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HOUSE RESEARCH ORGANIZATION

daily floor report

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

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 Three 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

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Part 3

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SUBJECT: Requiring inclusion of certain options on title and registration forms

COMMITTEE: Transportation — favorable, without amendment

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

0 nays

2 absent — Raney, Patterson

WITNESSES: For — (*Registered, but did not testify:* Arturo Ballesteros, North Texas Tollway Authority)

Against — None

On — (*Registered, but did not testify:* Clint Thompson, TxDMV)

BACKGROUND: Some have suggested that requiring an application form for motor vehicle title and registration to include an option for transferring the license plates from another vehicle to the vehicle on the application would reduce the number of temporary paper license plates on Texas roads and simplify the car buying process.

DIGEST: HB 3862 would require an application form for title and registration to include an option for the applicant to transfer license plates from another vehicle to the vehicle on the application and allow the applicant to attach the appropriate form necessary for the transfer of the license plates.

The bill would take effect September 1, 2023.

- SUBJECT:** Requiring notices for public water supply outages or advisories
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 11 ayes — T. King, E. Thompson, Gámez, Kacal, Kitzman, Lalani, Metcalf, Price, Ramos, Rogers, Zwiener
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Luke Metzger, Environment Texas; Alex Ortiz, Sierra Club; Jeremy Mazur, Texas 2036)
- Against — (*Registered, but did not testify*: Clifford Sparks, City of Dallas; Angela Hale, City of McKinney and McKinney Chamber of Commerce)
- On — Jerry Homan, Association of Water Board Directors; Steve Bresnen, North Harris County Regional Water Authority (*Registered, but did not testify*: Craig Pritzlaff, Michelle Risko, TCEQ)
- BACKGROUND:** Some have suggested that certain communication and response protocols related to public water supply outages and advisories should be improved.
- DIGEST:** HB 3810 would require a person in charge of a public water supply system to immediately notify the Texas Commission on Environmental Quality (TCEQ) of a condition that had caused or could cause a public water supply outage or the issuance of certain water contamination advisories. TCEQ could collaborate with the Texas Division of Emergency Management in regulating the method of the notification.

The bill would take effect September 1, 2023.

- SUBJECT:** Revising arbitration provisions for nonprofit corporations
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Schofield, Slawson, Vasut
0 nays
1 absent — Davis
- WITNESSES:** For — Allan Lazor, Grand Lodge of Texas (*Registered, but did not testify*: Ray Sullivan, American Property and Casualty Insurance Association; Brady Elliott, Grand lodge of Texas; Larry McDougal)
Against — None
- BACKGROUND:** Civil Practice and Remedies Code ch. 173 establishes that a provision in the bylaws of a nonprofit corporation that requires a member to arbitrate at common law to resolve a controversy between members is a valid, enforceable, and irrevocable agreement by a member to arbitrate the controversy. Civil Practice and Remedies Code ch. 173 also establishes that a written agreement to submit a controversy to arbitration at common law is valid and enforceable if the agreement is to arbitrate a controversy that arises between the parties after the agreement date.
Some have suggested that providing clear guidelines for arbitration of a controversy at the member or individual level of a nonprofit corporation and making arbitration within a corporation valid, enforceable, and binding would help to make such arbitration more efficient and prevent further controversy in the future.
- DIGEST:** CSHB 3949 would amend Civil Practice and Remedies Code ch. 173 to establish that bylaw provisions requiring a member to arbitrate at common law a controversy that arises between the nonprofit corporation and its members, in addition to between members, is a valid, enforceable, and irrevocable agreement by a member to arbitrate the controversy.

The bill also would amend Civil Practice and Remedies Code ch. 173 to extend its applicability regarding bylaw provisions and written agreements to the following associations and corporations:

- the grand lodge of Texas, Ancient, Free and Accepted Masons;
- the Grand Royal Arch Chapter of Texas;
- the Grand Commandery of Knights Templars of Texas;
- the grand lodge of the Independent Order of Odd Fellows of Texas;
- or
- other similar institutions or orders organized for charitable or benevolent purposes.

The bill would only apply to a controversy arising on or after the effective date of the bill.

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:** Entitling a user to damages for prohibited social media censorship
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 5 ayes — Leach, Murr, Schofield, Slawson, Vasut
4 nays — Julie Johnson, Davis, Flores, Moody
- WITNESSES:** For — W. Scott McCollough, Texas Net; Anne Newman (*Registered, but did not testify*: Tom Glass, Texas Constitutional Enforcement; Gregory Porter, Texas For Liberty; Michelle Evans; Thomas Parkinson)
Against — (*Registered, but did not testify*: Lee Ann Alexander, American Property Casualty Insurance Association; Gentry McLean)
On — (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)
- BACKGROUND:** Some have suggested that allowing statutory damage recovery in actions against social media platforms could prevent social media censorship from infringing on individual’s rights.
- DIGEST:** HB 3752 would entitle a social media user to recover statutory damages in an amount between \$750 and \$30,000 for each violation if the user proved that a social media platform violated social media censorship provisions with respect to the user. The bill would prohibit current law governing standards for recovery of exemplary damages from applying to an action under these provisions.

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

- SUBJECT:** Providing for the administration of medication to certain defendants
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 5 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Rosenthal
4 nays — Orr, Schatzline, Slaton, Tinderholt
- WITNESSES:** For — Lyssette Galvan, NAMI Texas (*Registered, but did not testify*: Aaryce Hayes, Disability Rights Texas; David Batton, Harris County Deputies Organization FOP 39; Guy Herman, Presiding Statutory Probate Judge of Texas; Brian Hawthorne, Sheriffs Association of Texas; Dallas Reed, Texas Municipal Police Association; Molly Cook)
Against — None
- BACKGROUND:** Code of Criminal Procedure art. 46B.0825 requires a sheriff or sheriff's deputy with custody of a defendant for the purposes of transportation to court or restorative education services to ensure that the defendant is provided with prescribed medication, unless directed otherwise by a physician. A sheriff is entitled to reimbursements from the state to the extent that the funds are appropriated for that purpose. If funds are not available to the sheriff, the sheriff is not required to provide a defendant with prescribed medication.
Some have suggested that the administration of medication to certain defendants in sheriff custody could help to address gaps in treatment, support rehabilitation, and reduce recidivism.
- DIGEST:** CSHB 3346 would amend Code of Criminal Procedure art. 46B.0825 to require a sheriff and a sheriff's deputy with custody of a defendant that was discharged from a facility, jail-based competency restoration program, or outpatient competency restoration program to ensure that the defendant is provided with prescribed medication, unless a physician directed otherwise.

The bill would add the requirement that the sheriff or sheriff's deputy, in accordance with applicable law, compel the defendant to take all prescribed medication to ensure the defendant's continuity of care. If the defendant was being treated with psychotropic medication, the sheriff or sheriff's deputy would be required to ensure that the administration of the medication continue, unless the jail physician directed otherwise.

The jail physician would be required to appropriately document the need for any discontinuation or other change in the use or amount of medication after consulting with the physician who treated the defendant at the facility or program to ensure that the change does not adversely affect the defendant's mental health or ability to continue with court proceedings.

