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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 Three

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Gary VanDeaver
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report

Wednesday, May 10, 2023

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Part 3

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- SUBJECT:** Authorizing property tax exemption for rainwater or graywater systems
- COMMITTEE:** Ways & Means — committee substitute recommended
- VOTE:** 10 ayes — Meyer, Thierry, Button, Gervin-Hawkins, Hefner, Muñoz, Noble, Raymond, Shine, Turner
- 1 nay — Craddick
- WITNESSES:** For — J.D. Hale, Texas Association of Builders; Ken Flippin, US Green Building Council Texas Chapter (*Registered, but did not testify*: Sam Gammage, Dow; Jason Sabo, Environment Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Adrian Shelley, Public Citizen; Carisa Lopez, Texas Freedom Network; Marie Camino, The Nature Conservancy Texas Chapter)
- Against — None
- On — (*Registered, but did not testify*: Allison Mansfield, Comptroller of Public Accounts)
- BACKGROUND:** Some have suggested that offering a property tax exemption for rainwater harvesting and graywater reuse systems could encourage more Texans to install such systems to improve water conservation and lessen the strain on water reserves during periods of drought.
- DIGEST:** CSHB 40 would allow the commissioners court of a county by order to adopt an exemption from taxation the portion of the appraised value of a person's property that would be attributable to the installation of a rainwater harvesting or graywater system. The exemption adopted by the commissioners court would apply to each taxing unit that taxed the property.
- The bill would apply only to property taxes imposed for a tax year beginning on or after the effective date.

The bill would take effect January 1, 2024 if the constitutional amendment was approved by voters to authorize the commissioners court of a county to exempt from ad valorem taxation the portion of the assessed value of a person's property that was attributable to the installation in or on the property of a rainwater harvesting or graywater system.

NOTES:

CSHB 40 is the enabling legislation for CSHJR 25, which is also on the daily House calendar for second reading consideration today.

According to the Legislative Budget Board (LBB), as a result of the bill, taxable property values would be reduced and the related costs to the Foundation School Fund would be increased through the operation of the school finance formulas. The LBB further identified that the bill would likely reduce taxable values by significant amounts, however suitable data for estimation has not yet been identified.

SUBJECT: Creating the offense of tampering with a correctional facility tablet device

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Herrero, Kacal, Allen, Swanson, Toth

3 nays — V. Jones, R. Lopez, Sherman

1 absent — Murr

WITNESSES: For — (*Registered, but did not testify*: Joe Morris, Game Warden Peace Officers Association; David Batton, Harris County Deputies' Organization FOP 39; Brian Hawthorne, Sheriffs' Association of Texas)

Against — Lauren Johnson, ACLU of Texas (*Registered, but did not testify*: Justin Martinez, Texas Center for Justice and Equity)

On — Jennifer Toon, Lioness Justice Impacted Women's Alliance; Cris Love, Texas Board of Criminal Justice-Office of the Inspector General

BACKGROUND: Concerns have been raised that some inmates are altering or modifying tablets provided by the Texas Department of Criminal Justice.

DIGEST: HB 3464 would establish that an offense would be committed if a person, while confined in a correctional facility, altered, modified, or breached with a correctional facility tablet device provided to the person by the operator of the facility. This offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

A correctional facility would include a municipal or county jail, confinement facility operated by the Texas Department of Criminal Justice, a community corrections facility operated by a community supervision and corrections department, or a secure correctional facility or secure detention facility.

The bill would take effect September 1, 2023.

- SUBJECT:** Revising inspection requirements for certain injection well locations
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 9 ayes — T. King, E. Thompson, Gámez, Kacal, Kitzman, Metcalf, Price, Ramos, Rogers
- 2 nays — Lalani, Zwiener
- WITNESSES:** For — (*Registered, but did not testify:* Hugo Berlanga, Rick Jacobi, EnCore Energy; Peter Lurhiger, EnCore Energy, Texas Mining and Reclamation Association's Uranium Committee; Ty Embrey, Texas Mining and Reclamation Association's Uranium Committee; Craig Wall, Uranium Energy Corp; Susan Stewart)
- Against — None
- On — Cyrus Reed, Lone Star Chapter Sierra Club; Ashley Forbes, TCEQ
- BACKGROUND:** Some have suggested that conducting maintenance checks on injection wells would be more efficient if conducted through aerial or satellite imaging instead of driving long distances to inspect them in person.
- DIGEST:** HB 4120 would authorize the executive director of the Texas Commission on Environmental Quality to satisfy the requirements of an inspection for the proposed location of a Class 1 disposal well by accepting an inspection report prepared by a licensed engineer or geoscientist (inspector).
- The report would be required to:
- confirm that the inspector inspected the location to determine the local conditions and the probable effect of the well; and
 - state the inspector's determination regarding the applicable casing requirements.

The inspector could conduct an inspection in person at the location of the proposed injection well or virtually through satellite imagery, other aerial imagery, mapping software, or other appropriate information sources.

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

- SUBJECT:** Revising disability training standards for certain child-care facilities
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 5 ayes — Frank, Rose, Campos, Manuel, Ramos
- 4 nays — Hull, Klick, Noble, Shaheen
- WITNESSES:** For — (*Registered, but did not testify:* Omodele Ojomo, Autism Society of Texas; Mandi Kimball, Children At Risk; Dennis Borel, Coalition of Texans with Disabilities; Rebekah Chenelle, Dallas County Commissioners Court; Marc Hoskins, Disability Rights Texas; Christine Yanas, Methodist Healthcare Ministries; Greg Hansch, National Alliance on Mental Illness Texas; Maddox Hilgers, Texans Care for Children; Andrew Cates, Texas Association for the Education of Young Children; Isabel Casas, Texas Council of Community Centers; Matt Dowling, Texas Medical Association; Linda Litzinger, Texas Parent to Parent; Clayton Travis, Texas Pediatric Society; Anthony Dragun, TMA; Cynthia Van Maanen, Travis County Democratic Party; Tiffany Patterson, United Ways of Texas; Steven Apodaca; Patricia Goforth; Robert Norris; Susan Stewart)
- Against — None
- On — Ron Lucey, Office of the Governor; Lauren Gerken, Texas Council for Developmental Disabilities (*Registered, but did not testify:* Rachelle Daniel, Health and Human Services Commission)
- BACKGROUND:** Concerns have been raised that a lack of knowledge among child-care providers on how to best care for children with developmental delays and disabilities may hinder these children from becoming school-ready.
- DIGEST:** HB 211 would amend the minimum standards applicable to licensed child-care facilities and registered family homes by prohibiting discrimination based on disability status by the facilities and homes. As an exception, a facility or home could deny services to a child with a disability only if the facility or home determined under the Americans

with Disabilities Act that accommodating the child would pose certain burdens, threats, or difficulties specified in the bill.

The minimum standards for licensed child-care facilities and registered family homes also would need to ensure that:

- the facility or home promoted inclusive practices and integrated children with special needs into its general activities;
- the activities of the facility or home were tailored to the strengths and needs of each child attending the facility or home based on the child's developmental age and competencies; and
- early childhood intervention service providers had access to children who were clients to provide services in accordance with an individualized family service plan while the child was with other children in the child's peer group in an educational or instructional area of the facility or home.

Minimum training standards. The bill would revise the minimum initial and annual training standards for an employee, director, or operator of a day-care center, group day-care home, or registered family home.

Initial training. The bill would specify that, rather than an employee being given responsibility for a group of children after completing a certain number of initial training hours, the employee could be counted as a caregiver for purposes of determining the caregiver-to-child ratio for a facility after completing a certain number of initial training hours, provided:

- the employee was not the sole caregiver for a child or group of children; and
- another facility employee who was a qualified caregiver was in the same room.

