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HOUSE RESEARCH ORGANIZATION

daily floor report

Wednesday, May 10, 2023
88th Legislature, Number 61
The House convenes at 11 a.m.
Part Two

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Gary VanDeaver
Chairman
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Part 2

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- SUBJECT:** Requiring courts to consider a defendant’s primary caretaker status
- 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 — Lauren Johnson, ACLU of Texas; Maggie Luna, Statewide Leadership Council; Cynthia Simons, Texas Women’s Justice Coalition (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Samuel Sheetz, Americans for Prosperity; Jennifer Toon, Lioness; Lori Mellinger, Lioness Justice Impacted Women’s Alliance Statewide Leadership Council; Kaden Norton, Prison Fellowship Ministries; John Litzler, Texas Baptists Christian Life Commission; Alycia Castillo, Texas Center for Justice and Equity; Allen Place, Texas Criminal Defense Lawyers Association; Jorge Martinez, The LIBRE Initiative; Jennifer Allmon, The Texas Catholic Conference of Bishops; Renee Monroe, TxCURE Inc; Ashley Harris, United Ways of Texas; Idona Griffith; Susan Stewart)
- Against — (*Registered, but did not testify*: John Wilkerson, Texas Municipal Police Association)
- BACKGROUND:** Some have suggested that allowing a judge to divert a parent from prison to community-based supervision may reduce the negative impact that incarceration of a parent can have on a child’s health and development.
- DIGEST:** HB 361 would apply only to a defendant who was the primary caretaker of a child and was either charged with an offense for which the defendant was eligible for deferred adjudication community supervision or convicted of an offense for which the defendant was eligible for community supervision.

On written motion of an applicable defendant, the court would be required to consider the defendant's status as the primary caretaker of the child. The motion would be required to include evidence of the defendant's primary caretaker status, meaning evidence that the person, including a person who had temporarily relinquished custody of the child due to pretrial detention, had assumed or would soon assume responsibility for a dependent child by providing for the child's needs.

As soon as practicable after receipt of such a motion, the court would be required to make written findings regarding the defendant's primary caretaker status. The court could not impose a sentence of confinement on a defendant eligible for community supervision without first making the written findings.

HB 361 would authorize a court that determined that the defendant was the primary caretaker of a child to either defer further proceedings without entering an adjudication of guilt and place the defendant on deferred adjudication community supervision or suspend the imposition of the sentence and place the defendant on community supervision, as applicable.

The bill would authorize a court to follow these procedures, regardless of whether the defendant made the appropriate motion, if the court found that deferred adjudication community supervision or community supervision served the best interest of the defendant, the defendant's child or children, and society or justice, as applicable.

HB 361 would authorize a court that placed a defendant on deferred adjudication community supervision or community supervision to impose conditions that emphasized parent-child unity and the defendant's rehabilitation in a community setting. The court could impose conditions that provided support to the parent-child relationship, such as certain counseling, training, or case management services.

The bill would prohibit a court from imposing a term of confinement as a condition of deferred adjudication community supervision, except if the court proceeded with an adjudication of guilt for the offense for which the person was placed on deferred adjudication community supervision. HB

361 also would prohibit a court from imposing a term of confinement as a condition of community supervision, except if the defendant violated a condition of community supervision or if the community supervision was revoked.

The bill would specify that a defendant could be arrested and detained for violating a condition of deferred adjudication community supervision.

Provisions relating to a defendant eligible for deferred adjudication community supervision would apply to a defendant who entered a plea of guilty or nolo contendere for an offense on or after the effective date of the bill, regardless of when the offense was committed. Provisions relating to a defendant eligible for community supervision would apply to a defendant sentenced for an offense on or after the effective date, regardless of when the offense was committed. The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, prohibiting confinement as a condition of community supervision could result in reduced demands upon state correctional resources but the fiscal implications of the bill could not be determined due to lack of relevant data.

- SUBJECT:** Allowing hospital districts to vote for appraisal board directors
- COMMITTEE:** Ways & Means — favorable, without amendment
- VOTE:** 11 ayes — Meyer, Thierry, Button, Craddick, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Jennifer Banda, Texas Hospital Association; Brian Yarbrough, Texas Organization of Rural & Community Hospitals)
- Against — None
- On — (*Registered, but did not testify:* Allison Mansfield, Comptroller of Public Accounts)
- BACKGROUND:** Concerns have been raised that hospital districts are not currently allowed to participate in the selection of members of the local appraisal district’s board of directors although hospital districts are local taxing units.
- DIGEST:** HB 4172 would include hospital districts in the list of entities that vote for members of an appraisal district’s board of directors. The bill also would require the chief appraiser to deliver a notice of voting entitlement to the presiding officer of the governing body and the hospital administrator of each hospital district participating in the appraisal district.
- 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. The bill would apply only to the selection of appraisal district directors for terms that began on or after January 1, 2024.

- SUBJECT:** Providing health coverage for hair prostheses for breast cancer patients
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 5 ayes — Oliverson, A. Johnson, Cortez, Julie Johnson, Perez
4 nays — Cain, Caroline Harris, Hull, Paul
- WITNESSES:** For — Britt Garner (*Registered, but did not testify*: Bill Kelly, Mayor’s Office, City of Houston; Christine Yanas, Methodist Healthcare Ministries; Sara Gonzalez, Texas Hospital Association; Ben Wright, Texas Medical Association; Jill Sutton, Texas Osteopathic Medical Association; Ware Wendell, Texas Watch)
Against — (*Registered, but did not testify*: Blake Hutson, Texas Association of Health Plans)
On — (*Registered, but did not testify*: Latif Almanzan, Texas Department of Insurance)
- BACKGROUND:** Some have suggested that requiring health plans to provide coverage for hair prosthesis could help maintain a breast cancer patient's dignity and improve well-being.
- DIGEST:** CSHB 1164 would require a health benefit plan to provide coverage for a hair prosthesis for certain cancer patients. An insured person would qualify for coverage if the person was undergoing or had undergone medical treatment for breast cancer and the treating physician determined the prosthesis would be appropriate for the patient given the treatment side effects.
Required coverage also would include repair or replacement of the prosthesis unless the repair or replacement was necessitated by misuse or loss by the enrollee. The benefit amount could be no less than \$100 for the prosthesis or replacement.

A health plan would be prohibited from requiring an additional premium for the coverage but could require that the prosthesis be subject to the annual deductible and any copayment and coinsurance consistent with other coverage by the plan.

The coverage requirement would apply to health benefit plans identified in the bill, including the state Medicaid and CHIP programs.

If a state agency determined that a waiver or authorization from a federal agency would be necessary for implementation of a provision, the agency affected by the provision would be required to request the waiver or authorization and would be allowed to delay implementation until the waiver or authorization had been granted.