The Health and Human Services Commission would be required to reimburse a sheriff for the cost of providing such medication.

The bill would take effect September 1, 2023.

- SUBJECT:** Authorizing court clerks to collect and remit restitution payments
- COMMITTEE:** Corrections — favorable, without amendment
- VOTE:** 7 ayes — Herrero, Kacal, Allen, R. Lopez, Sherman, Swanson, Toth
0 nays
2 absent — V. Jones, Murr
- WITNESSES:** For — Jon Gimble, McLennan co District Clerk (*Registered, but did not testify*: James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers' Union; Anthony Kivela, Houston Police Retired Officers Association; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance)
Against — None
On — (*Registered, but did not testify*: Ron Steffa, TDCJ)
- BACKGROUND:** Some have suggested that court clerks should be responsible for collecting all court-ordered costs, including restitution, from releasees from parole or mandatory supervision.
- DIGEST:** CSHB 3603 would require the Texas Department of Criminal Justice (TDCJ) to transmit restitution payments collected from a releasee to the clerk of the court that ordered the restitution.

TDCJ would be required to make the transmission as soon as practicable. Accordingly, TDCJ would be required to provide the releasee's name and other relevant identifying information, the cause number, and the payment amount when transmitting a payment. On the receipt of a payment from TDCJ, the court clerk would be required to process and account for the payment as if it had been made directly to the court clerk.

The court clerk would then be responsible for remitting the payment to the victim, in addition to other responsibilities previously exercised by TDCJ including:

- providing notification by certified mail to a victim's last known address if the victim could not be located;
- reporting and delivering restitution payments to the comptroller once presumed abandoned, after five years of remaining unclaimed; and
- annually certifying that the court was not holding any abandoned and unclaimed restitution payments.

The bill would take effect December 1, 2023.

- SUBJECT:** Amending certain provisions on SCJC complaints and sanctions
- 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 — (*Registered, but did not testify:* M Paige Williams, Dallas Criminal District Attorney John Creuzot)
Against — None
On — Jacqueline Habersham, Zindia Thomas, State Commission on Judicial Conduct
- BACKGROUND:** Concerns have been raised that judges against whom proceedings have been initiated by the State Commission on Judicial Conduct (SCJC) are not required to be suspended and may still be named on a list of retired or former judges allowed to be assigned cases, if otherwise qualified.
- DIGEST:** HB 3452 would require the State Commission on Judicial Conduct (SCJC) to collect a sworn statement from each person who filed a complaint against a judge attesting that the contents of the complaint are true to the best of the person's knowledge.

Under the bill, only judges who received sanctions or censures that were public, including a public admonition or warning, would be entitled to a review of the commission's decision by a special court of review. The special court of review would be required to review sanctions issued in an informal proceeding in the same manner as sanctions or censures issued in a formal proceeding, rather than in a trial de novo. The bill also would establish that the court's decision would be appealable only by the commission in an appeal to the supreme court.

Upon initiation of formal proceedings, the SCJC would be required to suspend a judge from office without pay pending final ruling within 10 days of the appointment of a special master, unless the special master made a recommendation against the suspension.

The bill also would add the requirement that to be on the list of retired or former judges subject to assignment, a judge could not have received more than one public sanction from the SCJC that was determined to be warranted by a court of review.

The bill would take effect September 1, 2023.

- SUBJECT:** Amending certain Estates Code provisions related to guardianship
- COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended
- 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; Terry Hammond, Texas Guardianship Association; Craig Hopper, Texas Real Estate Probate Institute; Dyann McCully, TREP; Calvin Tillman; Al Zito)
- Against — None
- BACKGROUND:** Some have suggested that certain areas of guardianship law should be revised to remove barriers to those practicing guardianship law and individuals impacted by guardianship experiences.
- DIGEST:** CSHB 3184 would amend the Estates Code to allow for the use of alternative delivery services and make other changes to procedures related to guardianship.
- Qualified delivery method.** CSHB 3184 would allow for the use of a qualified delivery service for the serving of certain citations or notices related to guardianship proceedings. The bill would define "qualified delivery method" as:
- hand delivery by courier, with courier's proof of delivery receipt;
 - certified or registered mail, return receipt requested, with return receipt; or
 - a private delivery service designated as a designated delivery service by the United States Secretary of the Treasury in statute, with proof of delivery receipt.

The bill would include conforming changes to allow for the use of a qualified delivery service, instead of only registered or certified mail.

The bill would specify that, in addition to the date of mailing, the date of service could be either the date of deposit with the private delivery service or the date of delivery by the courier, as applicable. A proof of delivery receipt would be allowed as an alternative for a returned receipt for citations or notices. The bill would make other conforming changes to allow for the use of private delivery service and couriers.

The bill would require the applicant or movant in a guardianship proceeding to pay the delivery cost of a citation or notice.

Service on party's attorney of record. The bill would specify that provisions requiring that citations or notices be served on the attorney representing a party in a guardianship proceeding would include a proposed ward who had been personally served with notice of the proceeding and was represented by an attorney ad litem.

Designation of guardian by will or written declaration. The bill would allow a person who was both a surviving parent and a guardian of an incapacitated person's estate to appoint an eligible person to serve as guardian of the person's estate in the event of the parent dying, resigning as guardian of the estate, or becoming incapacitated.

If the surviving parent was both the guardian of the person and guardian of the estate of the incapacitated person, the parent would be authorized by will or written declaration to appoint different eligible persons to serve in each role.

Access and management of ward's funds by guardian of person. The bill would authorize a guardian of the person of a ward for whom the court had not appointed a guardian of the estate to access, manage, and spend the ward's fund in an amount not to exceed \$20,000 per year for the ward's benefit, if authorized by court order. The court would require the guardian to file an annual report detailing any expenditures made for the benefit of the ward, in addition to a bond or rider that met certain surety

requirements. When there was no longer a need for a guardian of the person to access, manage, or spend the ward's funds, the guardian would be required to file a sworn affidavit of fulfillment with the court. After the filing, the court could authorize the guardian to file a new bond or rider that meets the requirements established in statute and could discharge the guardian of the person and their sureties on a bond.

Claims in general. The bill would exempt a guardian of the estate from providing notice on claims if another person appointed as guardian or a former guardian had already provided notice.

Compensation for certain guardians of the person. The bill would amend the maximum compensation limit that a court could authorize for a guardian serving as a guardian of a person alive from 5 percent of the ward's gross income to the greater of \$3,000 per year or 5 percent of the ward's gross income.

Authority to sell minor's interest in property without guardianship. The bill would change from \$100,000 to \$250,000 the maximum net value for an interest owned by a minor that eligible parents, managing conservators, or guardians could apply to the courts for an order to sell or receive an extension of credit on without being appointed guardian.

Distribution of property for incapacitated spouse. The bill would authorize a court, upon finding that a ward's spouse had failed to comply with an order to deliver up to one-half of their community property to the incapacitated spouse, to order a third-party or entity in possession to deliver to the incapacitated spouse's guardian of the estate the community property. The bill would require that the court provide the spouse with notice and a hearing prior to issuing the order.