The bill also would require the minimum standards for the initial training to include training on providing care to children with special needs and child mental health training that addressed one or more of the following subjects:

- child mental health;
- child mental health screening;
- social and emotional learning;
- positive behavior interventions and supports;
- trauma-informed care; or
- another similar subject.

Annual training. The minimum training standards for the annual training for such employees, directors, and operators would include at least one hour of training that addressed one or more of the above subject areas. The bill would specify the manner in which training could be completed and its required content, which would include training on identification of potential developmental delays, methods for referring children with special needs for specialized services, or information on early childhood intervention. The training would need to be made available to the facility without cost. An accredited early intervention specialist, an accredited early childhood service provider, and a licensed behavior analyst would be added to the list of entities authorized to provide the training.

The bill also would add care of children with special needs to the list of subject areas, one or more of which would need to be the focus of at least six hours of the annual training required for each employee or director of a day-care center or group day-care or registered family home.

Other provisions. HB 211 would require a person who operated a licensed or certified child-care facility or child-placing agency to maintain records provided by parents for children with special needs. The bill also would require a day-care center, group day-care home, or registered family home to provide written disclosure to a parent or guardian of each child attending the facility that included the following:

- a form developed by HHSC that described developmental milestones and potential indicators of developmental delay and provided information on accessing early childhood intervention in the applicable service area under the federal Individuals with Disabilities Education Act; and

- the facility's policies on providing care to children with disabilities.

The executive commissioner of HHSC would be required to adopt the rules necessary to implement the bill as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2023.

- SUBJECT:** Authorizing a court to reduce an inmate’s sentence
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline
0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Terra Tucker, Alliance for Safety and Justice; Nikki Pressley, Texas Public Policy Foundation; Liinda Durmin)

Against — (*Registered, but did not testify*: David Batton, Harris County Deputies’ Organization FOP 39; Ray Hunt, Houston Police Officers’ Union; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance)
- BACKGROUND:** Concerns have been raised that current law does not allow the state to adjust an individual’s sentence of imprisonment when information arises indicating that the sentence is not in the interest of justice.
- DIGEST:** CSHB 4518 would authorize a court to grant a commutation of punishment for an inmate serving a term of imprisonment on a motion of the attorney representing the state.

The motion would have to be filed by the attorney representing the state for the jurisdiction in which the inmate was convicted. The motion could be filed in any district in the county in which the inmate was convicted. Until the court granted the motion, the state’s attorney could withdraw it. If the motion was withdrawn, the court would be prohibited from granting a commutation in the case.

In determining whether to grant the motion, a court could consider:
- the inmate’s disciplinary record and record of rehabilitation;

- evidence that reflected whether the inmate's age, time served, or diminished physical condition had reduced the inmate's risk of committing a future offense; and
- evidence that reflected any change in the inmate's circumstances since the original sentencing indicating that the inmate's continued imprisonment was no longer in the interest of justice.

CSHB 4518 would authorize a court to, in granting relief, reduce an inmate's sentence to a term that was less than the statutory minimum for the offense that existed at the time of the offense, including by reducing the sentence to time served and ordering the inmate's immediate release.

A court could not grant such relief to an inmate serving a sentence for certain offenses, including capital murder, sexual assault, and trafficking of persons, among other offenses. Under CSHB 4518, a court also could not commute the sentence of an inmate serving a sentence for which the judgment contained an affirmative finding of use or exhibition of a deadly weapon, including a firearm.

The Texas Rules of Appellate Procedure would apply to all hearings and orders under the bill's provisions, except that the state's attorney and the inmate would not be entitled to appeal the court's decision to deny a motion of commutation.

CSHB 4518 would add the right to be informed of any motion to grant a commutation and to be informed of any related hearings or orders to the list of crime victims' rights. If a victim notified the state's attorney that the victim opposed a motion to grant commutation, the attorney would be required to inform the court of the objections.

The bill would take effect January 1, 2024, but only if the proposed constitutional amendment was approved by voters.

NOTES:

HB 4518 is the enabling legislation for HJR 172 by Cook, which is set on the Constitutional Amendments Calendar for second reading consideration today.

According to the Legislative Budget Board, CSHB 4518 could result in fewer demands upon correctional resources but the fiscal implications of the bill could not be determined due to lack of relevant data.

- SUBJECT:** Revising provisions for unfair, deceptive, or prohibited insurer practices
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 6 ayes — Oliverson, A. Johnson, Cortez, Caroline Harris, Julie Johnson, Perez
3 nays — Cain, Hull, Paul
- WITNESSES:** For — David Kim, American Adjuster Association; Hunter Klein, Green Klein Wood & Jones (*Registered, but did not testify*: Elliott Griffin, American Adjusters Association; Sandy Hoy, Texas Apartment Association; Kevin Lewis)
Against — Scot Kibbe, American Property Casualty Insurance Association; Jon Schnautz, National Association of Mutual Insurance Companies (*Registered, but did not testify*: Jay Thompson, Afact)
On — (*Registered, but did not testify*: Leah Gillum, Texas Department of Insurance)
- BACKGROUND:** Some have suggested that, when an insurance company mishandles a claim and a policyholder hires a professional representative, insurers should be required to pay for the representative.
- DIGEST:** CSHB 601 would expand the actions considered to be deceptive, unfair, or prohibited practices by an insurer. The bill would add as an unfair claim settlement practice the action of an insurer compelling the insured to retain a public insurance adjuster to recover the full settlement amount by offering an insured less than the settlement amount ultimately recovered.
If the unfair practice occurred, the insurer would be required to pay commission fees of the public insurance adjuster retained by the insured in addition to any other payment required under law.

The bill would take effect September 1, 2023, and would apply only to an offer made or public insurance adjuster services contract entered into after the effective date.

- SUBJECT:** Authorizing sheriffs to suspend or terminate certain employees
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 8 ayes — Neave Criado, Stucky, Gerdes, Jones, Orr, Rosenthal, Schatzline, Tinderholt
- 1 nays — Slaton
- WITNESSES:** For — Christopher Dyer, Dallas County Sheriff’s Association; David Batton, Harris County Deputies Organization FOP 39; Dallas Reed, Texas Municipal Police Association (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Joe Morris, Game Warden Peace Officers Association; Anthony Kivela, Houston Police Retired Officers Association; AJ Louderback, Texas Sheriffs Regional Alliance; Brien Casey, Williamson County Deputies Association; Noel Johnson, Williamson County Deputies Association; Noel Johnson, Williamson County Sheriffs Office)
- Against — None
- On — (*Registered, but did not testify*: Shawn Hall Lecuona, Kri’ah b’shalom)
- BACKGROUND:** Concerns have been raised regarding the ability of a sheriff covered by the sheriff’s department civil service system to indefinitely suspend an officer.
- DIGEST:** CSHB 994 would authorize a sheriff to suspend or terminate an employee for the violation of a civil service rule.
- Suspensions and terminations.** Under the bill, a suspension could not exceed 15 days. If the sheriff suspended or terminated an employee, the sheriff would be required to file a written statement with the civil service commission giving the reasons for the suspension or termination no more than 120 hours after the suspension or termination. The sheriff would

immediately deliver a copy of the statement to the employee. The copy of the statement would have to inform the employee that, if the employee wished to appeal to the commission, the employee would have to file a written appeal no more than 10 days after the employee received the copy of the statement.

The written statement filed by the sheriff with the commission would be required to identify each civil service rule alleged to have been violated by the employee and would also be required to describe the alleged acts of the employee that the sheriff contended were in violation of civil service rules. It would not be sufficient for the sheriff merely to refer to the provisions of the rules alleged to have been violated. If the sheriff did not specifically identify in the written statement the act or acts of the employee that allegedly violated the civil service rules, the commission would promptly reinstate the employee.