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

- SUBJECT:** Raising the age of a child under the juvenile justice code
- COMMITTEE:** Youth Health & Safety, Select — favorable, without amendment
- VOTE:** 9 ayes — S. Thompson, Hull, Allison, Capriglione, Dutton, A. Johnson, T. King, Landgraf, Lozano
- 0 nays
- WITNESSES:** For — Martin Martinez, Texas Appleseed; Lauren Rose, Texas Network of Youth Services (*Registered, but did not testify*: Dennis Borel, Coalition of Texans with Disabilities; Aaryce Hayes, Disability Rights Texas; Lyssette Galvan, NAMI Texas; Zoë Jones-Walton, Texans Care for Children; Sarah Crockett, Texas CASA; Alycia Castillo, Texas Center for Justice and Equity; Alexis Bay, Texas Civil Rights Project; Nikki Pressley, Texas Public Policy Foundation; Tiffany Patterson, United Ways of Texas; Virginia Gustin; Cynthia Van Maanen)
- Against — (*Registered, but did not testify*: Carly Blaine; Lindsey Sikes; Susan Stewart)
- BACKGROUND:** Some have suggested that young children could be better served through community-based services rather than through the juvenile justice system, which may not be equipped to treat certain youth.
- DIGEST:** HB 2687 would raise the minimum age at which a person was considered a child under the juvenile justice code from 10 to 13 and would include in the definition of a child a person between the ages of 10 and 12 who was alleged or found to have engaged in conduct containing the elements of aggravated assault, sexual assault, capital murder, or certain other offenses.
- The bill would require a juvenile court to, before holding an adjudication hearing, hold a hearing without a jury to determine whether to waive its exclusive original jurisdiction over a child under 13 years old. At such a hearing, the court would be required to consider whether:

- less restrictive interventions by certain individuals and entities were available and sufficient to ensure the safety of the public and the child;
- intervention by the court was warranted; and
- intervention by the court was in the best interest of the child.

If the court chose not to waive its jurisdiction over a child in a hearing, the court would be required to state the reasons for its decision in the order. If the court chose to waive its jurisdiction over a child, the court would be required to dismiss all charges against the child and refer to the child to the person who conducted the preliminary investigation for a referral for services.

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

NOTES:

According to the Legislative Budget Board, HB 2687 would have a positive impact of \$10,552,485 to general revenue related funds though fiscal 2024-25.

- SUBJECT:** Requiring a paid quarantine leave policy for public safety employees
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 9 ayes — Hunter, Hernandez, Dean, Geren, Guillen, Metcalf, Slawson, Smithee, Spiller
- 0 nays
- 4 absent — Anchía, Raymond, S. Thompson, Turner
- WITNESSES:** For — John Wilkerson, Texas Municipal Police Association; Ray Hymel, Texas Public Employees Association (*Registered, but did not testify*: Marshall Kenderdine, AFSCME Texas Correctional Officers; Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Richard Jankovsky III, DPS Officers Association; Joe Morris, Game Warden Peace Officers Association; David Batton, Harris County Deputies Organization FOP 39; Ray Hunt, Houston Police Officers’ Union; Anthony Kivela, Houston Police Retired Officers Association; Ana Gonzalez, Texas AFL-CIO; Bobby Sunley, Texas Attorney General Peace Officer’s Association; AJ Louderback, Texas Sheriffs Regional Alliance; Idona Griffith; Cody Smirl; Taylor Trevino)
- Against — (*Registered, but did not testify*: Wayne Rubio, Texas Attorney General Peace Officer Association)
- On — (*Registered, but did not testify*: Shawn Hall Lecuona, Kri’ah b’shalom)
- BACKGROUND:** Some have suggested that the law should be clarified as to whether paid quarantine policies apply to public safety officers who contract COVID-19 and whether these officers are covered by current statute that specifies cases of COVID-19 contracted by first responders are work-related.
- DIGEST:** CSHB 2927 would require a state agency that employed public safety employees to develop and implement a paid quarantine leave policy for such employees who were ordered to quarantine or isolate.

A "public safety employee" would mean a detention officer, emergency medical technician, firefighter, or peace officer. The bill also would establish that being "ordered to quarantine or isolate" would mean any circumstance in which a person was not permitted to continue working due to a written or verbal directive by a health authority or the employee's supervisor ordering the person to refrain from reporting to duty:

- after displaying symptoms of a communicable disease; or
- after being exposed to a communicable disease that was an illness included among those presumed, as provided by state law, to have been contracted in the source and scope of employment for purposes of benefits or compensation.

Under a paid quarantine leave policy, a public safety employee ordered to quarantine or isolate would be required to receive:

- all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits for the duration of the leave; and
- reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation.

The state agency could not reduce a public safety employee's sick leave balance, vacation leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with a policy adopted under the bill. The bill would remove language specifying that such a policy applied if the person was ordered to quarantine or isolate due to a possible known exposure to a communicable disease while on duty.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, the fiscal implications of CSHB 2927 could not be determined due to the inability to predict the frequency of employee quarantine and isolation and associated costs.

SUBJECT: Requiring TEA to establish a bullying prevention pilot program

COMMITTEE: Youth Health & Safety, Select — committee substitute recommended

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

0 nays

3 absent — Dutton, Landgraf, Lozano

WITNESSES: For — Maurine Molak, David’s Legacy Foundation (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Julia Grizzard, Bexar County Education Coalition; Ana O’Quin, Girls Empowerment Network; Paige Duggins-Clay, IDRA; Eric Knustrom, Learning.com; Lesley Rivas, Mexican American School Boards Association; Hannah Gill, NAMI Texas; Shannon Doyle, National Association of Social Workers - Texas Chapter; Jennifer Rodriguez, North Texas Commission; Chelsea Biggerstaff, Elizabeth Henry, RecoveryPeople; Colby Nichols, TASA; Adriana Kohler, Texans Care for Children; Kelsey Kling, Texas AFT; Colby Nichols, Texas Association of Community Schools; Jeffrey Foley, Texas Association of School Resource Officers; Paige Williams, Texas Classroom Teachers Association; Leela Rice, Texas Council of Community Centers; Joshua Houston, Texas Impact; Linda Litzinger, Texas Parent to Parent; Suzi Kennon, Texas PTA; Elaina Fowler, Texas State Teachers Association; Tiffany Patterson, United Ways of Texas; Eve Margolis; Thomas Parkinson; Susan Stewart)

Against — None

On — (*Registered, but did not testify*: Eric Marin, TEA; Hank Weikert, Texas Education Agency; Tiffanie Harrison)

BACKGROUND: Some have suggested that providing public schools with targeted resources to prevent bullying could create safer and more supportive learning environments.

DIGEST: CSHB 4845 would require the Texas Education Agency (TEA) to develop a bullying prevention pilot program to reduce incidents of bullying in public schools and to award grants to eligible school districts to implement the pilot program. In developing the program, TEA would be required to use research-based best practices for bullying prevention and collaborate with qualified experts and researchers with experience in child and youth psychology, mental health, and education.

The commissioner of TEA would be required to award grants from funds appropriated for that purpose to school districts that demonstrated a need for the program. CSHB 4845 would require the commissioner of TEA to establish application criteria for a school district to apply for a grant and determine allowable uses of the grant funds.

CSHB 4845 would require a school district awarded a grant to implement the pilot program at no more than three campuses. TEA would be required to use funds appropriated for the pilot program to provide technical assistance to grant recipients.

The commissioner could use funds otherwise available and could solicit or accept grants or donations to implement the bill's provisions. CSHB 4845 would require the commissioner to adopt rules as necessary to implement the bill's provisions. The commissioner would not be required to develop the pilot program unless funds were specifically appropriated for that purpose.

The bill would take effect September 1, 2023.

NOTES: According to estimates by the Legislative Budget Board, CSHB 4845 would have a negative impact of \$4,016,000 in general revenue related funds through fiscal 2024-25.