Payment of claims to a resident creditor. The bill would change the amount of \$100,000 to \$250,000 in the established definitions of "resident creditor" and "creditor."

The bill also would remove the requirement for a nonresident to have a nonresident guardian of the estate appointed by that court in order to qualify as a nonresident creditor.

The bill would take effect September 1, 2023, and would apply only to:

- actions filed or a guardianship proceeding commenced on or after the effective date;
- applications for a court order filed on or after the effective date;
and
- payments made by a debtor on or after the effective date.

- SUBJECT:** Allowing APRNs to examine people for certain guardianship proceedings
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Slawson, Vasut
1 nay — Schofield
1 absent — Davis
- WITNESSES:** For — Ben King, Ross & Shoalmire PLLC (*Registered, but did not testify*: Andrew Cates, Texas Nurse Practitioners; Guy Herman)
Against — None
- BACKGROUND:** Some have suggested that advanced practice registered nurses (APRN) should be allowed to perform evaluations for certain guardianship proceedings, as these nurses are often the most familiar with a ward's or proposed ward's condition.
- DIGEST:** HB 3009 would allow an advanced practice registered nurse (APRN) acting under a physician's delegation authority and supervision to perform evaluations for certain guardianship proceedings. An APRN could perform evaluations for:
- determining a proposed ward's incapacity;
 - determining a proposed ward's intellectual disability;
 - establishing probable cause for court-initiated investigations related to a person's incapacity and whether guardianship was necessary; and
 - determining a ward's capacity for the purposes of restoring a ward's capacity or modifying a ward's guardianship.

An APRN's opinion or determination based on an examination of a proposed ward would be considered the delegating physician's opinion or determination regarding:

- the proposed ward's ability to operate a motor vehicle and make personal decisions on voting;
- updates or endorsements to a prior determination of a proposed ward's intellectual disability; and
- a letter or certificate regarding restoration of a ward's capacity or modification of a ward's guardianship.

The bill also would require a psychologist performing an evaluation of a proposed ward's intellectual disability to be licensed by the Health and Human Services Commission instead of the Department of Aging and Disability.

The bill would take effect September 1, 2023, and would apply only to applications for certain guardianship proceedings filed on or after the effective date.

SUBJECT: Assessing the use of government property to house homeless veterans

COMMITTEE: Defense & Veterans' Affairs — favorable, without amendment

VOTE: 6 ayes — Wilson, R. Lopez, Bumgarner, Garcia, Morales Shaw, Muñoz,

2 nays — Dorazio, Slaton

1 absent — Frank

WITNESSES: For — Charlie Malouff, Texas C.U.R.E., Inc; Virginia Simonson, Texas Council of Chapters, Military Officers Association of America; Steven Price, The VOICE of Our Veterans; Mitch Fuller, Veterans of Foreign Wars Department of Texas (*Registered, but did not testify*: TJ Patterson, City of Fort Worth; Alexa Aragonez, City of Houston, Mayor's Office; Christine Yanas, Methodist Healthcare Ministries; Jim Brennan, Texas Coalition of Veterans Organizations; Denise Gordon, Texas Democratic Veterans Caucus; Grace Pankl; Susan Stewart)

Against — None

On — (*Registered, but did not testify*: Steve Rodriguez, Texas General Land Office; James Crabtree, Texas Veterans Commission)

BACKGROUND: Some have suggested that conducting a study on the feasibility of using surplus government property to provide housing and wraparound services to homeless veterans could help to address housing shortages for these veterans.

DIGEST: HB 3220 would require the Texas Coordinating Council for Veterans Services to establish and oversee a work group to assess the feasibility of using "surplus government property" to provide housing to homeless veterans.

The bill would specify that “surplus government property” would refer to unused or underused federal, state, or local property, including real

property, historic buildings, residential buildings, and commercial buildings.

The workgroup would be composed of the executive heads, or their designees, of the:

- Texas Veterans Commission;
- General Land Office;
- Veterans' Land Board; and
- Texas Department of Housing and Community Affairs.

The council could include the executive head, or the head's designee, of any other state agency that was not listed by a majority vote.

In conducting the assessment, the workgroup would:

- evaluate the availability of surplus government property in the state, and the feasibility of developing housing units on that property to provide housing to homeless veterans;
- identify potential funding sources to develop housing units on surplus government property; and
- identify veteran subpopulations that would benefit most from a program that facilitated the use or development of surplus government property to provide housing to homeless veterans.

The workgroup would be permitted to consult with local housing authorities, affordable housing developers, and organizations and persons with appropriate and relevant expertise on the housing needs of veterans.

The workgroup would be required to prepare a written report summarizing the results of the assessment and submit the report to the Legislature no later than November 1, 2024.

This bill would take effect September 1, 2023, and would expire on September 1, 2025.

- SUBJECT:** Prohibiting the use of extrapolation in provider claim audits
- COMMITTEE:** Insurance — favorable, without amendment
- VOTE:** 6 ayes — Oliverson, A. Johnson, Cain, Cortez, Julie Johnson, Perez
3 nays — Caroline Harris, Hull, Paul
- WITNESSES:** For — Paul Liechty, Texas Chiropractic Association (*Registered, but did not testify*: Kyle Frazier, Patient Choice Coalition of Texas; David Reynolds, Texas Chapter American College of Physicians Services; Ben Wright, Texas Medical Association; Tilden Childs)
Against — Jessica Lynch, Texas Association of Health Plans (*Registered, but did not testify*: Matt Abel, Texas Association of Business)
On — (*Registered, but did not testify*: Debra Diaz-Lara, Texas Department of Insurance)
- BACKGROUND:** Concerns have been raised that extrapolation techniques used by insurers to apply audit results across a large batch of health care claims may penalize providers for unconfirmed billing errors.
- DIGEST:** HB 895 would prohibit a health maintenance organization and preferred provider plan from using extrapolation to complete an audit of a participating or preferred provider. Extrapolation would be defined as a mathematical process or technique used in the audit of a provider to estimate audit results or findings for a large batch or group of claims that had not been reviewed by the health maintenance organization or insurer.
Health maintenance organizations and preferred provider plans would be prohibited from using extrapolation to complete an audit of a participating provider. Any additional payment due to a preferred or participating provider or any refund due to the insurer would need to be based on the actual overpayment or underpayment and could not be based on extrapolation.

The bill would take effect September 1, 2023 and would apply only to the audit of a physician or provider under contract with a preferred provider health plan or health maintenance organization entered into or renewed on or after the effective date.