If offered by the sheriff, the employee could agree in writing to voluntarily accept, with no right to appeal, a suspension of 16 to 90 days for the violation of the civil service rule. The employee would have to accept the offer within five working days after the date the offer was made. If the employee refused the offer and wanted to appeal to the commission, the employee would have to file a written appeal with the commission.

In the original written statement and charges and in any hearing conducted under a county civil service, the sheriff could not complain of an act that occurred earlier than 180 days before the date the sheriff suspended or terminated the employee.

Criminal activity. If the act was allegedly related to criminal activity for which the employee was subject to a criminal penalty, the sheriff:

- could not complain of an act that was discovered earlier than 180 days before the sheriff suspended or terminated the employee; and
- would be required to allege that the act complained of was related to criminal activity.

Demotions. The sheriff could recommend to the commission in writing that the commission demote a nonexempt employee involuntarily. The sheriff would have to include in the recommendation for demotion the reasons for the recommended demotion and a request that the commission order the demotion. The sheriff also would have to immediately furnish the copy of the recommendation to the affected employee.

The commission could refuse to grant the request for demotion. If the commission believed that probable cause existed for ordering the demotion, the commission would give the employee written notice to appear before the commission for a public hearing at a time and place specified in the notice. The commission would be required to give notice earlier than 10 days before the date of the hearing. The employee would be entitled to a full and complete public hearing, and the commission could not demote the employee without a hearing. A voluntary demotion would not be subject to 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:** Providing access to certain investigational health care treatment items
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 11 ayes — Klick, Campos, Collier, Jetton, A. Johnson, J. Jones, V. Jones, Oliverson, Price, Smith, Tinderholt
- 0 nays
- WITNESSES:** For — Sarah Lindley Bailey; Kimberly Barber; Marlies Ledbetter; Michelle Wells (*Registered, but did not testify*: Jacque Benestante, Autism Society of Texas; Michelle Wittenburg, KK125 Ovarian Cancer Research Foundation; Rebecca Galinsky, Protect TX Fragile Kids; Maureen Milligan, Teaching Hospitals of Texas; Caroline Welton, Texas Public Policy Foundation; Jaime Capelo, Texas 400; Michelle Evans)
- Against — David Bales, Texans for Cures
- On — (*Registered, but did not testify*: Dr. Manda Hall, Department of State Health Services)
- BACKGROUND:** Some have suggested that allowing the use of investigational drugs, biological products, or devices could help patients with chronic illnesses find treatments that better manage their disease.
- DIGEST:** CSHB 638 would expand patient access to investigational drugs, biological products, and devices. Patients would be eligible to use these items if:
- the patient had a severe chronic disease designated by the commissioner of state health services and confirmed in writing by the patient's doctor;
 - the use of the investigational drug, biological product, or device would be consistent with the law and applicable regulations; and
 - the patient's physician had considered all other available treatment options and determined the options were unavailable or unlikely to provide relief for the impairment of severe pain associated with the

patient's chronic disease and recommended or prescribed in writing the patient's use of the item.

The bill would define "investigational drug, biological product, or device" to mean an applicable item that had successfully completed phase one of a clinical trial but had not yet been approved for general use by the US Food and Drug Administration or its international equivalent and that remained under investigation in the clinical trial. The term would not include low-THC cannabis or a product containing marijuana regardless of whether or not the item had successfully completed phase one of a clinical trial. "Severe chronic illness" would mean a condition, injury or illness that could be treated, could not be cured or eliminated, and entailed significant functional impairment of severe pain.

The commissioner of state health services would be required to designate the medical conditions considered to be severe chronic illnesses and develop regulations to implement provisions of the bill as soon as practicable after the effective date.

A physician could only prescribe an investigational drug, biological product, or device to an eligible patient that signed an informed consent. A parent, guardian, or conservator would be permitted to sign for a minor or patient that lacked the mental capacity to provide informed consent.

The bill would not create a private or state cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of the eligible patient using an investigational drug, biological product, or device for any harm to the patient resulting from such use.

An official, employee, or agent of the state could not prevent or attempt to prevent an eligible patient from accessing an investigational drug, biological product, or device unless the item had been considered adulterated or misbranded. A government entity could not consider the item to be adulterated or misbranded based solely on the item having not been finally approved at the federal level.

These provisions would not affect the coverage of an enrollee in a clinical trial described under current law.

The Texas Medical Board could not revoke, fail to renew, suspend, or take any action against a physician's license based solely on the physician's recommendation to an eligible patient regarding access to an investigational drug, biological product, or device.

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: Providing public information exception for certain ALJs and TEs

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 — None
Against — None
On — (*Registered, but did not testify:* Dana Lewis, Railroad Commission of Texas Hearings Division)

BACKGROUND: Government Code sec. 552.144 provides an exception for the required disclosure of information to the public for certain working papers and electronic communications of administrative law judges (ALJs) at the state office of administrative hearings.
Concerns have been raised that state law does not guarantee ALJs and technical examiners (TEs) of the Railroad Commission protection from disclosure of case deliberations, impressions, notes, and emails, which may inhibit open discussion.

DIGEST: HB 4083 would amend Government Code sec. 552.144 to include technical examiners (TEs) or administrative law judges (ALJs) at the Railroad Commission of Texas in the exception from required disclosure of information to the public for certain working papers and electronic communications.
The bill would take effect September 1, 2023, and would apply only to a request for public information received by a government body or an officer for public information on or after the effective date.

- SUBJECT:** Requiring classification of certain employees by employers
- COMMITTEE:** Business & Industry — favorable, without amendment
- VOTE:** 9 ayes — Longoria, Vasut, Cole, Frazier, J. González, Hinojosa, Isaac, Lambert, Neave Criado
- 0 nays
- WITNESSES:** For — Amanda Posson, Every Texan (formerly CPPP); Daniela Hernandez, Workers Defense Action Fund (*Registered, but did not testify*); Ryan Pollock, IBEW Local 520; Emily Amps, Texas AFL-CIO; Thomas Kennedy, Texas Building Trades Council; Jacob Smith, Texas Employment Lawyers Association; Julie Wheeler, Travis County Commissioners Court; Cynthia Van Maanen, Travis County Democratic Party; David Chincanchan, Workers Defense Action Fund; Idona Griffith; Ren Morris; Tory Morris; Susan Stewart
- Against — Ned Muñoz, Texas Association of Builders (*Registered, but did not testify*); Annie Spilman, NFIB; Matt Abel, Texas Association of Business)
- On — Eric Holen, Texas Workforce Commission
- BACKGROUND:** Some have suggested that preventing employers from improperly classifying workers would help to ensure that workers may access their benefits under the law.
- DIGEST:** HB 1054 would require a contractor to properly classify each individual providing construction services as either an employee or an independent contractor in accordance with Texas Workforce Commission (TWC) rules.
- Applicability.** An individual could not be considered an employee based solely on the fact that the employer required any employee hired to submit a criminal background check or drug screening, possessed a certain license, or certification relating to the work the employee would perform.

A person for whom an individual was providing construction services would not be required to report to TWC under the Texas Unemployment Compensation Act that the individual was an employee of the person if the person:

- showed that the individual was an independent contractor; and
- provided to the individual a 1099 tax form, or a similar form, on which the person reported the amount paid to the individual in accordance with the IRS requirements and filed these forms with the IRS.

The bill would not apply to an individual employed by the state, a political subdivision, an Indian tribe, or a religious, charitable, educational or other organization provided that the services were excluded from employment as defined by federal law.

Administrative penalty. TWC could impose an administrative penalty on a contractor who did not properly classify individuals in accordance with the bill's provisions. The administrative penalty could not exceed \$100 for each individual who was not properly classified and \$1,000 for each individual who was not properly classified for each subsequent violation that occurred after the imposition of a penalty. A penalty issued would apply to a successor business entity that:

- had one or more owners who jointly controlled 50 percent of the original employer and successor entity; and
- was engaged in the same or similar business activity.