- SUBJECT:** Providing coverage for disposition of embryonic and fetal tissue remains
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 5 ayes — Oliverson, A. Johnson, Cortez, Julie Johnson, Perez
4 nays — Cain, Caroline Harris, Hull, Paul
- WITNESSES:** For — Jenny Andrews, Texas Catholic Conference of Bishops; Glynn Wilcox; Suzie Wilcox (*Registered, but did not testify*: Deirdre Cooper, Texas Alliance for Life; Joe Pojman Ph.D., Texas Alliance for Life; Cameron Duncan, Texas Hospital Association; Ware Wendell, Texas Watch; and 15 individuals)

Against — Blake Hutson, Texas Association of Health Plans (*Registered, but did not testify*: Jennifer Cawley, Texas Association of Life and Health Insurers; Michelle Evans)

On — (*Registered, but did not testify*: Latif Almanzan, Rachel Bowden, Texas Department of Insurance)
- BACKGROUND:** Some have suggested that requiring certain insurers to provide a benefit for costs associated with the disposition of embryonic and fetal tissue would help make funeral and burial costs more affordable for families impacted by stillbirth.
- DIGEST:** CSHB 1452 would require certain health plan issuers and other insurers to provide coverage for the disposition of embryonic and fetal tissue remains for a fetus with a post-fertilization age of at least 20 weeks.

The bill would specify certain insurers required to provide such coverage. Applicable entities would be required to provide a benefit or coverage of up to \$7,500 of the cost of disposition of embryonic and fetal tissue remains which would include interment, cremation, incineration followed by interment, and steam disinfection followed by interment.

The bill also would specify which health plans and other insurers would not be required to provide the coverage, including the state Medicaid programs and Medicare supplemental insurance plans.

The bill would take effect September 1, 2023 and would apply only to an insurance policy, evidence of coverage, annuity or other contract, or group benefit plan that was delivered, issued for delivery, or renewed on or after January 1, 2024.

SUBJECT: Conducting a study on the economic impact of navigation districts

COMMITTEE: Transportation — committee substitute recommended

VOTE: 12 ayes — Canales, Raney, Ashby, Davis, Gamez, Caroline Harris, Lozano, Lujan, Ordaz, Patterson, Perez, Romero

0 nays

1 absent — Landgraf

WITNESSES: For — Sarah L Searight, Port Aransas Conservancy (*Registered, but did not testify*: Dara Pena, Port Aransas Conservancy)

Against — None

BACKGROUND: Some have suggested that a quantitative analysis of the economic contribution of ports would help to examine how ports contribute to the economy and the potential for economic growth of navigation districts in Texas.

DIGEST: CSHB 4483 would require the Texas A&M Transportation Institute to conduct a study on the economic impact and potential for economic growth of navigation districts. The study would determine each navigation district’s direct economic impact on the state’s economy, total population, and projected economic growth over the next 10 years. The study also would determine the economic impact, population, and projected economic growth of each navigation district at the county level.

By December 1, 2024, the Texas A&M Transportation Institute would be required to submit a report to the lieutenant governor, the speaker of the House, and each member of the Legislature containing the study’s results.

The bill would take effect September 1, 2023.

NOTES: According to the Legislative Budget Board, CSHB 4483 would have a negative impact of \$536,500 on general revenue related funds for fiscal 2024-25.

SUBJECT: Requiring disclosure of certain pricing information for veterinary care

COMMITTEE: Agriculture & Livestock — favorable, without amendment

VOTE: 8 ayes — Cain, Anderson, Bernal, Goodwin, Kitzman, Rosenthal, Thimesch, Wilson

0 nays

1 absent — Cody Harris

WITNESSES: For — Judy Santerre

Against — None

On — Trent Hightower, Texas Veterinary Medical Association

BACKGROUND: Some have suggested that requiring veterinary emergency clinics to disclose the estimated cost of emergency care would promote greater price transparency.

DIGEST: HB 4069 would require the State Board of Veterinary Medical Examiners (TBVME) to adopt rules requiring a veterinarian to disclose to the owner or caretaker of an animal certain pricing information before providing emergency treatment to the ill or injured animal. This information would include a description of the proposed treatment and the estimated price of the treatment.

TBVME would be required to adopt such rules by December 1, 2023. The bill would take effect September 1, 2023.

- SUBJECT:** Revising court procedures for certain orders of admission to a location
- COMMITTEE:** Juvenile Justice & Family Issues — committee substitute recommended
- VOTE:** 6 ayes — Dutton, Lujan, Cook, Martinez Fischer, Talarico, Wu
- 0 nays
- 3 absent — Leo-Wilson, J. Lopez, Smithee
- WITNESSES:** For — Julia Hatcher, Texas Association of Family Defense Attorneys; Taran Champagne; Carlos Daman; Brandon Johnson; Jeffrey Morgan; Arnold Yan (*Registered, but did not testify*: Andrea Sparks, Buckner International; Jeremy Newman, Family Freedom Project; Amy Bresnen, Texas Family Law Foundation; Andrew Brown, Texas Public Policy Foundation; Thomas Parkinson)
- Against — (*Registered, but did not testify*: Carl Jacob; Cody Taylor)
- On — (*Registered, but did not testify*: Jerome Green, DFPS; Shawn Hall Lecuona, The Voice of Justice and of Consanguinity; Anton Golokob)
- BACKGROUND:** Concerns have been raised that courts may make certain decisions related to investigations of child abuse and neglect before both parties to the suit are able to share information.
- DIGEST:** CSHB 1086 would authorize rather than require a court to order a parent or other person to allow entrance to a place where the child could be for an interview, examination, or investigation during a child abuse or neglect investigation. Instead of issuing such an order for good cause shown, a court would have to have probable cause to believe that an order was necessary due to an immediate risk to the child’s safety before it could issue the order.
- A separate sworn affidavit would have to be filed for each location for which admission was requested that set forth substantial facts establishing

probable cause for admission to a location and for what purpose the admission was necessary.

A hearing for an order for admission to a location could not be ex parte unless the court had probable cause to believe that an immediate risk to the physical health or safety of the child would make it impracticable to hold a full hearing. A court that held an authorized ex parte hearing would have to prepare and keep an audio recording or court reporter transcription of the hearing. The court also would be required to maintain a copy of any electronic communication that occurred in place of an in-person hearing. On request of a party to the suit, the court would be required to provide a copy of the record to the party.

Provisions related to recording ex parte hearings also would apply to initial hearings after taking possession of a child in an emergency without court order.

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. The bill would apply only to orders and ex parte hearings occurring on or after the effective date.