- SUBJECT:** Revising eligibility for a license to carry a handgun for certain offenses
- COMMITTEE:** Community Safety, Select — favorable, without amendment
- VOTE:** 11 ayes — Guillen, Jarvis Johnson, Bowers, Burrows, Canales, Dorazio, Goodwin, Harless, Holland, Landgraf, Troxclair
- 0 nays
- 2 absent — T. King, Moody
- WITNESSES:** For — John Bolgiano; Gary Zimmerman (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Leigh Gibson, Wesley Virdell, Gun Owners of America; Grace Chimene, League of Women Voters of Texas; Tara Mica, National Rifle Association; Nicole Golden, Texas Gun Sense; Mark Borskey, Texas State Rifle Association; and 10 individuals)
- Against — (*Registered, but did not testify*: Greg Capers, Ray Scifres, Sheriffs' Association of Texas; Chris McNutt, Texas Gun Rights; Dallas Reed, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Joshua Medeiros, Young Conservative Federation; Delaina Bishop)
- On — Jason Hester, Texas Department of Public Safety
- BACKGROUND:** Under Government Code sec. 411.1711, a person is not considered convicted if an order of deferred adjudication was entered against the person at least 10 years preceding the date of the person's application for a license to carry a handgun, with exceptions for an order that was entered against the person for certain offenses.
- Some have suggested that an individual charged with certain robbery or burglary offenses should not be permanently ineligible for a handgun license if the individuals successfully completed a deferred adjudication.
- DIGEST:** HB 408 would revise the exempted offenses under Government Code sec. 411.1711. The bill would narrow the robbery offenses included on the list

to only aggravated robbery and remove from the list a second-degree habitation felony.

The bill would take effect September 1, 2023, and would apply only to a determination of a person's eligibility for a license to carry a handgun that was made by DPS on or after that date.

- SUBJECT:** Requiring distribution of funds from a retired program
- COMMITTEE:** Environmental Regulation — committee substitute recommended
- VOTE:** 6 ayes — Landgraf, Guerra, K. Bell, Kuempel, J. Lopez, Meza
0 nays
3 absent — Dean, Morales Shaw, Reynolds
- WITNESSES:** For — Cyrus Reed, Lone Star Chapter Sierra Club; Stacy Suits, Travis County (*Registered, but did not testify*: Christine Wright, City of San Antonio; Paul Sugg, Harris County Commissioners Court; Jennifer Emerson, Port Houston; Jose Medina, Public Citizen; Shea Pearson, Texas Chemical Council; Cicely Kay, Travis County Commissioners Court)

Against — (*Registered, but did not testify*: Carolyn Lux)

On — Chris Klaus, North Central Texas Council of Governments (*Registered, but did not testify*: David Serrins, Texas Commission on Environmental Quality)
- BACKGROUND:** Some have suggested that remaining money from the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program should be returned to counties and used for certain authorized projects.
- DIGEST:** CSHB 1351 would require the Texas Commission on Environmental Quality (TCEQ) to distribute to applicable counties all available money collected that was designated for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program before September 1, 2023 and appropriated by the Legislature for distribution. TCEQ would be required to distribute the money by January 1, 2024 in reasonable proportion to the amount of fees collected in each county.

A county could use the money received only to fund certain authorized programs. These provisions would apply only to a county that participated in and contributed to the program

The bill would take effect September 1, 2023, and would expire September 1, 2027.

NOTES:

According to the Legislative Budget Board, the bill would have a negative fiscal impact of \$176,200,000 to Clean Air Account 151 for fiscal 2024-25.

- SUBJECT:** Prohibiting courts from considering certain evidence
- COMMITTEE:** Juvenile Justice & Family Issues — committee substitute recommended
- VOTE:** 5 ayes — Dutton, Lujan, Martinez Fischer, Talarico, Wu
- 1 nay — Cook
- 3 absent — Leo-Wilson, J. Lopez, Smithee
- WITNESSES:** For — Jeremy Newman, Cecilia Wood, Family Freedom Project; Julia Hatcher, Texas Association of Family Defense Attorneys; and six individuals (*Registered, but did not testify*: Amy Bresnen, Texas Family Law Foundation; Jeremiah Mikel; Roland Ortiz; Thomas Parkinson)
- Against — (*Registered, but did not testify*: Carl Jacob; Cody Taylor)
- On — Cindy Dyar, Texas RioGrande Legal Aid (*Registered, but did not testify*: Jerome Green, DFPS; Shawn Hall Lecuona, The Voice of Justice and of Consanguinity; Anton Golokob)
- BACKGROUND:** Some have suggested that there should be a mechanism to ensure that the Department of Family and Protective Services (DFPS) provides required information to alleged perpetrators regarding their rights.
- DIGEST:** CSHB 1529 would require a court, before commencement of a full adversary hearing for a suit affecting the parent-child relationship, to confirm in writing and in open court that the Department of Family and Protective Services (DFPS) informed the alleged perpetrator of the right to create an audio or video recording of the interview and to request an administrative review of DFPS' findings before an interview occurred. The court would also have to confirm that as soon as possible after initiating an investigation of a parent or other person with legal custody of the child, DFPS had provided the person with information relating to investigation procedures and child placement resources.

If the court determined that DFPS had not provided this information, the court could not consider any evidence gathered from or provided by the alleged perpetrator during the investigation or interview in the full adversary hearing.

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

- SUBJECT:** Revising eligible service for judicial salary enhancements
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Leach, Julie Johnson, Flores, Moody, Murr, Schofield, Slawson, Vasut
- 0 nays
- 1 absent — Davis
- WITNESSES:** For — None
- Against — None
- On — (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)
- BACKGROUND:** Some have suggested that time served as district court judges and full-time associate judges should be counted towards accrued years of service for state judge and justice salary enhancements.
- DIGEST:** HB 1985 would authorize a judge or justice’s time served as a judge of a district court or as a full-time associate judge of a district court, statutory county court, multicounty statutory county court, or statutory probate court to be used to calculate the judge’s or justice's annual salary according to current provisions.
- The bill would take effect September 1, 2023.
- NOTES:** The fiscal impact of the bill cannot be determined because the number of judges that have accrued years of service as a full-time associate judge and the number of years of the service for each judge is unknown.

SUBJECT: Revising renewal requirements for certain sales and use tax exemptions

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 — None

Against — None

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

BACKGROUND: Concerns have been raised that the process to renew an agriculture and timber sales and use tax exemption registration number requires filling out the same paperwork each year, which may be onerous for senior citizens.

DIGEST: HB 2327 would establish that a registration number for an agriculture and timber sales and use tax exemption issued to or held by a person 65 years of age or older would not expire and would not need to be renewed.

The bill would take effect September 1, 2023 and would not affect tax liability accrued prior to the effective date. The bill would not apply to a registration number that had expired before the effective date and was not renewed.

- SUBJECT:** Extending the statute of limitations for certain burglary offenses
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, C. Morales, Schatzline
- 0 nays
- 1 absent — Leach
- WITNESSES:** For — Amy Derrick, Dallas County District Attorney; Lavinia Bertha Masters, Hope SAVES (*Registered, but did not testify*: James Parnell, Dallas Police Association; Julio Gonzalez, Dallas Police Department; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; Brian Hawthorne, Buddy Mills, Sheriffs’ Association of Texas; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance)
- Against — None
- BACKGROUND:** Concerns have been raised that the current statute of limitations period for the offense of burglary with the intent to commit sexual assault does not provide sufficient time for DNA evidence to be tested, which can prevent offenders from being properly charged.
- DIGEST:** HB 2019 would remove the statute of limitations period for an offense of burglary punishable as a first-degree felony because:
- the defendant entered a habitation with the intent to commit sexual assault or aggravated sexual assault; and
 - during the investigation biological matter was collected and had not yet been subjected to forensic DNA testing, or biological matter was collected that did not match the victim or any other person whose identity was readily ascertained.