Notification to governmental entity. If TWC determined that a contractor had violated provisions of the bill, the commissioner would provide notice of the violation to each governmental entity that TWC reasonably believed had received services provided by the contractor. The notice would have to identify the contractor and, for each violation, the specific type of service provided and the location at which the services were provided, if known.

TWC would be required to provide on its website information regarding the procedure for the public to report violations of the bill's provisions.

Annual report. TWC would be required to issue an annual report with certain information specified in the bill regarding compliance and enforcement of the bill's provisions.

Conforming changes. HB 1054 would, for the purposes of the Texas Unemployment Act, the definition of the term employment would not include construction performed by an independent contractor.

The bill would take effect September 1, 2023 and would apply only to a claim for unemployment benefits on or after the effective date.

NOTES:

According to the Legislative Budget Board, HB 1054 would have a negative impact of \$1,963,224 through fiscal 24-25.

- SUBJECT:** Establishing TCOLE standards of conduct for peace officers
- COMMITTEE:** Homeland Security & Public Safety — committee substitute recommended
- VOTE:** 6 ayes — Guillen, Jarvis Johnson, Bowers, Harless, Holland, Troxclair
1 nays — Dorazio
2 absent — Canales, Goodwin
- WITNESSES:** For — (*Registered, but did not testify:* M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Luis Soberon, Texas 2036; 9 individuals)

Against — Chris Jones, Combined Law Enforcement Associations of Texas (*Registered, but did not testify:* Thomas Villarreal, Austin Police Association; Marvin Ryals, Cleat and El Paso County Sheriffs Officers Association; Julio Gonzalez, Dallas Police Department; David Batton, Harris County Deputies Organization FOP 39; Carlos Ortiz, San Antonio Police Officers Association)

On — Cullen Grissom, Texas Commission on Law Enforcement; Kevin Lawrence, Texas Municipal Police Assn
- BACKGROUND:** Some have suggested that creating statewide minimum conduct standards for peace officers would help to standardize processes for addressing officer misconduct.
- DIGEST:** CSHB 4873 would require the Texas Commission on Law Enforcement (TCOLE) to create minimum standards of conduct for licensed peace officers, establish a panel to investigate violations of the standards of conduct, and establish provisions related to officer disqualification, license revocation and suspension, and disciplinary action.
- Standards of conduct.** CSHB 4873 would require TCOLE to establish minimum standards of conduct with respect to:

- pursuit of a suspect;
- arrest and control tactics;
- executing high-risk warrants; and
- conducting traffic stops, including those punishable by fine only.

TCOLE would be required to biennially review and update the standards of conduct as necessary.

CSHB 4873 would require TCOLE to submit to the National Decertification Index maintained by the International Association of Directors of Law Enforcement Standards and Training, or a similar database selected by TCOLE, information necessary to create a record in the database for each officer license TCOLE revoked under the bill.

Panel to investigate violations. The governor would be required to appoint a nine member panel to investigate alleged violations of the standards of conduct adopted under the bill. The panel would consist of certain relevant individuals, including licensed peace officers recommended by certain law enforcement agencies and associations, a member of the Texas Indigent Defense Commission, and a member of TCOLE who would serve as the presiding officer. Members of the panel would serve two year terms and would meet at the call of the presiding officer. A member of the panel would not be entitled to compensation for service on the panel but would be entitled to reimbursement for expenses incurred in performing official duties as a member of the panel.

In an investigation of an alleged violation of an adopted standard of conduct, TCOLE or the panel could request and compel by subpoena certain information relevant to the investigation. TCOLE or the panel, acting through the attorney general, could bring an action against a person who failed to comply with the subpoena. The bill would prescribe venues where the action could be brought. The court would be required to order compliance with the subpoena if the court found that good cause existed to issue the subpoena. TCOLE would be required to adopt rules for attendance of a witness by video conference in response to an issued subpoena.

Disqualification, disciplinary action. A person would be disqualified to be an officer and from being issued an officer's license, if the person had been issued a license or other authorization to act as an officer in another state and the license or authorization was revoked or suspended.

TCOLE could revoke or suspend a license, place on probation a person whose license had been suspended, or reprimand a license holder for violating a standard of conduct adopted by the bill.

TCOLE could not take disciplinary action against an officer for an alleged violation of a standard of conduct unless the panel, by a two-thirds vote, determined the violation occurred and recommended disciplinary action.

Implementation. By January 1, 2024, TCOLE would be required to prescribe the standards of conduct and adopt the rules necessary to implement the bill. The governor would appoint members of the panel by January 1, 2024. The standards of conduct would apply only after January 1, 2024.

The bill would take effect September 1, 2023, and would apply only to an application for an officer's license on or after the effective date.

- SUBJECT:** Revising provisions for indigent defense in certain capital cases
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Moody, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales
- 1 nay — Cook
- 1 absent — Schatzline
- WITNESSES:** For — Melissa Shannon, Bexar County Commissioners Court; Allen Place, Texas Criminal Defense Lawyers' Association; Amanda Marzullo (*Registered, but did not testify*: Cole Meyer, Texas Appleseed; Roberto Lopez, Texas Civil Rights Project; Shea Place, Texas Criminal Defense Lawyers' Association; Idona Griffith; Taylor Trevino)
- Against — None
- On — Maro Robbins, Office of Capital and Forensic Writs; Raoul Schonemann
- BACKGROUND:** Concerns have been raised that there are not enough attorneys qualified to handle a growing number of capital murder defendants and attorneys appointed to represent indigent defendants may not be qualified to represent such defendants.
- DIGEST:** HB 1170 would require each local selection committee that appointed counsel for indigent defendants in death penalty cases to evaluate and determine the list of attorneys in the applicable qualified administrative judicial region to represent indigent defendants in capital cases in which the death penalty was sought. The committee would be required to post the list of attorneys on the website of that administrative judicial region.
- A statewide capital defense training and standards committee would be created. The committee would be composed of nine members, including:

- two judges jointly selected by the presiding judges of the administrative judicial regions;
- a criminal defense attorney appointed by the Texas Criminal Defense Lawyers Association president;
- the chief public defender of the Regional Public Defender for Capital Cases office or the chief public defender's designee;
- the chief capital defender of a county public defender's office appointed by the Texas Indigent Defense Commission executive director;
- a member of the State Bar of Texas committee on legal services to the poor in criminal matters selected by the chair of the committee; and
- three attorneys appointed by the executive director of the Texas Indigent Defense Commission.

Committee members would serve staggered four-year terms and could be reappointed. The bill would establish a procedure to address vacancies. Members would be required to select a chair from among the committee. A member could not receive compensation for service on the committee but would be entitled to reimbursement for actual and necessary expenses incurred in discharging committee duties, which would be paid from appropriations to the Texas Indigent Defense Commission. The Texas Indigent Defense Commission would be required to provide administrative support to the committee as necessary to carry out the committee's purposes.

The committee would be required to adopt policies and standards for providing legal representation to indigent defendants in capital cases in which the death penalty was sought. The policies and standards would have to include, with respect to the qualification of attorneys to be appointed in capital cases, training requirements, qualification standards, continuing legal education requirements, and other necessary policies to ensure quality legal representation. The bill would specify that a trial attorney appointed as lead counsel or trial attorney appointed as lead appellate counsel to a capital case could not have been found to have provided deficient legal representation during a capital case. The attorney also would have to have had experience with death penalty trials,

regardless of the trials' results. The Texas Indigent Defense Commission would be required to prominently post the policies and standards adopted by the statewide capital defense training and standards committee on the commission's website.