- SUBJECT:** Amending indicators for the financial accountability rating system
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 8 ayes — Buckley, Allison, Dutton, Hefner, Hinojosa, K. King, Longoria, Schaefer
- 1 nay — Harrison
- 4 absent — Allen, Cunningham, Cody Harris, Talarico
- WITNESSES:** For — Lynn Boswell, Austin ISD Board of Trustees (*Registered, but did not testify*: Jean Mayer, Pflugerville ISD; Barry Haenisch, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Raif Calvert, Texas Association of School Boards; Christy Rome, Texas School Coalition; Carrie Griffith, Texas State Teachers Association; Bryan Holubec)
- Against — None
- On — (*Registered, but did not testify*: Eric Marin, James Terry, Texas Education Agency)
- BACKGROUND:** Concerns have been raised that some property wealthy public school districts could face negative performance ratings due to indicators related to payments for excess entitlements.
- DIGEST:** HB 1206 would prohibit the public school financial accountability rating system from including an indicator or any other performance measure that included any amount the district had to expend to reduce its local revenue levels in excess of the district’s entitlement under the Foundation School Program in determining the district’s ratio of assets to liabilities.
- HB 1206 would apply beginning with the 2023-24 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:** Expanding eligibility for the Crime Victims' Compensation Act
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 5 ayes — Moody, Bhojani, Bowers, Darby, Harrison
- 0 nays
- 4 absent — Cook, Leach, C. Morales, Schatzline
- WITNESSES:** For — (*Registered, but did not testify:* Andy Kahan, Crime Stoppers; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Ashley Brooks, Texas Association Against Sexual Assault; Lauren Lluveras, Texas Council on Family Violence; Thomas Parkinson; Leticia Ybarra)
- Against — None
- On — Kristen Huff, Office of the Attorney General
- BACKGROUND:** Code of Criminal Procedure art. 56B.106 establishes that victims of sexual assault and child victims of attempted murder may receive a one-time assistance payment for relocation expenses under the Crime Victims' Compensation Act if the offense was committed in the victim's residence.
- Some have suggested that eligibility criteria for payment of relocation expenses to certain crime victims should be expanded, since certain crimes often occur outside the home.
- DIGEST:** CSHB 798 would authorize the attorney general to award any victim of sexual assault or a child victim of attempted murder a one-time assistance payment under the Crime Victims' Compensation Act for certain relocation expenses, regardless of where the offense occurred.
- The bill would take effect September 1, 2023, and would apply only to compensation for criminally injurious conduct occurring on or after that date.

NOTES: According to the Legislative Budget Board, CSHB 798 would have an estimated negative two-year impact of \$3,488,885 to the general revenue-dedicated compensation to victims of crime account.

- SUBJECT:** Revising procedures for the office of the state long-term care ombudsman
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 5 ayes — Frank, Hull, Klick, Manuel, Noble
- 3 nays — Rose, Campos, Ramos
- 1 absent — Shaheen
- WITNESSES:** For — Ron Haney, Cascade Health Services, LLC; Alyse Meyer, LeadingAge Texas; Carmen Tilton, Texas Assisted Living Association; Kevin Warren, Texas Health Care Association; Jenny Hayes (*Registered, but did not testify*: Leticia Caballero, HMG Healthcare, LLC; Jaime Capelo, Texas Assisted Living Association; Stephen Howsley, The Independent Coalition of Nursing Home Providers)
- Against — Andrea Earl, AARP Texas; Alexa Schoeman, Long-Term Care Ombudsman Program; Patricia Ducayet, Office of the State Long-Term Care Ombudsman; Mary Nichols, Texas Caregivers for Compromise (*Registered, but did not testify*: Bob Kafka, ADAPT/PACT of Texas; Jeff Miller, Disability Rights Texas; Ashley Ford, The Arc of Texas; Ellen Bauman)
- On — (*Registered, but did not testify*: Aaron Gregg, Alzheimer’s Association; Lauren Gerken, Texas Council for Developmental Disabilities)
- BACKGROUND:** Some have suggested that revising guidelines related to the state long-term care ombudsman’s roles and responsibilities could provide more clarity for providers and volunteer ombudsmen, ensure volunteer ombudsmen were well trained, and provide better information to residents and families.
- DIGEST:** HB 4220 would require that training provided to each volunteer ombudsman designated by the state long-term care ombudsman who investigated complaints include instruction regarding state laws and

regulations applicable to long-term care settings in which each ombudsman would conduct investigations.

The bill would require that the state long-term care ombudsman and representatives, as provided by commission rules, have access to a long-term care facility's administrative records, policies, and other documents that residents or the general public had access to in the normal course of business. Documents obtained through litigation would not be considered to have been obtained in the normal course of business. The state long-term care ombudsman and representatives would have access to a resident's patient care records if they had obtained informed consent to access the records from the appropriate parties.

The office of the state long-term care ombudsman would be required to provide documentation to a long-term care facility that was the subject of an investigation evidencing that the state long-term care ombudsman or representative was entitled to access a resident's patient care records by having satisfied certain requirements.

The bill also would institute certain requirements for providing information to public agencies, legislators, and other persons about the problems and concerns of long-term care residents.

The office of the state long-term care ombudsman would be required to include a statement on each of its publications explaining:

- the office's role as an advocate for residents; and
- that the points of view, opinions, positions, or policies of the ombudsmen do not necessarily represent those of the Health and Human Services Commission.

The required statement could be modified as necessary to reflect a publication's primary audience.

As part of its required reporting, the office would be required to prepare a list of persons representing the office who submitted a sworn statement to a committee of the Legislature indicating the office was in favor of, in opposition to, or was withholding taking a position on legislation. The office would also prepare a description of the legislation that included the

bill number, the position taken, and a summary of the testimony given. If the office had submitted a public comment on a proposed rule published in the Texas Register, the office also would be required to include a citation to the volume and page numbers in the Texas Register that included the proposed rule and a summary of the submitted content.

The bill would take effect September 1, 2023

- SUBJECT:** Establishing a grant program for certain service members
- COMMITTEE:** Defense & Veterans' Affairs — favorable, without amendment
- VOTE:** 8 ayes — Wilson, R. Lopez, Bumgarner, Dorazio, Frank, Garcia, Muñoz, Slaton
- 0 nays
- 1 absent — Morales Shaw
- WITNESSES:** For — Tyler Sheldon, Texas State Employees Union (*Registered, but did not testify*); Ana Gonzalez, Texas AFL-CIO; Steven Price, The VOICES of Our Veterans; Mitch Fuller, Veterans of Foreign Wars Department of Texas; Bob Bagley; Kym Olson)
- Against — None
- On — Shelia Taylor, Texas Military Department (*Registered, but did not testify*); Chelsa Vinklarek, TX Comptroller of Public Accounts)
- BACKGROUND:** Some have suggested that more financial support is needed for service members who experience financial strain due to a tax withholding error made in 2021 and 2022.
- DIGEST:** HB 3031 would require the Texas Military Department (TMD) to establish and administer a grant program to assist members of the Texas Military Forces (TMF) who experience financial hardship caused by a federal tax withholding error in connection with the compensation paid to members who served in Operation Lone Star in 2021 or 2022.
- A TMF member would be eligible for a grant under the program if:
- TMD erroneously withheld an insufficient amount from the member's compensation for service in Operation Lone Star in 2021 or 2022 to cover the federal income tax imposed on that compensation;

- the member certified in the grant application that the member did not have actual knowledge of the withholding error; and
- the member demonstrated that the withholding error caused the member financial hardship.

TMD would be required to establish grant application procedures, criteria for evaluating grant applications, and guidelines ensuring that a grant would not exceed the difference between the amount the member owed in federal income taxes on applicable compensation and the amount withheld for federal income taxes. TMD could establish additional eligibility criteria for applicants.

TMD would be required to report to the governor and the Legislature on the results and performance of the grant program no later than December 1, 2024. The would expire January 1, 2025.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, the fiscal implications of the bill cannot be determined due to the unknown number of eligible service members, the amount owed in federal income taxes due to compensation received, and the amount of the grants to be disbursed.