The bill would take effect September 1, 2023, and would not apply to an offense if prosecution of that offense became barred by limitation before that date.

- SUBJECT:** Establishing TCOLE officers as state employees with certain benefits
- COMMITTEE:** Homeland Security & Public Safety — favorable, without amendment
- VOTE:** 6 ayes — Guillen, Bowers, Canales, Goodwin, Harless, Troxclair
1 nay — Dorazio
2 absent — Jarvis Johnson, Holland
- WITNESSES:** For — (*Registered, but did not testify*: Chris Jones, Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers’ Union; Carlos Ortiz, San Antonio Police Officers Association; Mitch Landry, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Linda Durnin)

Against — (*Registered, but did not testify*: Angela Hale, City of McKinney; Elena Walch)

On — John Beauchamp, Texas Commission on Law Enforcement
- BACKGROUND:** Government Code sec. 654.011 establishes the position classification plan which applies, with the salary rates and provisions in the General Appropriations Act, to all hourly, part-time, temporary, and regular full-time salaried employments in the state departments, agencies, or judicial entities specified in the articles of the General Appropriations Act that appropriate money to certain agencies and the judiciary.

Salary Schedule C establishes salary levels for state employees based on the employees’ number of years of service.

Some have suggested that peace officers employed by the Texas Commission on Law Enforcement (TCOLE) should be compensated through the approved salary schedule to address the pay discrepancy between TCOLE officers and other agencies’ officers.

DIGEST: HB 2297 would include a TCOLE commissioned law enforcement officer under the definition of "state employee." A TCOLE law enforcement officer also would be included in the list of peace officers eligible for injury leave. The bill would apply only to an injury that occurred on or after its effective date.

The bill would require TCOLE to ensure that such a peace officer was compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act. The classification officer in the office of the state auditor would classify the position of commissioned peace officer employed by TCOLE as a Schedule C position under the position classification plan. This change by the classification officer would apply beginning with the fiscal year beginning September 1, 2023. This provision would expire September 1, 2025.

The bill would take effect September 1, 2023.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of \$1,035,590 to general revenue related funds for the biennium ending August 31, 2025.

SUBJECT: Establishing criminal justice system pretrial and sentencing database

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

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

0 nays

1 absent — Slawson

WITNESSES: For — Nick Hudson, American Civil Liberties Union of Texas; Lauren Rosales, The Bail Project (*Registered, but did not testify*: Samuel Sheetz, Americans for Prosperity; M Paige Williams, Dallas Criminal District Attorney John Creuzot; Luis Soberon, Texas 2036; Cole Meyers, Texas Appleseed; Alexis Bay, Texas Civil Rights Project; Aerin Abrams, Texas Fair Defense Project)

Against — None

BACKGROUND: Some have suggested that establishing a standardized criminal justice pretrial and sentencing database could improve knowledge of the pretrial system and inform evidence-based legislative reforms.

DIGEST: CSHB 2043 would direct the Office of Court Administration (OCA) to establish and maintain a database to collect, compile, and analyze pretrial and sentencing information for each defendant arrested for an offense in the state.

The following applicable information would be required to be included in the database:

- the cause number of the case;
- the court in which the case was pending;
- the defendant's date of birth, race, ethnicity, sex, primary language, and the zip code and county of residence at the time of arrest;

- the offense for which the defendant was arrested, including the date the offense was committed and the punishment classification level;
- the date and county of arrest;
- the date and time the person was taken to jail after arrest;
- the defendant's indigence status for the purposes of counsel appointment;
- certain detailed bail information specified by the bill;
- the length of pretrial confinement;
- any modification to the conditions of bail release after the defendant's release;
- whether the defendant failed to appear for a scheduled court appearance;
- whether the defendant's bail release was revoked due to a violation of a condition of release;
- whether the defendant was arrested while released on bail or community supervision in the same county as the initial offense;
- the disposition of the case, including the sentence imposed;
- the date the defendant's sentence commenced; and
- any credit for time served.

Information in the database would be public information subject to applicable public information disclosure under state law.

The bill would require each law enforcement agency to collect and submit the required information to the applicable court clerk by the 5th of each month. The clerk of each court would be required to submit the information to OCA by the 10th of each month. Both the law enforcement agency and the clerk would have to provide relevant updated or additional information regarding data previously submitted.

By January 1, 2024, OCA would be required to begin publishing the relevant deidentified data on its website in a manner readily accessible by the public free of charge, and to update the data annually. The published data could not disclose the name or any identifying information of a defendant and would have to be searchable by each item of information included in the database. Data relating to an offense for which there were fewer than five arrests during a year could not be published.

OCA would be authorized to adopt the necessary rules to implement the bill's provisions and would be required to establish the database as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2023 and would apply only to information regarding defendants arrested on or after that date.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of \$6 million to general revenue related funds during fiscal 2024-2025.

- SUBJECT:** Extending time for incarcerated persons to pay fines
- COMMITTEE:** Corrections — committee substitute recommended
- VOTE:** 9 ayes — Herrero, Kacal, Allen, V. Jones, R. Lopez, Murr, Sherman, Swanson, Toth
- 0 nays
- WITNESSES:** For — Kaden Norton, Prison Fellowship Ministries; Akanksha Balekai, Texas Appleseed; Sarah Mae Jennings, Texas Fair Defense Project; Cole Meyer (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Jennifer Toon, Lioness Justice Impacted Women’s Alliance; Maggie Luna, Statewide Leadership Council; Marcu Simmons, Statewide Leadership Council, Lioness: Justice Impacted Women’s Alliance; Justin Martinez, Texas Center for Justice and Equity; Amite Dominick, Texas Prisons Community Advocates; Manya Blaisdell; Eve Margolis; Grace Pankl)
- Against — None
- On — (*Registered, but did not testify*: Ron Steffa, TDCJ)
- BACKGROUND:** Some have suggested that giving incarcerated individuals more time to pay certain financial obligations would help these individuals achieve financial stability.
- DIGEST:** CSHB 2646 would establish that a person sentenced to imprisonment in the Texas Department of Criminal Justice (TDCJ) would not be required to pay for fines or court costs owed to the state during their term of imprisonment, including while the person was confined in a county jail awaiting transfer to TDCJ. A person also would not be required to pay fines before the 181st day after the person's release either following completion of the person's sentence or on parole or to mandatory supervision.

Within 30 days of the person's release, the person would need to contact the clerk of the court in each jurisdiction where the person owed fines and enter into a payment plan with the clerk.

The bill would specify that a judgement must reflect the inmate's right under the bill to defer payment of certain fines and court costs owed to the state. The bill would not apply to amounts owed for restitution or to amounts owed for supervision fees assessed as a condition of release.

The bill would take effect September 1, 2023, and would apply only to a defendant who was sentenced for an offense on or after that date, regardless of whether the offense was committed before, on, or after that date.

NOTES:

According to the Legislative Budget Board, the fiscal implications of CSHB 2646 could not be determined due to a lack of data related to the number of incarcerated individuals and the associated rate of court cost and fine collections for these individuals.