No more than two years after an attorney was placed on a local selection committee's list of qualified attorneys for appointment in death penalty cases and each year following, the attorney would be required to present a list of certain cases in which the attorney served as counsel and proof to the local selection committee that the attorney had successfully completed certain training and education requirements.

The bill would repeal certain provisions requiring the local selection committee, at the request of an attorney, to make a determination regarding an attorney's current ability to provide effective representation following a judicial finding that the attorney previously rendered ineffective assistance of counsel in a capital case.

The bill would take effect September 1, 2023, and would apply only to a capital felony case that was filed on or after the effective date.

SUBJECT: Prohibiting public employers from requesting certain applicant information

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 13 ayes — Hunter, Hernandez, Anchía, Dean, Geren, Guillen, Metcalf, Raymond, Slawson, Smithee, Spiller, S. Thompson, Turner

0 nays

WITNESSES: For — Adam Bazaldua, City of Dallas; David Emerick, JPMorgan Chase & Co.; Kaden Norton, Prison Fellowship Ministries (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Kristi Antonick, Phillip Mills-Lehmann, Samuel Sheetz, Americans for Prosperity; Brie Franco, City of Austin; Jennifer Carter, Goodwill Central Texas; Josiah Neeley, R Street Institute; Ana Gonzalez, Texas AFL-CIO; Cole Meyer, Texas Appleseed; Lori Henning, Texas Association of Goodwills; Lauren Rose, Texas Network of Youth Services; Daniel Martinez, Karla Sierra, Juan Vasquez, The LIBRE Initiative; Ashley Harris, United Ways of Texas; Patricia Goforth; Idona Griffith; Susan Stewart; Taylor Trevino; Cynthia Van Maanen)

Against — (*Registered, but did not testify*: Lee Ann Alexander, American Property Casualty Insurance Assn; James Parnell, Dallas Police Association; John Wilkerson, Texas Municipal Police Association)

On — (*Registered, but did not testify*: Shawn Hall Lecuona, Kri'ah b'shalom)

BACKGROUND: Some have suggested that adopting fair chance hiring policies for public employers could increase employment opportunities for Texans who have a criminal record.

DIGEST: CSHB 1215 would prohibit a public employer from obtaining an applicant's criminal history record information or asking the applicant to disclose orally or in writing information regarding the applicant's criminal history before making a conditional offer of employment.

Before making the conditional offer of employment, a public employer could:

- notify the applicant for a position that certain criminal convictions would disqualify the applicant from consideration for the position under law or the employer's written policy; or
- include a question on an initial employment application form regarding whether an applicant has been convicted of a criminal offense that would disqualify the applicant from employment under law if the question was limited to offenses that result in disqualification.

The bill would not prohibit a public employer from obtaining criminal history record information after the employer had made a conditional offer of employment.

The bill would not apply to an independent school district or any position with a law enforcement agency for which a license was required.

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

SUBJECT: Allowing law enforcement to submit certain handle with care notices

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

VOTE: 5 ayes — S. Thompson, Capriglione, Dutton, A. Johnson, T. King

1 nay — Hull

3 absent — Allison, Landgraf, Lozano

WITNESSES: For — Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Matt Greer, Eanes ISD; Antione Williams, Fort Worth Police Department; Roshni Koli, Meadows Mental Health Policy Institute; Shariq Ghani, Minaret Foundation; Shea Mackin, Nation Parents Union; Cynthia Rubio, Tyler Shoemith, North East ISD and the Bexar County Education Coalition; Amit Motwani, Rupani Foundation; Laura Colangelo, Texas Private Schools Association; Manya Blaisdell; Jeffrey Yarbrough (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Julia Grizzard, Bexar County Education Coalition; Clifford Sparks, City of Dallas; TJ Patterson, City of Fort Worth; Georgia Bates, City of Uvalde; Rebekah Chenelle, Dallas County Commissioners Court; Ana O’Quin, Girls Empowerment Network; Paul Sugg, Harris County Commissioners Court; Heidi Ruiz, Houston Police Department; Paige Duggins-Clay, IDRA; Christine Yanas, Methodist Healthcare Ministries; Hannah Gill, NAMI Texas; Shannon Doyle, National Association of Social Workers - Texas Chapter; Chelsea Biggerstaff, Elizabeth Henry, RecoveryPeople; Skylor Hearn, Sheriffs’ Association of Texas; 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; Stephanie Battaglia, Texas CASA; Leela Rice, Texas Council of Community Centers; Linda Litzinger, Texas Parent to Parent; Suzi Kennon, Texas PTA; Elaina Fowler, Texas State Teachers Association; Jennifer Allmon, The Texas Catholic Conference of Bishops; Tiffany Patterson, United Ways of Texas; and 10 individuals)

Against — Lee Spiller, Monica Ayres, Citizens Commission on Human Rights Texas; Judy Powell, Parent Guidance Center (*Registered, but did not testify*: Maureen Ball)

On — (*Registered, but did not testify*: Eric Marin, Shane Sexton, Hank Weikert, Texas Education Agency)

BACKGROUND: Some have suggested that providing handle with care notices to school districts and personnel could lead to greater behavioral awareness of and noninterventional care for students who have experienced a traumatic event.

DIGEST: CSHB 1537 would authorize a law enforcement agency that determined that a student in a public school had witnessed or otherwise experienced a traumatic event to submit a handle with care notice to the superintendent or other designated school employee. A traumatic event would include the arrest of an individual who resided with the student, an incident involving family violence, or a mass shooting, among other events.

The bill would require a handle with care notice to include certain information identifying the student. Law enforcement agencies would be required to submit the notice using an electronic system that sent a copy of the notice the appropriate regional education service center. A superintendent or other designated school employee who received the notice would be required to provide a copy to all instructional and support personnel who were responsible for the student's supervision. Information contained in the notice would be confidential and exempt from disclosure, except as provided by applicable law.

CSHB 1537 would require the Texas Education Agency (TEA) to establish and maintain a one-hour training course regarding handle with care notices for school district or open-enrollment charter school employees who had responsibility for the supervision of students. The bill would specify the information required to be in the course. Each school district would be required to ensure that appropriate personnel completed the training course. TEA would be required to develop the course as soon as practicable after the bill's effective date.

The bill would require the State Board for Educator Certification to propose rules allowing an educator to receive credit toward the educator's continuing education requirement for completion of the course. The State Board for Educator Certification would be required to propose rules as soon as practicable after the bill's effective date.

CSHB 1537 also would require the Texas Commission on Law Enforcement to establish and maintain a handle with care notice training program for peace officers and other employees. The bill would require a law enforcement agency to ensure that officers and other employees received appropriate training regarding handle with care notices. The commission would be required to establish the training program as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2023.

- SUBJECT:** Requiring mail-in ballot signatures be signed using ink on paper
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 6 ayes — Smith, Burrows, Capriglione, DeAyala, E. Morales, Swanson
3 nays — Bucy, Manuel, Vo
- WITNESSES:** For — (*Registered, but did not testify:* Alan Vera, Harris County Republican Party Ballot Security Committee; Devvie Duke, Jill Glover, Republican Party of Texas; Ed Zenner, RPT; Andrew Eller, State Republican Executive Committee SD24, Republican Party of Texas; Tisha Crow, Texas GOP; Tom Nobis, The Republican Party of Texas; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; and 13 individuals)

Against — (*Registered, but did not testify:* Andrew Hendrickson, ACLU of Texas; Maggie Stern, Children's Defense Fund - Texas; Katya Ehresman, Common Cause Texas; Valerie Street, Our Vote Texas; Joey Bennett, Secure Democracy USA; Brenda Cruz, Texas Democratic Party; Rocio Fierro-Perez, Texas Freedom Network; and 11 individuals)

On — Christina Adkins, Texas Secretary of State
- BACKGROUND:** Some have suggested that requiring a signature on a mail-in ballot envelope to be ink on paper would better ensure that elections reflect the will of the people and assist the early voting ballot board and signature verification committee in completing their task of comparing signatures for verification.
- DIGEST:** HB 1299 would specify that the required signature on a mail-in ballot envelope would have to be signed using ink on paper, and an electronic or photocopied signature would not be permitted.