- SUBJECT:** Establishing the Updated Livestock Brand Registration Task Force
- COMMITTEE:** Agriculture & Livestock — committee substitute recommended
- VOTE:** 7 ayes — Cain, Anderson, Bernal, Goodwin, Kitman, Rosenthal, Thimesch
- 0 nays
- 2 absent — Cody Harris, Wilson
- WITNESSES:** For — Scott Williamson, Texas & Southwestern Cattle Raisers Association (*Registered, but did not testify*: Cary Roberts, The County and District Clerks Association; David Gibson)
- Against — None
- BACKGROUND:** Concerns have been raised regarding the difficulty of identifying and returning livestock that escaped an agricultural operation, which may arise due to the similarity between livestock brands in the region.
- DIGEST:** CSHB 4413 would require the Texas Animal Health Commission to establish the updated livestock brand registration task force to make recommendations for updating the process of brand registration before the required brand registration renewals in 2031. The task force would be composed of two representatives each from certain associations and departments specified by the bill.
- The task force would be required to develop recommendations for:
- the implementation of a standardized digital registration method for livestock brands across all counties that used a database that could standardize information formatting and had other attributes the task force identified as useful;
 - a state-wide standardized technology to identify livestock that met certain provisions of the bill;

- updating current statute relating to estray livestock that would simplify and speed the process of reuniting such livestock with their owners and reduce the operational and financial burden of estray livestock placed on the relevant governmental entities; and
- creating a digital guide of best practices for livestock owners and the relevant governmental entities.

The task force also would be required to establish other goals and recommendations the task force identified within its scope and worth pursuing or recommending.

HB 4413 would require the task force to prepare and submit interim reports on its recommendations to certain state officials every two years from December 1, 2024, to December 1, 2030. By December 1, 2032, the task force would be required to submit a comprehensive report of its analysis and findings after implementation of the updated brand registration process following the brand renewal in 2031.

The task force could solicit and accept gifts, grants, and donations from public and private entities.

The bill would take effect September 1, 2023, and would expire January 1, 2033.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of \$746,332 to general revenue related funds during fiscal 2024-25.

- SUBJECT:** Granting the state exclusive jurisdiction over greenhouse gas emissions
- COMMITTEE:** Environmental Regulation — favorable, without amendment
- VOTE:** 8 ayes — Landgraf, Guerra, K. Bell, Dean, Kuempel, J. Lopez, Meza, Reynolds
- 0 nays
- 1 absent — Morales Shaw
- WITNESSES:** For — (*Registered, but did not testify:* Steven Albright, Associated General Contractors of Texas- Highway Heavy Utility and Industrial Branch; Martha Landwehr, BASF Corporation; June Dadrack, CenterPoint Energy; Michael D. Lozano, Permian Basin Petroleum Association; Stephen Minick, Republic Services; Michael Grimes, Texas Aggregate and Concrete Association; Jason Modglin, Texas Alliance of Energy Producers; Rebecca Grande, Texas Association of Business; Mark Vickery, Texas Association of Manufacturers; Shea Pearson, Texas Chemical Council; Braden Kennedy, Texas Gas Service; Ryan Paylor, Texas Independent Producers & Royalty Owners Association; Brent Bennett, Texas Public Policy Foundation; Jay Brown, Valero Energy Corporation; Leticia Van de Putte, Zachary Corporation)
- Against — Adam Bazaldua, Local Progress and the City of Dallas; Chris Canales, Local Progress Texas (*Registered, but did not testify:* Guadalupe Cuellar, City of El Paso; Jason Sabo, Environment Texas; Paul Sugg, Harris County Commissioners Court; Adrian Shelley, Public Citizen; Joshua Houston, Texas Impact; and 21 individuals)
- On — Cyrus Reed, Lone Star Chapter Sierra Club (*Registered, but did not testify:* Clifford Sparks, City of Dallas; Samuel Short, Texas Commission on Environmental Quality)
- BACKGROUND:** Some have suggested that granting the state exclusive jurisdiction over the regulation of greenhouse gas emissions would help to simplify and standardize the regulatory approach to greenhouse gas emissions and

facilitate better coordination, oversight, and efficiency in managing environmental concerns.

DIGEST:

HB 2211 would establish that the state has exclusive jurisdiction over the regulation of greenhouse gas emissions, to the extent not preempted by federal law. The bill would prohibit a municipality or other political subdivision from enacting or enforcing an ordinance or other measure that directly regulated greenhouse gas emissions.

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:** Amending investigations of dangerous dog attacks; enhancing penalties
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 8 ayes — Klick, Campos, Jetton, J. Jones, V. Jones, Oliverson, Price, Smith
0 nays
3 absent — Collier, A. Johnson, Tinderholt
- WITNESSES:** For — Trevor Najera; Raymond Najera; Richard Najera (*Registered, but did not testify*: Rebecca Galinsky; Idona Griffith; Thomas Parkinson)
Against — Cara Mendelsohn, City of Dallas; Jarrad Mears, City of Houston, BARC Animal Regulation & Care
- BACKGROUND:** Concerns have been raised that investigators' authority to investigate a dog attack is limited by statutes requiring a notarized witness statement before an investigation can be launched.
- DIGEST:** CSHB 4759 would require the animal control authority to investigate a reported incident regarding certain unprovoked dog attacks. If, after reviewing the sworn statements of any witnesses and any other applicable reports or information the animal control authority determined that the dog was dangerous, the animal control authority would be required to notify the owner in writing of the determination. These provisions would apply only to a municipality that contained more than 70 percent of the population of a county with a population of 1.5 million or more.

The identifying information of a witness who gave a sworn statement reporting a dog attack would not be subject to disclosure under public information laws.

The bill would expand the conduct constituting an offense of attack by a dog to include unprovoked dog attacks that caused bodily injury by dogs whose owner was criminally negligent or knew the dog was dangerous

under certain circumstances. These offenses would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) if the attack caused bodily injury, a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if the attack caused serious bodily injury, and a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the attack caused death.

The bill would enhance the penalty from a class C misdemeanor (maximum fine of \$500) to a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) for repeat offenses of owning a dangerous dog that made an unprovoked attack on another person outside the dog's enclosure and caused bodily injury to another person.

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

- SUBJECT:** Creating an allotment for non-enrolled students to participate in UIL
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 10 ayes — Buckley, Allison, Cunningham, Cody Harris, Harrison, Hefner, Hinojosa, K. King, Schaefer, Talarico
- 0 nays
- 3 absent — Allen, Dutton, Jr., Longoria
- WITNESSES:** For — Anita Scott, Texas Home School Coalition (*Registered, but did not testify*); Tricia Cave, Association of Texas Professional Educators; Barry Haenisch, Texas Association of Community Schools; Raif Calvert, Texas Association of School Boards; Mary Castle, Jonathan Covey, Texas Values; Jennifer Allmon, The Texas Catholic Conference of Bishops)
- Against — (*Registered, but did not testify*: Suzi Kennon, Texas PTA; and 8 individuals)
- On — Jamey Harrison, UIL (*Registered, but did not testify*: Eric Marin, Monica Martinez, James Terry; Texas Education Agency)
- BACKGROUND:** Some have suggested that providing school districts with additional funding to facilitate the expansion of University Interscholastic League (UIL) programs would help to accommodate the increasing number of non-enrolled student participants.
- DIGEST:** HB 3708 would entitle a school district, for each non-enrolled student who participated in a UIL activity for a school in a district that allowed participation of non-enrolled students as required by certain provisions, to an annual allotment of \$1,500 per league activity in which the non-enrolled student participated.
- The bill would define “non-enrolled student” as a student who predominantly received instruction from a non-public school in a general elementary or secondary education program that was provided by the

parent, or a person standing in parental authority, in or through the child's home.