The bill would have a negative but indeterminate revenue impact because delaying the required payment of court costs and fines could potentially postpone receipts and collection of those revenues.

- SUBJECT:** Authorizing certain revisions to motor vehicle inspection fees
- COMMITTEE:** Homeland Security & Public Safety — committee substitute recommended
- VOTE:** 6 ayes — Guillen, Bowers, Canales, Dorazio, Goodwin, Troxclair
1 nays — Harless
2 absent — Jarvis Johnson, Holland
- WITNESSES:** For — Charles Ray, DEKRA VP Operations Vehicle Inspections and Claims; Charissa Barnes, Official Inspection Station; Greg Cole, Texas State Inspection Association (*Registered, but did not testify*: David Batton, Harris County Deputies Organization FOP 39)
Against — Byron Schirmbeck, Texas Campaign for Liberty
On — Jason Hester, Texas Department of Public Safety
- BACKGROUND:** Concerns have been raised that the cost of conducting a vehicle inspection can exceed the amount that an inspector can charge for the service under state law, which results in a financial loss for that inspector.
- DIGEST:** CSHB 5081 would require the Department of Public Safety (DPS) to set the inspection fee for a motor vehicle other than a moped by calculating an amount that would allow the inspector to retain the equivalent of one hour's pay at the minimum hourly wage prescribed by the state budget. DPS would be required to set the fee amount by September 1 of each year.
DPS would be required to adopt these provisions as soon as practicable after the bill's effective date.
The bill would take effect September 1, 2023, and would apply only to a relevant inspection performed on or after that date.

- SUBJECT:** Establishing a rapid DNA analysis pilot program in certain counties
- COMMITTEE:** Homeland Security & Public Safety — favorable, without amendment
- VOTE:** 7 ayes — Guillen, Jarvis Johnson, Bowers, Dorazio, Harless, Holland, Troxclair
- 0 nays
- 2 absent — Canales, Goodwin
- WITNESSES:** For — Cheryl Lieck, Chambers County District Attorney’s Office; Ashley Spence, DNA Justice Project; Brian Hawthorne, Ray Scifres, Sheriffs Association of Texas (*Registered, but did not testify*: Staley Heatly, 46th District Attorney; Will Ramsay, 8th Judicial District Attorney’s Office; Sloan Byerly, ANDE; Eric Carcerano, Chambers County District Attorney; Erleigh Wiley, Criminal District Attorney, Kaufman County; James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers’ Union; Buddy Mills, Sheriffs Association of Texas; Mitch Landry, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance)
- Against — (*Registered, but did not testify*: Quynh-Huong Nguyen, Woori Juntos)
- On — Brady Mills, Texas DPS Crime Lab
- BACKGROUND:** Concerns have been raised that some law enforcement agencies may not be able to receive DNA test results in a timely manner.
- DIGEST:** HB 3957 would direct the Department of Public Safety (DPS) to establish a pilot program to optimize the DNA records reporting process by assisting law enforcement agencies to implement rapid DNA analysis.
- The bill would define "rapid DNA analysis" as the fully automated processing of a reference buccal swab sample to provide a DNA record that is eligible for comparison in the CODIS database within 24 hours.

Beginning September 1, 2023, the program would be required to operate and assist law enforcement agencies with jurisdiction in El Paso, Galveston, Montgomery, Tarrant, and Travis counties. Beginning September 1, 2024, DPS would be required to expand the program to assist agencies with jurisdiction in Bexar, Collin, Dallas, Harris, and Hidalgo counties.

DPS and the relevant law enforcement agencies could consult with the FBI regarding rapid DNA analysis implementation and best practices. By January 1, 2026, DPS would be required to review the program and submit a written report to the Legislature on the progress of the program in optimizing DNA record reporting, including any recommendations regarding the continuation or expansion of the program.

DPS could solicit and accept gifts, grants, and donations from any public or private source to fund the program. DPS also could adopt any necessary rules for the implementation of the bill.

HB 3957 would expire September 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 bill would have an estimated negative impact of about \$16 million to general revenue related funds during fiscal 2024-25.

- SUBJECT:** Increasing certain retirement and death benefit annuities for judges
- COMMITTEE:** Pensions, Investments & Financial Services — committee substitute recommended
- VOTE:** 8 ayes — Capriglione, Lambert, Bhojani, Bryant, Frazier, Leo-Wilson, Plesa, VanDeaver
- 0 nays
- 1 absent — Vo
- WITNESSES:** For — Linda Thomas, Tarfs Judges, Inc.; Barbara Walther, TARSF Judges; Jose Manuel Banales, TARSFJ, Inc.; Nathan Hecht, Texas Supreme Court (*Registered, but did not testify*: Lee Parsley, Texans for Lawsuit Reform; Dale Laine, Texas Association of Former, Senior, and Retired Judges, Inc.)
- Against — None
- On — (*Registered, but did not testify*: Shack Nail, Employees Retirement System of Texas)
- BACKGROUND:** Concerns have been raised that retired judges have not received annuity increases to accompany a 2019 salary increase for active judges based on years of service.
- DIGEST:** CSHB 4540 would require the Employees Retirement System (ERS) of Texas to recompute certain retirement and death benefit annuities if the Regular Session of the 88th Legislature increased the state salary used to compute the service retirement annuity of a judge. This recalculation would use the judicial salary in effect on the effective date of the salary increase for the position in which a member was serving before the member retired or died.
- On the bill's effective date, the ERS would be required to recompute certain retirement and death benefit annuities using judicial salaries in

effect on September 1, 2019, for the position in which a member was serving before the member retired or died. This provision would apply only to an annuitant under either Judicial Retirement System of Texas plan who was eligible to receive certain retirement or death benefit annuities based on an effective date of retirement that occurred before September 1, 2019.

The bill would take effect September 1, 2023, and would apply only to an annuity payment that became payable on or after the bill's effective date.

NOTES:

According to the Legislative Budget Board, CSHB 4540 would have a negative impact of about \$103.9 million on general revenue related funds for fiscal 2024-25.

- SUBJECT:** Authorizing use a of tenant legal services office by local governments
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 6 ayes — Neave Criado, Stucky, Gerdes, Jones, Orr, Rosenthal
3 nays — Schatzline, Slaton, Tinderholt
- WITNESSES:** For — John Woodley, Advocates for Disability Access & Self; Adam Haynes, Conference of Urban Counties (*Registered, but did not testify*: Bob Kafka, ADAPT of Texas; Brie Franco, City of Austin; TJ Patterson, City of Fort Worth; Alexa Aragonéz, City of Houston, Mayor's Office; Nadia Islam, City of San Antonio; Marc Hoskins, Disability Rights Texas; Stephanie Thomas, Institute for Disability Access; Cathy Cranston, Personal Attendant Coalition of TX and ADAPT of TX; Eric Samuels, Texas Homeless Network; Donniss Baggett, Texas Press Association; Cicely Kay, Travis County Commissioners Court; Cynthia Van Maanen, Travis County Democratic Party; Georgia Bates, Vivent Health; Susana Carranza; Patricia Goforth; Idona Griffith; Grace Pankl; Thomas Parkinson; Taylor Trevino)
Against — None
- BACKGROUND:** Concerns have been raised that low-income individuals and those on disability income may have limited resources with which to obtain legal representation for eviction proceedings.
- DIGEST:** CSHB 4771 would authorize a local government to create a tenant legal services office to provide legal representation and other services to indigent, disabled, and low-income tenants. The bill would define "indigent" as having earnings that were less than 200 percent of the income standard established by the applicable federal poverty guidelines. "Low-income" would be defined as having earnings less than 400 percent of the income standard by applicable federal poverty guidelines.
- Tenant legal services office.** The services offered by a tenant legal services office could include:

- full legal representation to a tenant in a residential eviction case if the tenant was indigent, or in a case involving disability discrimination in housing if the tenant was a low income individual with a disability; or
- brief legal assistance to a tenant in a residential eviction case if the tenant was low-income but not indigent.