The bill would take effect September 1, 2023.

- SUBJECT:** Revising disciplinary actions and procedures for physicians
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Klick, Campos, Collier, Jetton, J. Jones, Oliverson, Price, Smith, Tinderholt
- 0 nays
- 2 absent — A. Johnson, V. Jones
- WITNESSES:** For — Lisa McGiffert, Patient Safety Action Network; Sheila Hemphill, Texas Right To Know; Ware Wendell, Texas Watch; Kelsey McKay; Jennifer Thompson
- Against — (*Registered, but did not testify*: Tom Glass, Texas Constitutional Enforcement; Beth Biesel, Texas Eagle Forum; Adam Cahn)
- On — Stephen Carlton, Texas Medical Board; Steve Wohleb, Texas Hospital Association
- BACKGROUND:** Concerns have been raised that current procedures for disciplinary actions against physicians who displayed negligence or other inappropriate behavior may not sufficiently ensure patient safety.
- DIGEST:** CSHB 1998 would revise and establish various provisions related to physician disciplinary actions and procedures.
- Disciplinary action and license refusals.** Under CSHB 1998, the Texas Medical Board would be required to refuse to issue or revoke a physician license if the applicant's or license holder's license was revoked in another state for a reason that would be grounds for license revocation in Texas. The bill would specify that an applicant would not be eligible for a license if the applicant's license was revoked in another state or a province of Canada for a reason that would be grounds for revocation in Texas.

The board would be required to run a continuous query on the National Practitioner Data Bank and update a physician's profile to reflect changes related to disciplinary action within 10 days after any new information was found. Information included in the physician's profile for the National Practitioner Data Bank could not include any identifying information or information that could reasonably be used to identify anyone other than the physician.

A medical peer review committee or health care entity would be required to report results and circumstances of a medical peer review that adversely affected a physician's clinical privileges for more than 14 days, rather than 30.

Criminal offenses. The bill would revise the list of offenses that would allow a disciplinary panel to suspend or restrict a person's license. Instead of referencing certain sexual offenses involving children, the bill would allow a license suspension or restriction for:

- criminal homicide;
- trafficking of persons; or
- certain sexual or assaultive offenses committed against a patient, child, elderly person, or an individual with a disability.

The bill would specify that a person would have to knowingly make a false statement in the person's license application or under oath to obtain a license or license registration in order for that action to constitute a false statement offense. This offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000). The penalty would be enhanced to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the actor's intent was to defraud or harm another. The bill would remove language specifying that this type of offense would constitute tampering with a government record or perjury.

Fingerprinting. The bill would require, rather than allow, the board to submit a complete set of fingerprints for each license applicant to the Department of Public Safety. In addition to certain required registration documents, a license holder would be required to submit a complete

fingerprint set to the board with the registration permit renewal application. The board could suspend or refuse to renew the registration of a license holder who did not submit a complete fingerprint set. These requirements would not apply to a license holder who previously submitted a complete fingerprint set as part of a license application or a previous application for registration renewal.

Expert physician panels. The bill would allow physicians licensed to practice medicine in a member state of the interstate medical licensure compact to serve on an expert physician panel that reviewed a complaint if there were no panel members licensed in the state available to review the complaint in a timely manner.

The bill would establish that the report of the expert physician selected to review a complaint would constitute the final report. A second expert physician would be required to review the complaint if it was alleged that a violation resulted in a serious injury or death or if the first physician reviewing the complaint determined that the applicable standard of care was violated. The second expert physician could issue a second written report with the findings of the review.

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

- SUBJECT:** Revising provisions related to third-party payments for Medicaid enrollees
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 9 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos, Shaheen
0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Stacy Wilson, Children’s Hospital Association of Texas; Leela Rice, Texas Council of Community Centers)
Against — None
On — (*Registered, but did not testify:* Susan Biles, HHSC Office of the Inspector General)
- BACKGROUND:** Some have suggested that the state Medicaid program should align with new federal regulations related to third-party payments for services provided to Medicaid enrollees.
- DIGEST:** CSHB 3119 would revise provisions related to third-party payments for Medicaid enrollees. Third-party insurers that required prior authorization for an item or service would have to treat an authorization from the Medicaid program that the service would be covered under Medicaid as if that authorization was a prior authorization made by the third party insurer.
- Third-party insurers would be required to respond to claim inquiries from Medicaid within 60 days of receiving an inquiry. An insurer could not deny a claim based on the failure to obtain prior authorization for the item or service for which the claim was being submitted if:
- the claim had been submitted within three years of the date the service was delivered; and
 - the state had enforced its right to the claim within six years of the date the claim had been submitted to the third party.

The bill would identify the third-party insurers that were subject to its provisions and would also identify benefit plans for which the provisions would not apply.

The bill would allow the commission to impose a penalty on a third-party insurer that did not comply with the bill's requirements.

If a state agency determined that a waiver or authorization from a federal agency was necessary for implementation of a provision in the bill, the agency would be required to request the waiver or authorization and implementation of that provision could be delayed until it had been received.

The bill would take effect September 1, 2023.

- SUBJECT:** Informing the public of provisions for certain animals in protective orders
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Leach, Julie Johnson, Davis, Flores, Schofield, Vasut
- 1 nay — Slawson
- 1 absent — Moody
- 1 present not voting — Murr
- WITNESSES:** For — Marie Betcher, Austin Police Department; Zequias Castro, SAFE Alliance; Sheri Soltes, Service Dogs, Inc., Assistance Dogs International NA; Stacy Sutton Kerby, Texas Humane Legislation Network; Hilary Shurtleff, Texas Pets Alive!; Delia Jasso, The Family Place; Aaliyah Miranda, The Family Place Boardmember (*Registered, but did not testify*); John Hubbard, Ian Randolph, Animal Legal Defense Fund; Kate Goodrich, Best Friends Animal Society; Heather Bellino, Texas Advocacy Project; Breall Baccus, Texas Council on Family Violence; Steve Bresnen, Amy Bresnen, Texas Family Law Foundation; D.B. Banach; Thomas Parkinson; Jessica Zaboroski)
- Against — None
- BACKGROUND:** Some have suggested that more public information is needed about options concerning pets and other animals for those seeking a protective order.
- DIGEST:** HB 1179 would require the attorney general and the State Bar of Texas to jointly develop information to provide to the public about provisions that could be included in a protective order, including the prohibition of a party from removing a pet, companion animal, or assistance animal from the possession or actual or constructive care of a person.

The bill would require the offices of prosecuting attorneys to make the information available to persons who wished to apply for a protective order.

The bill would take effect September 1, 2023.

- SUBJECT:** Creating an audiology and speech-language pathology interstate compact
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 10 ayes — Klick, Campos, Collier, Jetton, J. Jones, V. Jones, Oliverson, Price, Smith, Tinderholt
- 0 nays
- 1 absent — A. Johnson
- WITNESSES:** For — Marjorie Grantham, Vickie Tuten, Texas Academy of Audiology; Lori Colletti, Lawrence Higdon, Texas Speech Language Hearing Association; Lila Almond (*Registered, but did not testify*: Lindsay Lanagan, Legacy Community Health; Christine Yanas, Methodist Healthcare Ministries; Bradford Shields, Texas Academy of Audiology; Nora Belcher, Texas e-Health Alliance; Michelle Evans)
- Against — (*Registered, but did not testify*: Chad Whited, Texas Association of Otolaryngology; Ben Wright, Texas Medical Association)
- On — (*Registered, but did not testify*: Katie Brice, Texas Department of Licensing and Regulation)
- BACKGROUND:** Some have suggested that allowing for the interstate practice of audiology and speech-language pathology could help to increase access to these health services.
- DIGEST:** HB 1875 would create the Audiology and Speech-Language Pathology Interstate Compact to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to these services by providing for the mutual recognition of member state licenses. The bill would encourage cooperation among member states in regulating multistate audiology and speech-language pathology practice and allow for the use of telehealth technology to facilitate increased access.

