience in a field related to the management or operation of apartments funded by low income housing tax credits.

The bill would specify certain persons who could not serve as an asset commission member, including officials and employees of local governments, commissioners and employees of the housing authority that formed the commission, and persons with a current or recent interest in a contract with the housing authority.

An asset commission member could not have dealings for pecuniary gain with the housing authority that formed the commission or a public facility corporation (PFC) sponsored by the authority, or own, acquire, or control interest in a housing project or related contracts. A commission member would be required to immediately disclose any such interest to the housing authority and the commission.

An asset commission would have to approve by majority vote the following actions by a municipal housing authority:

- the acquisition, sale, transfer, conveyance, or disposition of any asset of the authority or a PFC sponsored by the authority valued over $100,000; and
- the trading, financing, refinancing, or issuance of a bond secured by or associated with any asset of the authority or a PFC sponsored by the authority.

An asset commission could hold or own an interest in such assets only if it was held in trust for the sole and exclusive benefit of the municipal housing authority that formed the commission. The asset commission could delegate powers and duties to an agent or employee of the commission or the housing authority.

The bill would provide for the compensation and reimbursement of commission members. Commission meetings would be subject to the Open Meetings Act in Government Code.

The bill would take effect September 1, 2023.

SUBJECT: Authorizing license holders to bring an action for certain local laws

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Leach, Murr, Schofield, Slawson, Vasut

3 nays — Julie Johnson, Flores, Moody

1 absent — Davis

WITNESSES: For — Bill Lauderback, Texans for Economic Freedom (*Registered, but did not testify*: Stephen Scurlock, Independent Bankers Association of Texas; Arif Panju, Institute for Justice; Sarah Douglas, National Federation of Independent Business; Joshua Massingill, Texas Chiropractic Association; Derek Cohen, Texas Public Policy Foundation; Matthew Posey, Tx Aggregate & Concrete Association)

Against — Tim Morstad, AARP; Luis Figueroa, Every Texan; Ana Gonzalez, Texas AFL-CIO; Ann Baddour, Texas Appleseed; Jenny Andrews, Texas Catholic Conference of Bishops (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Brie Franco, City of Austin; Jon Weist, City of Irving; Andrew Fortune, City of Plano; Nadia Islam, City of San Antonio; Kathy Mitchell, Just Liberty; Bill Kelly, Mayor's Office, City of Houston; Rick Levy, Texas AFLCIO; John Litzler, Texas Baptist Christian Life Commission; Thomas Kennedy, Texas Building Trades; Carisa Lopez, Texas Freedom Network; Joshua Houston, Texas Impact; Monty Wynn, Texas Municipal League; Cynthia Van Maanen, Travis County Democratic Party; Kenneth Sumberlin, TSAEW/ IBEW; Daniela Hernandez, Workers Defense Action Fund; and 15 individuals)

BACKGROUND: Concerns have been raised that some municipalities may have occupational licensing ordinances that are more stringent than state law, which could negatively impact small businesses.

DIGEST: HB 2266 would allow occupational license holders subject to a local law to bring actions against a municipality to enjoin certain local laws.

The license holder would be required to demonstrate that, by a preponderance of the evidence, the local law:

- would establish requirements for, impose restrictions on, or otherwise regulate the occupation or business activity of the license holder in a manner that was more stringent than the requirements, restrictions, or regulations imposed on the license holder under state law; or
- would result in an adverse economic impact on the license holder.

The license holder would be required to bring the action in a district court in a county that included any territory of the municipality that adopted the local law or in Travis County.

The license holder could provide evidence regarding the adverse economic impact of similar local laws in other jurisdictions inside or outside of the state.

If the license holder satisfied the burden of proof, the municipality defending the action would have the burden of establishing by clear and convincing evidence that the local law:

- did not conflict with state law; and
- was necessary and narrowly tailored to protect against actual and specific harm to the public's health or safety.

The court could grant any prohibitory or mandatory relief warranted by the facts, including a temporary restraining order, and a temporary or permanent injunction.

The bill would allow the court to award costs and reasonable and necessary attorney's fees to be paid by the defending municipality to the prevailing license holder.

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.

SUBJECT: Amending regulations and defining vision support organizations

COMMITTEE: Business & Industry — committee substitute recommended

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

0 nays

WITNESSES: For — Jennifer Deakins, Texas Optometric Association (*Registered, but did not testify*: Tommy Lucas, Texas Optometric Association)

Against — None

BACKGROUND: Some have suggested that requiring certain vision support organizations to register with the state could improve transparency and accountability for private entities engaged in business agreements with optometrists.