A local government could establish a department or designate a nonprofit corporation by contract to serve as a tenant legal services office. Any combination of municipalities or counties could jointly implement or administer a tenant legal services office.

Before contracting with a nonprofit corporation for this purpose, a local government would be required to solicit proposals for the office. A nonprofit proposing to serve as a tenant legal services office would be required to submit a written plan which would include certain logistical and operational aspects of the office. After considering each proposal, the local government would select a nonprofit that reasonably demonstrated that it would provide adequate quality representation for tenants in eviction cases. The total cost of the proposal could not be the sole consideration in selecting the proposal.

A tenant legal services office would have to be administered by a director of legal services who was a member of the State Bar of Texas, had practiced law for at least 3 years, and had substantial experience in the practice of landlord-tenant law. A tenant legal services office could employ attorneys and other personnel necessary to perform the duties of the office as specified by the local government. The director would be required to designate at least one employee to assist tenants with disabilities in obtaining compliance with laws regarding housing for tenants with disabilities.

The director would be required to hold an annual public hearing to receive recommendations about the office. No more than 30 days before the date of the hearing, the director would be required to provide notice to the public and other interested parties. The director would be required to

produce a transcript of the hearing and post the transcript on the local government's website no more than 30 days after the hearing.

A tenant legal services office could not represent a tenant under certain circumstances, including the existence of a conflict of interest or the office having insufficient resources to provide adequate representation. An office could investigate the financial condition of a tenant who requested representation.

Funding. A tenant legal services office would be entitled to receive funding for personnel costs and expenses incurred in operating the office in amounts determined by the local government and paid out of the appropriate local fund. The bill would not authorize a local government to disburse, administer, or otherwise allocate funds received by the local government from the basic legal services account to create or operate the office.

Report. By September 1 of each even numbered year, the director of a tenant legal services office would be required to submit a report to the governing body of the local government and post the report on the local government's website. The report would have to contain certain information related to the operations and duties of the office in the preceding two years.

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 income eligibility for rental applications for students
- COMMITTEE:** Business & Industry — favorable, without amendment
- VOTE:** 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado
- 0 nays
- WITNESSES:** For — Dewey Marshall, Texas Tenants’ Union; Kasey Corpus, Young Invincibles (*Registered, but did not testify*: Ben Martin, Texas Housers; Cynthia Van Maanen, Travis County Democratic Party; Ashley Harris, United Ways of Texas; James Hallamek, University Democrats; 10 individuals)
- Against — David Mintz, Texas Apartment Association (*Registered, but did not testify*: Todd Kercheval, Rural Rental Housing Association of Texas)
- On — John Woodley, Advocates for Disability Access; Zenobia Joseph
- BACKGROUND:** Concerns have been raised that some college students face difficulties in qualifying for rental housing because education-related income may not be accepted by landlords as proof of income.
- DIGEST:** CSHB 649 would require a landlord who used an applicant's current income as a criterion in the determination of whether to approve an application for occupancy to:
- include a space labeled “EDUCATION-RELATED INCOME” on a rental application for an applicant to provide information about income such as grants, scholarships, and federal student loans; and
 - consider in the calculation of current income any education-related income that the applicant provided on the rental application form.

A landlord who violated these provisions would be liable for an amount equal to the sum of \$100, three times the amount of any application fee or deposit, and the applicant’s reasonable attorney’s fees.

The bill would take effect September 1, 2023, and would apply only to a rental application provided by a landlord to an applicant on or after the effective date.

- SUBJECT:** Using dynamic message signs for the Keep 'Em Safe Texas campaign
- COMMITTEE:** Community Safety, Select — favorable, without amendment
- VOTE:** 9 ayes — Guillen, Johnson, Bowers, Burrows, Goodwin, Harless, T. King, Landgraf, Troxclair
- 1 nay — Dorazio
- 3 absent — Canales, Holland, Moody
- WITNESSES:** For —Leesa Ross, Lock Arms for Life; Nicole Golden, Texas Gun Sense; Samuel Brannon (*Registered, but did not testify*: Dennis Borel, Coalition of Texans with Disabilities; Joe Morris, Game Warden Peace Officers Association; Jessica Anderson, Houston Police Department; Susana Carranza, League of Women Voters of Texas; Claudia Torres Yañez, Moms Demand Action TX Chapter; Hannah Gill, NAMI Texas; Robert Watson, Texas Impact; Matt Dowling, Texas Medical Association; Mitch Landry, Texas Municipal Police Association; Cicely Kay, Travis County Commissioners Court; Cynthia Van Maanen, Travis County Democratic Party; and 11 individuals)
- Against — (*Registered, but did not testify*: Michael Belsick; Richard Bohnert; Greg Rising)
- On — Jason Hester, Texas Department of Public Safety
- BACKGROUND:** Some have suggested that expanding messaging for the "Keep 'Em Safe Texas" safe gun storage campaign could help to combat avoidable firearm incidents.
- DIGEST:** HB 2242 would require the Texas Department of Transportation (TxDOT), in consultation with the Department of Public Safety (DPS), to establish and implement a plan for providing relevant information to the public regarding the safe storage of firearms for the DPS Keep 'Em Safe Texas Gun Storage Campaign using an existing system of dynamic message signs located across the state.

TxDOT would not be required to use any existing system of dynamic message signs to provide such information if TxDOT received notice from the United States Department of Transportation's Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions due to noncompliance with federal laws, regulations, or policies.

The bill would take effect September 1, 2023.

SUBJECT: Establishing a veterans' land bank program for low-income veterans

COMMITTEE: Defense & Veterans' Affairs — committee substitute recommended

VOTE: 6 ayes — Wilson, R. Lopez, Bumgarner, Frank, Garcia, Muñoz
2 nays — Dorazio, Slaton
1 absent — Morales Shaw

WITNESSES: For — Mitch Fuller, Veterans of Foreign Wars Department of Texas
Against — None
On — David Danenfelzer, Texas State Affordable Housing Corporation

BACKGROUND: As housing costs continue to rise in Texas, some have suggested that additional investment from the state could help expand access to affordable housing for low-income veterans.

DIGEST: HB 2476 would require the Texas State Affordable Housing Corporation (TSAHC) to establish a veterans' land bank program for the purpose of acquiring, holding, and transferring real property to provide affordable housing for veterans who were members of low-income households.