The bill would take effect September 1, 2023.

- SUBJECT:** Amending application procedures for municipal building permits
- COMMITTEE:** Land & Resource Management — committee substitute recommended
- VOTE:** 6 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Schofield
3 nays — Ortega, Reynolds, Sherman
- WITNESSES:** For — Phil Crone, Dallas Builders Association (*Registered, but did not testify*: Donnie Evans, Frank Murphy, Dallas Builders Association; Don Allen, Greater Fort Worth Builders Association; Brett Martin, Greater Houston Builders Association; T. Justin MacDonald, Hill Country Builders Association; Sarah Douglas, National Federation of Independent Business; Ben Stratmann, Texans for Reasonable Solutions; Sandy Hoy, Texas Apartment Association; Scott Norman, Texas Association of Builders)
Against — Andrew Espinoza, City of Dallas; Vernon Young, City of Dallas (*Registered, but did not testify*: Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Guadalupe Cuellar, City of El Paso; Andrew Fortune, City of Plano; Wendy Herman, The City of Corpus Christi)
On — Sally Bakko, City of Galveston
- BACKGROUND:** Local Government Code sec. 214.904 requires a municipality to grant or deny a building permit within 45 days of an application or reach a written agreement with an applicant providing for a deadline. If the municipality has not ruled on the building permit within the established timeline, the municipality is required to provide written notice to the applicant stating why the municipality has been unable to grant or deny the application.
Some have suggested that that the duration of time allowed for the issuance of municipal building permits is too long.

DIGEST: CSHB 3826 would amend local government code to allow municipalities to reach a written agreement regarding an extended deadline for commercial building permits only.

Under the bill, a municipality could not deny a permit solely because the municipality is unable to comply with statute or require that an applicant waive the requirements regarding a permit application.

The bill would take effect September 1, 2023, and would only apply to a municipal building permit application that was submitted on or after the effective date.

- SUBJECT:** Establishing a task force to study school disciplinary practices
- 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 — Alisha Tuff, IDRA; Andrew Hairston, Texas Appleseed; Shana Fancher, Texas Council of Administrators of Special Education; Gary Bledsoe, Texas NAACP (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Julia Grizzard, Bexar County Education Coalition; Steven Aleman, Disability Rights Texas; Ana O’Quin, Girls Empowerment Network; Paige Duggins-Clay, IDRA; Hannah Gill, NAMI Texas; Shannon Doyle, National Association of Social Workers - Texas Chapter; Adriana Kohler, Texans Care for Children; Kelsey Kling, Texas AFT; Amanda Afifi, Texas Association of School Psychologists; Jeffrey Foley, Texas Association of School Resource Officers; Alycia Castillo, Texas Center for Justice and Equity; Leela Rice, Texas Council of Community Centers; Lauren Rose, Texas Network of Youth Services; Linda Litzinger, Texas Parent to Parent; Suzi Kennon, Texas PTA; Elaina Fowler, Texas State Teachers Association; Tiffany Patterson, United Ways of Texas; and 10 individuals)
- Against — (*Registered, but did not testify*: Paige Williams, Texas Classroom Teachers Association)
- On — (*Registered, but did not testify*: Eric Marin, Hank Weikert, Texas Education Agency)
- BACKGROUND:** Some have suggested that current law relating to school disciplinary procedures should be updated to reflect current research and student, family, and educator needs.

DIGEST: HB 4449 would establish a task force to study, evaluate, and make recommendations for policies and practices relating to student discipline in Texas public schools.

The commissioner of education or the commissioner's designee would be required to serve as the presiding officer and would be required to appoint specified members, including parents, administrators, and people with expertise in school safety and discipline, among others.

Duties. The task force would be required to conduct a study to examine school discipline practices throughout Texas. The study would have to include an identification of certain exclusionary and punitive disciplinary practices and procedures used in public schools and an analysis of such practices disaggregated based on student demographics. The bill would also require the report to include an identification of research-based, age-appropriate alternative disciplinary procedures. HB 4449 would require the report to include an examination of the disciplinary practices and procedures and the alternative disciplinary procedures to determine certain challenges, impacts, implementation methods, and other specified metrics. The report would also have to include an examination of the manner in which current laws and practices interact with and affect student discipline in Texas, including an examination of disciplinary alternative education programs.

HB 4449 would require the task force to seek feedback from students, families, and educators and to include that feedback in its report.

Based on the results of the study, the task force would be required to recommend changes to current law and regulations to improve student disciplinary practices and policies in public schools in the state. The task force would be authorized to use money appropriated or otherwise available for purposes of completing its duties.

Report to Legislature. No later than December 1, 2024, the task force would be required to prepare and submit to the Legislature a written report that included the study's findings and the task force's recommendations.

The task force would be abolished and the bill would expire on 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.

SUBJECT: Relating to civil actions by a civilly committed individual

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

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

0 nays

WITNESSES: For — Tim Walker

Against — None

On — Marsha Mclane, Texas Civil Commitment Office

BACKGROUND: Concerns have been raised that suits initiated by civilly committed individuals, who are exempt from paying court costs, may create a financial burden for certain courts.

DIGEST: CSHB 2412 would establish procedures for civil actions initiated by civilly committed individuals.

Definition. The bill would define a "civilly committed individual" as a sexually violent predator who had been committed to a facility operated by or under contract with the Texas Civil Commitment Office.

Application. The bill would apply to an action brought by a civilly committed individual in a district, county, justice, or appellate court in which an affidavit of inability to pay costs is filed by the civilly committed individual. The bill would not apply to actions brought under the Family Code.

Dismissal of false, frivolous, or malicious claim. The bill would establish procedures and criteria for the dismissal of false, frivolous, or malicious claims. A court would be allowed to dismiss a claim if it found:

- the allegation of poverty in the affidavit or unsworn declaration was false;
- the claim was frivolous or malicious; or
- the civilly committed individual filed an affidavit or unsworn declaration that the individual knew was false.

The bill would allow a court to hold a hearing to determine whether a claim was false, frivolous, or malicious on motion of the court, a party, or the court clerk.

Affidavit relating to previous filings. Along with an affidavit or unsworn declaration of inability to pay costs, a civilly committed individual would be required to file a separate affidavit or unsworn declaration disclosing certain information, including the court that ordered the individual's civil commitment, a description of all causes of action or allegations filed in any other courts, certification that all grievance processes have been exhausted, and providing information regarding the results of other actions brought. In addition, the civilly committed individual would have to include whether they had previously been found to be a vexatious litigant or if any of the individuals' actions or claims had been dismissed as frivolous or malicious.

Grievance system decision. A civilly committed individual would have 31 days after receiving a written decision from the grievance system to submit a claim to the court. The individual would be required to provide the court with information, including when the grievance was filed, the date of decision, and a copy of the written decision. If a claim was filed before the grievance system procedure was complete, the court would stay the proceeding for a period of up to 180 days to permit the completion of the grievance system procedure.

Court fees, court costs, and other costs. A court could order a civilly committed individual who had filed a claim to pay court fees, court costs, and other costs. The bill would establish a maximum amount of money that a civilly committed individual would be required to pay in the first payment and in proceeding monthly payments. The civilly committed individual would be required to make these monthly payments until the total court fees, court costs, and other costs were paid in full or until the

individual was released from confinement. The bill would provide for the withdrawal of this money from the trust account of the individual for forwarding to the court clerk.