DIGEST: CSHB 2081 would define a "vision support organization" as an entity that provided two or more business support services to an optometrist under one or more agreements.

The bill would require a vision support organization to annually register with the secretary of state. This registration would also be considered the registration of any subsidiary, contractor, or affiliate of the vision support organization if required information from each subsidiary, contract or affiliate was included. The registration would include certain information pertaining to the vision support organization, including services provided and the names and business addresses of parties involved in agreements.

A registration would have to be filed by January 31 of each year for which the registration was effective. A vision support organization that initially met the requirements after January 31 would be required to file the registration within 90 days after the execution of an agreement to provide business support. A vision support group would be required to file a corrected registration semiannually as necessary.

The registration and each corrected registration would be accompanied by a fee set by the secretary of state in an amount necessary to cover the costs of administering the bill's provisions. A registration would not be effective until the fee was paid.

A person who failed to file a registration or corrected registration would be liable for a maximum civil penalty of $1,000. Each day a violation continued or occurred would be a separate violation for the purpose of imposing the civil penalty. The attorney general would file suit to collect the civil penalty. The suit could be filed in Travis County or any county where the vision support organization provided business support services.

The bill would not limit business support services that a vision support organization could provide to an optometrist and would not require registration by community health centers, accredited colleges of optometry or medicine, certain nonprofit corporations, and certain other entities.

The secretary of state would be required to enter into an interagency memorandum to share the collected information with any relevant agency. The Texas Optometrist Board could not adopt any rule limiting the right of an optometrist to contract with a vision support organization for business support services that were otherwise legally permissible.

CSHB 2081 would take effect September 1, 2023, and vision support organizations would not be required to register before February 1, 2024.

SUBJECT: Amending fees and payment requirements to designated doctors

COMMITTEE: Business & Industry — committee substitute recommended

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

0 nays

WITNESSES: For — William Lawson, Texas Chiropractic Association (*Registered, but did not testify*: Bobby Hillert, Texas Orthopaedic Association)

Against — None

On — (*Registered, but did not testify*: Mary Landrum, Texas Department of Insurance, Division of Workers' Compensation)

BACKGROUND: Labor Code sec. 408.0041(a) states that, at the request of an insurance carrier or an employee, or on the commissioner of workers' compensation own orders, the commissioner may order a medical examination to resolve certain questions about the employee's impairment and treatment.

Labor Code sec. 408.0041(f)(f-2) states that if an insurance company is unsatisfied with an opinion rendered by a designated doctor, the insurance carrier may request that the commissioner order an employee to attend an examination by a doctor selected by the carrier.

Some have suggested that adjusting payments for certain medical examinations under workers' compensation and requiring a no-show fee could prevent further decreases in the number of designated doctors selected, certified, and trained by the division of worker's compensation.

DIGEST: CSHB 2702 would require an employee who failed or refused to appear at the time and place scheduled for a required medical examination for employees on workers' compensation to pay a minimum fee of $100 to the designated doctor or doctor selected by the insurance carrier, if the failure to appear was without good cause as determined by the commissioner of workers compensation

Adjustment of certain fees. By January 31 of each year beginning in 2025, the commissioner would adjust for inflation the amounts required to be paid by an insurance carrier:

- for certain required medical examinations for employees on workers' compensation;
- for medical examinations conducted to determine questions about the impairment caused by compensable injury or the attainment of maximum medical improvement; and
- the fee for failure or refusal of an employee to appear.

The commissioner would adopt rules as necessary to implement these provisions, including rules providing for the computation of the amount of adjustment of fees, which could include use of the Medicare Economic Index.

By January 31, 2024, the commission would adjust the amounts required to be paid by an insurance carrier described in the bill for inflation. The commissioner would compute the amount of the adjustment based on the percentage increase in the Medicare Economic Index for the period beginning on the date that the fee was last set or adjusted by the commissioner ending January 1, 2024. This section of the bill would expire January 1, 2025.

By April 1, 2024, the commissioner of workers' compensation would adopt all rules necessary to implement the fee for failure or refusal to appear and the adjustment of this and other fees, as prescribed by the bill.

The bill would take effect September 1, 2023, and would apply only to a scheduled medical examination on or after March 1, 2024.