Objectives of the compact would include enhancing states' ability to protect the public's health and safety, supporting spouses of relocating active duty military personnel, and enhancing the exchange of licensure, investigative, and disciplinary information between member states.

The compact would include relevant definitions, compact privileges, requirements for a data system as well as oversight, dispute resolution, and enforcement mechanisms.

HB 1875 would establish the Audiology and Speech-Language Pathology Compact Commission as a joint public agency with two delegates from each member state and an additional five delegates selected by the commission's executive committee. The compact would preserve the regulatory authority of states to protect public health and safety through the current system of state licensure. The bill would establish the commission's powers and duties as well as its voting and meeting procedures.

The bill would include state and individual participation requirements for membership in the compact. Each member state would be required to recognize a license issued to an audiologist or speech-language pathologist by another member state. A member state would be required to implement or utilize criminal background check procedures in considering the criminal history of applicants for initial privilege to practice and would have to use background check results in making licensure decisions. The bill also would specify educational, clinical, and exam requirements for audiologists and speech-language pathologists.

Active duty military personnel or their spouses could designate a home state where the individual had a current license in good standing. The individual could retain the home state designation during periods that the service member was on active duty.

The bill also would specify provisions for the compact relating to:

- the authority of a member state to take adverse action against an audiologist or speech-language pathologist;

- venue, jurisdictional defenses, and prohibition against the compact's provisions being construed as a waiver of sovereign immunity;
- a prohibition against the commission incurring obligations and a requirement to keep accurate accounts of all receipts and disbursements;
- the construction and severability of compact provisions, as well as the binding effect of the compact and other state laws; and
- the process for amending or withdrawing from the compact.

The compact would take effect on the date that the compact was enacted into law in the 10th member state. The bill would designate the Texas Department of Licensing and Regulation as the administrator of the compact and would authorize the Texas Commission of Licensing and Regulation to adopt rules necessary to implement the bill's provisions.

The bill would take effect September 1, 2023.

- SUBJECT:** Requiring DPS to compile and maintain statistics on sexual assault
- COMMITTEE:** Homeland Security & Public Safety — favorable, without amendment
- VOTE:** 6 ayes — Guillen, Jarvis Johnson, Bowers, Harless, Holland, Troxclair
1 nays — Dorazio
2 absent — Canales, Goodwin
- WITNESSES:** For — (*Registered, but did not testify:* Ashley Brooks, Texas Association Against Sexual Assault; Cynthia Van Maanen, Travis County Democratic Party; and 10 individuals)
Against — None
On — (*Registered, but did not testify:* Brady Mills, Texas DPS Crime Lab)
- BACKGROUND:** Some have suggested that compiling and maintaining statistics on sexual assault would better equip investigators and prosecutors to handle such cases.
- DIGEST:** HB 2051 would require the Department of Public Safety (DPS) to compile and maintain statistics on the number of victims of sexual assault in each calendar year who have reported the sexual assault to a law enforcement agency after receiving a forensic medical examination, regardless of the year in which that examination was performed. Statistics compiled and maintained could not include identifying information of a victim.
By September 1 of each even-numbered year, DPS would be required to:
- report the statistics compiled by DPS to the standing committees of the House and Senate with primary jurisdiction over criminal justice issues; and
 - post the statistics on its website.

The bill would take effect September 1, 2023.

- SUBJECT:** Establishing the Texas Center for Rural Health Education at UT-RGV
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 8 ayes — Kuempel, Paul, Bucy, Burns, Clardy, Cole, Howard, Lalani
- 0 nays
- 3 absent — Burrows, M. González, Raney
- WITNESSES:** For — (*Registered, but did not testify:* Michael Dole, Driscoll Health System; Christine Yanas, Methodist Healthcare Ministries; Marshall Kenderdine, Texas Academy of Family Physicians; Daniela De Luna, Texas Association of Community Health Centers; David Reynolds, Texas Chapter American College of Physicians Services; Matt Dowling, Texas Medical Association; Jill Sutton, Texas Osteopathic Medical Association)
- Against — None
- On — Dr. Leonel Vela, University of Texas Rio Grande Valley, School of Medicine
- BACKGROUND:** Some have suggested that recruiting health care professionals to work in underserved rural areas could improve rural health education and health outcomes for Texans.
- DIGEST:** HB 2171 would require the board of regents of The University of Texas System to establish the Texas Center for Rural Health Education at The University of Texas Rio Grande Valley. The organization, control, and management of the center would be vested in the board. The center would be required to:
- perform an initial assessment of rural health education in Texas;
 - develop appropriate performance metrics to measure improvement in rural health education and health care outcomes;

- conduct research regarding rural health education, including research to identify best practices in rural health education and underserved rural areas;
- develop recommendations regarding the allocation of funding for tuition and loan repayment programs available to rural health care professionals;
- develop partnerships between high schools, postsecondary institutions of higher education, and local medical systems to recruit, train, and retain health care professionals to serve in underserved rural areas;
- develop a plan to improve rural health education and health care outcomes; and
- develop and maintain a website that provided information regarding rural health education research and resources.

The center would have to biennially submit to the Legislature a report on rural health education and health care outcomes in Texas that included a summary of the center's activities and any recommendations for legislative or other action. The center would be required to submit the first report by December 1, 2024.

The university would be required to encourage public or private entities to participate in or support the operations of the center and could enter into an agreement with any public or private entity for that purpose. Such an agreement could allow the center to provide information, services, or other assistance to an entity in exchange for the entity's participation or support. The board would be authorized solicit, accept, and administer gifts and grants from any public or private source for the purposes of the center and could employ personnel for the center as necessary.

The bill would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board, HB 2171 would have a negative impact on general revenue related funds of \$2,078,391 through fiscal 2024-25.

SUBJECT: Requiring political subdivisions to review land development regulations

COMMITTEE: Land & Resource Management — committee substitute recommended

VOTE: 7 ayes — Burns, Rogers, C. Bell, K. Bell, Buckley, Reynolds, Schofield

1 nay — Ortega

1 absent — Sherman

WITNESSES: For — Rod Bordelon, Texas Public Policy Foundation; Judge Glock; Brita Wallace (*Registered, but did not testify*: Jay Crossley, 50 Million Texans; Kristi Antonick, Phillip Mills-Lehmann, Samuel Sheetz, Americans For Prosperity; Ian Cude, Arles Development; Adam Cohen, Baird; William Robinson, Cayetano Development; Daniel Kavelman, Farm&City; Robert Kerrigan, Hillwood; Neciths Madison, Johnson Development Corp.; Chris Ulmann, Jones-Heroy and Associates; Francisco Garcia Sainz Portillo, Maple Development Group; Grant Rollo, Randolph Texas Development; Alina Carnahan, Real Estate Council of Austin, Real Estate Council of Greater Fort Worth, The Real Estate Council of Dallas; Erica Sinner, Shea Homes; Jeff Dewese, Signorelli Company; Whit Ewen, Texans for Housing; Nicole Nosek, Texans for Reasonable Solutions; Colette Vallot, Texas Affiliation of Affordable Housing Providers; David Mintz, Texas Apartment Association; Ned Muñoz, Texas Association of Builders; Seth Juergens, Texas Realtors; Troy Allen, The Greater Houston Business Association; Jorge Martinez, Daniel Martinez, Karla Sierra, Juan Vasquez, The LIBRE Initiative; Deborah Ingersoll, Chuck Rice, Tx Land Developers Association; Christopher Gilbert; Randy Rollo)

Against — Carissa Cox, American Planning Association; Fred Lewis, Community Not Commodity; Nathalie Frensley; Barbara Mcarthur (*Registered, but did not testify*: Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Jon Weist, City of Irving; Angela Hale, City of McKinney; Nadia Islam, City of San Antonio; Marc Duchon; Susan Stewart)

On — (*Registered, but did not testify*: Shawn Hall Lecuona, Kri'ah b'shalom)

BACKGROUND: Concerns have been raised that some outdated land development regulations may pose a barrier to new home construction, which could negatively impact the state's growing population.