Veterans' land bank plan. TSAHC would be required to operate the program in conformance with a veterans' land bank plan that would be adopted annually and could be amended from time to time. In developing the plan, TSAHC would be required to consider any other housing plans adopted by a municipality or county in which TSAHC intended to implement the program. The bill would also require that the state low-income housing plan include the land bank plan.

Acquisition of property. Property held by TSAHC under the program could include property TSAHC acquired from a sale pursuant to a foreclosure of a tax lien and other property acquired by or transferred to TSAHC. The deed of conveyance of a property that was sold to TSAHC

pursuant to foreclosure of a tax lien would convey to TSAHC the right, title, and interest acquired or held by each taxing unit that was a party to the judgment, subject to the right of redemption. A sale or other transfer of property for use in connection with the program would be considered a sale for a public purpose.

If consent was given by the taxing units that were a party to the judgement, property could be sold to TSAHC for the program for less than the market value of the property as specified in the judgement or less than the total of all taxes, penalties, and interest, plus the value of nontax liens held by a taxing unit and awarded by the judgement, court costs, and the cost of the sale.

Resale of property. Within 10 years following the date of acquisition, TSAHC would be required to sell a property to a veteran who was a member of a low-income household. If after 10 years a qualified veteran had not purchased the property, the property would be transferred from TSAHC to the taxing units who were parties to the judgement for disposition as otherwise allowed by law. Each subsequent resale of the property would be required to comply with these provisions.

Deed restrictions. TSAHC would be required to impose deed restrictions on property sold to veterans through the program requiring the subsequent sale or rental of the property to veterans in low-income households. If the deed restrictions imposed under the bill were for a term of years, the deed restrictions would renew automatically. The bill would require any modifications or additions to the deed restrictions TSAHC made to be adopted as part of TSAHC's plan and comply with the minimum requirements.

Annual performance report. For purposes of evaluating the effectiveness of the program, TSAHC would be required to prepare an annual performance report by November 1 of each year. The bill would require that the report contain certain information, including the complete and detailed written accounting of all money and properties received and disbursed through the program during the preceding fiscal year. TSAHC would be required to provide copies of the report to any taxing units who were parties to a sale of property under the bill and maintain copies

available for public review. Additionally, TSAHC would have to maintain in its records for inspection a copy of the sale settlement statement for each property sold through the program.

Other provisions. Provisions within the bill establishing the program would preempt any conflicting provisions governing the Texas Department of Housing and Community Affairs.

The bill would specify that acquiring, holding and transferring unimproved real property under a veteran's land bank program as or on behalf of TSAHC would qualify as a charitable function performed by a charitable organization for the purposes of property tax exemptions. The exemption would apply only to a property tax year that began on or after the bill's effective date.

The bill would take effect September 1, 2023.

- SUBJECT:** Revising certain provisions relating to video surveillance in schools
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 13 ayes — Buckley, Allen, Allison, Cunningham, Dutton, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Longoria, Schaefer, Talarico
- 0 nays
- WITNESSES:** For —Steven Aleman, Disability Rights Texas; Lisa Flores, Easterseals Central Texas; Carrie Moore, Texas Education 911 and County Citizens Defending Freedom; Edgar Pacheco (*Registered, but did not testify*: Jacquie Benestante, Autism Society of Texas; Jolene Foster Sanders, Coalition of Texans with Disabilities; Garry Jones, DFER; Leela Rice, Texas Council of Community Centers; Linda Litzinger, Texas Parent to Parent; Ashley Ford, The Arc of Texas; and seven individuals)
- Against — (*Registered, but did not testify*: Denishea Williams, Texas Freedom Network; Marisa Iannaccone)
- On —Sabrina Gonzalez, Texas Council for Developmental Disabilities; Alex Langley (*Registered, but did not testify*: Eric Marin, Kristin McGuire, TEA; Andrea Chevalier, Texas Council of Administrators of Special Education)
- BACKGROUND:** Some have suggested that current law regarding video surveillance in special education classrooms could be revised to better serve special needs students and their parents.
- DIGEST:** CSHB 2234 would require a school’s written notice to staff and parents of the placement of a video camera in a classroom or special education setting, including a self-contained classroom, to be provided by the 10th instructional day after the first day the school or campus activated the video camera. A district or charter school would be required to retain such recorded video for at least six, rather than three, months after the date the video was recorded.

The bill would require a school district's or charter school's video camera policy to include a requirement that, by the seventh business day after a parent requested the district or charter school to release a video recording for viewing, the district or school release the recording for viewing or provide a written response to the parent stating the reason the district or school was not required to release the recording. The written notice would be required to include information for how the parent could appeal the determination.

A district's or charter school's video camera policy would have to require, by the 10th day of the fall semester, the district or charter school to provide written information detailing the policy regarding the placement, operation, or maintenance of any video cameras to the parent of a student who:

- received special education services in one or more self-contained classrooms or other special education settings; or
- was assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day.

The commissioner of education would be required to develop and post on the Texas Education Agency website a model form for school districts and charter schools to use to notify parents and to review and update the form as necessary.

The bill would make conforming changes throughout the Education Code to include references to such video surveillance.

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: Prohibiting certain devices intended to modify handguns

COMMITTEE: Community Safety, Select — favorable, without amendment

VOTE: 8 ayes — Guillen, Jarvis Johnson, Bowers, Goodwin, Harless, Holland, Moody, Troxclair

4 nays — Burrows, Canales, Dorazio, Landgraf

1 absent — T. King

WITNESSES: For — Devon Palk, Dallas Police Department; Travis Garza, Harris County Sheriff's Office; Arturo Mejia, Houston Police Department; Ray Scifres, Sheriffs' Association of Texas; Jabari Howard, Texas Gang Investigators Association; Nicole Golden, Texas Gun Sense; Michael Belsick (*Registered, but did not testify*: Guadalupe Cuellar, City of El Paso; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Larry Young, Game Warden Peace Officers Association; Georgia Bates, Giffords; David Batton, Harris County Deputies Organization FOP 39; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; Grace Chimene, League of Women Voters of Texas; Bill Kelly, Mayor's Office, City of Houston; Christopher Lutton, San Antonio Police Department; Greg Capers, Sheriffs Association of Texas; Dallas Reed, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Erin Walter, Texas Unitarian Universalist Justice Ministry; Jennifer Allmon, The Texas Catholic Conference of Bishops; Cynthia Van Maanen, Travis County Democratic Party; and 13 individuals)

Against — Richard Hayes; Ian Kress; Gary Zimmerman (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Wesley Virdell, Gun Owners of America; Chris McNutt, Texas Gun Rights; and six individuals)

On — Jason Hester, Texas Department of Public Safety

BACKGROUND: Some have suggested that, although devices modifying a handgun to create a fully automatic weapon are illegal under federal law, local and state law enforcement should be authorized to levy charges against individuals carrying these modified weapons.

DIGEST: HB 3266 would amend provisions of the Penal Code establishing the offense of intentionally and knowingly possessing, manufacturing, transporting, repairing, or selling certain prohibited weapons as a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000). The bill would add to the list of prohibited items a device designed and intended to make a handgun capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger.

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