Hearing. The bill would authorize hearings to be held at a facility operated by or under contract with the office using video communications technology. The bill also would require the recording of the proceeding to serve as a permanent record of the hearing.

Submission of evidence. The court could request documents and written statements for the purposes of testimony, while requiring the following of certain procedures.

Dismissal of claim. The court could enter an order to dismiss an entire claim or a portion of the claim. The bill would establish procedures for the dismissal of a portion of a claim. The bill would prohibit an interlocutory appeal of the order by a civilly committed individual.

Effect on other claims. A court clerk could not accept another claim for filing by the civilly committed individual until the fees and costs of another claim were paid. A civilly committed individual would retain the right to file a claim for injunctive relief seeking to enjoin an act or failure to act that created a substantial threat of irreparable injury or serious physical harm to the individual.

Questionnaire. The bill would authorize the court to develop and use a questionnaire to be filed by the civilly committed individual.

Review and recommendation by a magistrate. The bill would authorize the supreme court to adopt, by rule, a system in which a court could refer a suit related to the bill to a magistrate for review and recommendation. The bill would provide for the funding of such a system.

Conflict with Texas Rules of Civil Procedure. Notwithstanding the Texas Rules of Civil Procedure, the bill could not be modified or repealed by a rule adopted by the supreme court.

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. The bill would only apply to an action filed on or after the effective date.

- SUBJECT:** Revising provisions related to the operation of wind-powered devices
- COMMITTEE:** State Affairs — committee substitute recommended
- VOTE:** 7 ayes — Hunter, Dean, Geren, Guillen, Metcalf, Slawson, Turner
- 5 nays — Hernandez, Anchía, Raymond, Spiller, S. Thompson
- 1 absent — Smithee
- WITNESSES:** For — Ray Wilkerson; Keith Sledd, Executive Director for the Heart of Texas Defense Alliance, also serves as the Chair for the Governor’s Committee to Support the Military (*Registered, but did not testify*: Wendy Herman, The City of Corpus Christie; Clint Van Trease)
- Against — Anthony Rock, Advanced Power Alliance; Charlie Malouff, Texas Twister, Inc. (*Registered, but did not testify*: Judd Messer, Advanced Power Alliance; Mark Stover, Apex Clean Energy; Janis Carter, Avangrid; Leslie Pardue, Clearway Energy; Matt Welch, Conservative Texans for Energy Innovation; Lynnae Willette, EDF Renewables; Sloan Byerly, EDPR; Jason Sabo, Environment Texas; Tsion Amare, Environmental Defense Fund; Shannon Ratliff, Invenergy; Cyrus Reed, Lone Star Chapter Sierra Club; Eric Wright, Orsted; Ron Lewis, RWE Clean Energy, LLC; Charlie Leal, Texas Farm Bureau; Joshua Houston, Texas Impact)
- On — Scott Nutter, Fort Hood Directorate of Aviation Operations (*Registered, but did not testify*: Thomas Gleeson, Public Utility Commission of Texas)
- BACKGROUND:** Concerns have been raised that with the expiration of Chapter 313, there have been a number of new applications to place wind-powered energy devices near Ft. Hood that could impair the ability of specialized helicopter training routes.
- DIGEST:** CSHB 1443 would prohibit the owner of qualifying property from receiving an exemption from property tax or a limitation on appraised

value for the property under an agreement entered into as part of a program to encourage economic development in an area designated as a reinvestment zone if on or after the date the agreement was entered into a wind-powered energy device was installed or constructed on the property within 25 nautical miles of the boundaries of a military aviation facility located in Texas. The prohibition would apply regardless of whether the wind-powered energy device was installed or constructed in a reinvestment zone.

A qualifying property would be defined as a parcel of land that was wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land.

To the extent of any conflict, these provisions of the bill would prevail over another bill passed by the 88th Legislature, regardless of the date of enactment.

A power generation company, electric cooperative, or municipally owned utility would be prohibited from operating a wind-powered generation facility in the ERCOT power region within 65 nautical miles of the boundaries of a joint-use airport in Texas. A joint-use airport would mean an airport that was owned or operated by a U.S. Army mobilization force generation installation, at which both military and civilian aircraft shared use of the airfield, and that provided air traffic control for all military and civilian aircraft operating within 60 nautical miles of its boundaries. The Public Utility Commission could issue an administrative penalty on an electric cooperative or municipally owned utility that violated the bill. The bill would specify that it was the intent of the Legislature that these provisions be harmonized with another bill relating to nonsubstantive additions to and corrections made in enacted codes.

HB 1443 would take effect September 1, 2023. The bill would apply only to property taxes imposed for a tax year beginning on or after January 1, 2024 and to a wind-powered generation facility installed on or after the effective date.

NOTES: According to the Legislative Budget Board, as a result of the bill, taxable property values could be increased and the related costs to the Foundation School Fund could be decreased through the operation of the school finance formulas.

SUBJECT: Allowing court clerks to deduct postage from a tax sale of property

COMMITTEE: Ways & Means — favorable, without amendment

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

WITNESSES: For — Beverley Walker, Fort Bend County
Against — None

BACKGROUND: Concerns have been raised that when a tax sale results in excess proceeds, the clerk of the court is required to pay the costs of postage in the process of informing the former owner of the amount of their excess proceeds, their right to claim the excess proceeds, and providing a copy of relevant statute.

DIGEST: HB 4250 would allow the clerk of the court to deduct the cost of postage for sending a notice to the former owner of the property from the amount of the excess proceeds.

The bill would take effect September 1, 2023.

- SUBJECT:** Establishing foundation and trade diploma programs in high schools
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 8 ayes — Buckley, Allison, Cunningham, Cody Harris, Harrison, Hefner, Schaefer, Talarico
- 1 nay — Hinojosa
- 4 absent — Allen, Dutton, K. King, Longoria
- WITNESSES:** For — (*Registered, but did not testify:* Steven Albright, AGC of Texas-Highway, Heavy, Utilities and Industrial Branch; Annie Spilman, NFIB; Patrick Brophay, North Texas Commission; Julie Moore, Occidental; Jean Mayer, Pflugerville ISD; Jennifer Rodriguez, Plumbing-Heating-Cooling Contractors Association of Texas; Tristan Castaneda Jr, Texans for Reasonable Solutions; David Mintz, Texas Apartment Association; J.D. Hale, Texas Association of Builders; Mike Meroney, Texas Association of Manufacturers; Brittney Baldovinos, Texas Chemical Council; Shana Joyce, Texas Oil & Gas Association; Tray Bates, Seth Juergens, Texas REALTORS; Dee Carney, Texas School Alliance; Tisha Crow; Carolyn Lux; Melissa Meyer)
- Against — Ray Pieniazek, Agriculture Teachers Association of Texas; Ryan Franklin, Educate Texas; Steve Kemgang, Intercultural Development Research Association; Jonathan Feinstein, The Education Trust (*Registered, but did not testify:* Kate Greer, Commit Partnership; Garry Jones, Democrats for Education Reform TX; Jennifer Saenz, E3 Alliance; Jaime Puente, Every Texan; Michelle Wittenburg, Good Reason Houston; Gilbert Zavala, Opportunity Austin; Mary Lynn Pruneda, Texas 2036; Kelsey Kling, Texas AFT; Stephanie Matthews, Texas Association of Business; Barry Haenisch, Texas Association of Community Schools; Holly Eaton, Texas Classroom Teachers' Association; Carrie Griffith, Texas State Teachers' Association; Travis Krogman, The Greater Austin Chamber of Commerce; Kasey Corpus, Young Invincibles; Diana Long)
- On — Mark Bosher, Career and Technical Association of Texas; Joe

Arnold, Texas State Technical College (*Registered, but did not testify*:
Eric Marin, Monica Martinez, Texas Education Agency)

BACKGROUND: Some have suggested that a campus with a focused course of study involving work and skills training could enable high school students to gain skills and credentials they need to enter technical professions.

DIGEST: CSHB 2615 would establish a foundation and trade diploma program with the purpose of providing public education to high school students whose educational needs would be better served by tailored education and training and for whom a P-TECH program would not be academically appropriate or would not provide adequate opportunities.

Each of these programs would be required to:

- align with mathematics, English language, and other skills and content adequate for the foundation and trade diploma program;
- be designed to allow students to satisfy requirements related to certain industry-recognized credentials and certificates or industry-defined and industry-recognized skill standards; and
- be tailored to serve as an entry point to high-wage and high-growth jobs and industries as determined by the Texas Education Agency (TEA).

Powers and duties. In determining high-wage and high-growth jobs and industries, TEA would be required to consider the average salary of wages and available work opportunities for the applicable career and, to the extent feasible, the variety of opportunities available to program students. The State Board of Education would have to require the successful completion of 24 credits, including career and technical education courses and an internship, for graduation and the issuance of a foundation and trade diploma. The board by rule would be required to provide curriculum standards for required courses, the establishment of which the TEA would be required to support.

Eligibility. A student would be eligible to enroll in a foundation and trade diploma program if the district had received the established form indicating informed consent for the student, the student attended a high

school campus of the district, and the student had completed the student's 10th grade year.

Before a student could enroll in the program, a school counselor would have to advise the student and the parent or guardian concerning certain program benefits and curriculum requirements. After receiving the required counseling, the student's parent or guardian could provide written permission for the student to enroll in the school district's foundation and trade diploma program.

A program student would be entitled to receive a high school diploma from the district if the student:

- successfully completed the required curriculum;
- satisfied any other high school graduation requirements; and
- either achieved satisfactory performance on each end-of-course assessment instrument administered to the student or was determined to be qualified to graduate by the student's individual graduation committee.

Assessments. A school district could adopt and administer assessments necessary for a student enrolled in the program to earn an industry-recognized license, credential, or certificate. A student enrolled in the program would have to be administered the end-of-course assessment for each secondary level course in which the student enrolled.

A program student would be entitled to reimbursement from the district for the cost paid by the student for one exam per school year that qualified the student for an industry-recognized license, credential, or certificate.

Achievement indicators. The education commissioner would be required to adopt achievement indicators for program students based on recommendations provided by the Texas Workforce Investment Council. Achievement indicators would have to measure outcomes with respect to:

- preparing students for success in achieving industry-recognized licenses, credentials, and certificates, training in postsecondary occupational programs, and entering the workforce;

- reducing outcome differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
- informing parents and employers regarding the performance of school district foundation and trade diploma programs and students who enrolled in those programs.

Each school district that operated a foundation and trade diploma program would be required to submit to the education commissioner all relevant information necessary to evaluate the program based on achievement indicators. Each year, the education commissioner would be required to determine for each program a cohort to evaluate the implementation and effectiveness of the program and publish a report on the performance of these programs based on cohorts and achievement indicators. The bill would require that the commissioner annually publish a report on the performance of foundation and trade diploma programs based on the achievement indicators and the evaluation of the cohorts.

Instructors. A program instructor employed by a district would be required to have demonstrated subject matter expertise related to the subject taught, including required experience and certifications, and have received at least 20 hours of classroom management training.

A program instructor who qualified for membership in the Teacher Retirement System of Texas would be covered under the system to the same extent another qualified employee of a school district was covered.

Partnerships. To ensure students had sufficient opportunities to participate in apprenticeship training programs and other workplace-based education, a school district operating a foundation and trade diploma program could partner with private sector businesses and higher education institutions that offered certain workforce development training programs.

Funding. For each student enrolled in a school district's foundation and trade diploma program, the district's entitlement to the career and technology education allotment would be limited to the amount determined by the education commissioner for a campus designated as a P-TECH school. A school district operating a foundation and trade diploma program could apply to the P-TECH grant program.

For each full-time equivalent student in average daily attendance in a foundation and trade diploma program, only the first 10 hours instructional hours provided to those students under the program each week would qualify toward the district's entitlement to the allotment, and the education commissioner would be required to proportionately reduce the amount of the entitlement accordingly to an amount that reflected the limitation on qualified instructional hours per week.

Legislative oversight committee. The bill would establish a legislative oversight committee on foundation and trade diploma programs composed of three members of the Senate and three members of the House of Representatives. The committee would be required to meet at least twice a year and receive the education commissioner's report and any other relevant information. Additionally, the bill would require the committee to review specific recommendations for legislation related to these programs. By December 31 of each even-numbered year, the committee would be required to file a report with the governor, lieutenant governor, and speaker of the House describing any problems identified with the program and the committee's recommendations to address them. By December 1, 2024, the appropriate appointing authority would be required to appoint members to the legislative oversight committee.

Implementation. Each school district would be required to provide instruction about the program to students in grade 7 or 8. The state plan for career and technology education would be required to include procedures designed to ensure that a student could receive specific education in a career and technology program that included the opportunity for students to participate in a foundation and trade diploma program.

The bill would increase the percent of funds allocated from the Foundation School Program from 55 to 65 percent to be used in providing career and technology education programs in grades 7 through 12. The education commissioner would be required to determine the threshold percentage for annual graduates enrolled in a foundation and trade diploma program. An annual graduate would demonstrate career readiness if the annual graduate earned an industry-recognized license, credential, or certificate under a foundation and trade diploma program.

The bill would apply beginning with the 2023-24 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.

NOTES:

According to the Legislative Budget Board, CSHB 2615 would have a negative impact of about \$24.3 million during fiscal 2024-25.

SUBJECT: Conducting a study on linking debit card transactions to bullion

COMMITTEE: Pensions, Investments & Financial Services — favorable, without amendment

VOTE: 7 ayes — Capriglione, Lambert, Bhojani, Frazier, Leo-Wilson, Plesa, VanDeaver

1 nay — Bryant

1 absent — Vo

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify:* Austin Kinghorn, Office of the Attorney General)

BACKGROUND: Some have suggested that there is interest among Texans in owning gold or silver and using those metals in everyday transactions.

DIGEST: HB 4306 would require the attorney general to conduct a study on the feasibility of a program that provided for debit cards to be able to be used in transactions linked to and accounted for by bullion in the Texas Bullion Depository. In conducting the study, the attorney general would be required to examine:

- whether certain state and local taxes would apply to transactions made through the program;
- how the state could protect program participants from federal attempts to tax the bullion as currency; and
- any other considerations necessary for the program's operation.

The attorney general could solicit and accept input from the public in conducting the study and collaborate with the appropriate standing

committees of the House of Representatives and the Senate in conducting the study.

By May 31, 2024, the attorney general would be required to submit to the governor, the comptroller, and the speaker of the House a written report on the study that included any legislative recommendations based on the study.

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. The would expire June 1, 2024.