DIGEST: CSHB 3135 would require the governing body of a political subdivision to review the costs, benefits, and risks of each existing land development regulation of the subdivision at least once every 10 years. A review of a land development regulation under the bill would have to consider:

- the regulation's impact on housing development;
- whether the regulation remained appropriate and benefitted landowners, residents, or the public;
- the benefits of the regulation for affected parties;
- the extent to which landowners, residents, or the public incurred costs as a result of the regulation;
- the effect on persons regulated under the regulation; and
- the administrative or enforcement costs for the regulation that were paid by taxpayers.

In reviewing a land development regulation under the bill, the governing body of the political subdivision would be required to hold at least one public hearing and provide an opportunity for public comment.

Upon completing a review of a land development regulation, the governing body would be required to repeal, amend, or readopt the regulation, and repeal or amend a regulation that interfered with the production of new housing or development related to existing housing.

Before adopting or modifying a regulation, a governing body would be required to analyze the costs, benefits, and risks of the proposed regulation and issue an impact statement available for review by the public that included:

- an analysis of the fiscal impact of the proposed regulation;

- a determination of whether the proposed land development regulation provided benefits to the health and welfare of the applicable subdivision's residents that outweighed any costs found by the analysis; and
- the proposed regulation's impact on housing costs.

A political subdivision could only adopt or modify a proposed land development regulation if the regulation was determined to be consistent with public health and safety priorities, had a minimal fiscal impact, and positively impacted or did not adversely impact housing costs for the subdivision's residents.

The governing body of each municipality, county, and special purpose district would be required to conduct an initial review of each land development regulation by September 1, 2028.

The bill would take effect September 1, 2023.

- SUBJECT:** Allowing higher education institutions to offer health care coverage
- COMMITTEE:** Higher Education — favorable, without amendment
- VOTE:** 9 ayes — Kuempel, Paul, Bucy, Burns, Burrows, Clardy, Cole, Howard, Raney
- 0 nays
- 2 absent — M. González, Lalani
- WITNESSES:** For — Elaine Britt, Rice University (*Registered, but did not testify*: Elysa M. Tamayo, El Paso County; Nathan Cook, Rice University; Corinna Whiteaker-Lewis, San Gabriel Unitarian Universalist Fellowship; Sarah Berel-Harrop, Texas Unitarian Universalist Justice Network; Erin Walter, Texas Unitarian Universalist Justice Ministry; and 33 individuals
- Against — None
- On — Cindy Wright, Texas Department of Insurance
- BACKGROUND:** Some have suggested that allowing higher education institutions to offer health care coverage to students and their families could lower health plan costs, which could lower the overall cost of higher education.
- DIGEST:** HB 3371 would allow a higher education institution or its affiliate to offer higher education health benefits, which would be defined as health benefits:
- sponsored by a higher education institution or its affiliate;
 - offered only to students enrolled in the institution and their family members;
 - that were not provided through an insurance policy; and
 - that were deemed by the institution to be important in assisting its students and their families to live long and productive lives.

An institution that offered higher education health benefits could not require a waiting period of more than six months for treatment of a preexisting condition otherwise included in higher education health benefits.

The institution would be required to provide a health benefit applicant written notice that the benefits were not provided through an insurance policy. The applicant would be required to sign and return the notice, and the institution would be required to maintain a copy of the signed notice and provide a copy of the notice to the individual upon request.

An institution participating in the program would not be engaging in the business of health insurance and would not be a health insurer, but could contract with a company authorized to engage in insurance business to:

- transfer to that company all or a portion of the organization's risks arising from higher education health benefits; or
- obtain insurance coverage from the company guarantying the institution's obligations arising from higher education health benefits.

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:** Requiring counsel to be reimbursed for certain expenses
- 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 — Sarah Mae Jennings, Texas Fair Defense Project (*Registered, but did not testify*); M Paige Williams, Dallas County Criminal District Attorney John Creuzot; Shea Place, Texas Criminal Defense Lawyers Association; Thomas Parkinson)
- Against — None
- On — (*Registered, but did not testify*): Geoff Burkhart, Texas Indigent Defense Commission)
- BACKGROUND:** Concerns have been raised that certain expenses for attorneys with defendants confined in an out-of-county jail could result in high out-of-pocket costs for travel or phone calls.
- DIGEST:** HB 2523 would establish that a counsel in a noncapital case, other than an attorney with a public defender’s office, appointed to represent a defendant in a criminal proceeding would have to be reimbursed for certain reasonable and necessary expenses. If the defendant was confined in a correctional facility located more than 50 miles from the court in which the defendant’s proceeding was pending, this would include expenses for travel to the defendant’s location for a confidential communication, food and lodging related to that travel, and any costs associated with remotely entering into a confidential communication with the defendant.

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

SUBJECT: Revising reporting requirements for proceeds from civil asset forfeitures

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

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

0 nays

WITNESSES: For — Angela Beavers, Harris County District Attorneys Office; Arif Panju, Institute for Justice; Akanksha Balekai, Texas Appleseed; Derek Cohen, Texas Public Policy Foundation (*Registered, but did not testify*: Kelley Shannon, Freedom of Information Foundation of Texas; Henry Bohnert; Thomas Parkinson)

Against — James Smith, San Antonio Police Department (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Shane Deel, Callahan County Attorney; Eric Carcerano, Chambers County District Attorney's Office; Guadalupe Cuellar, City of El Paso; TJ Patterson, City of Fort Worth; Jon Weist, City of Irving; Chris Jones, Combined Law Enforcement Associations of Texas; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; David Batton, Harris County Deputies' Organization FOP 39; Ray Hunt, Houston Police Officers' Union; Carlos Ortiz, San Antonio Police Officers' Association; Ray Scifres, Sheriffs' Association of Texas; Thomas Wilson, Smith County Criminal District Attorney's Office; Lindy Borchardt, Tarrant County Criminal District Attorney, Phil Sorrells; Leighton Guarnera, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance)

BACKGROUND: Some have suggested that the Legislature should expand reporting requirements and require tracking of county-level data on civil asset forfeiture to allow this data to be more easily accessible.

DIGEST: HB 2992 would require the attorney general to establish and maintain a case tracking system to collect and organize data regarding property

seized or forfeited under provisions relating to the forfeiture of contraband or an agreement with the federal government.

The law enforcement agency that seized the property or the attorney representing the state in the forfeiture proceeding would be required to submit certain specified information to the attorney general, including details regarding the property seized, the alleged offense, and the forfeiture case. This information would have to be included in the case tracking system and the attorney general would be required to assign the responsibility of submitting the information to appropriate law enforcement agencies or attorneys representing the state.

If the property seized or forfeited was alcohol, a controlled substance, or drug paraphernalia, a law enforcement agency or attorney representing the state could not submit the required information to the case tracking system. If property was seized from a confidential informant, the bill would authorize the law enforcement agency or attorney to delay submitting the information for as long as the informant continued to cooperate with the agency or attorney.

Searchable database. HB 2992 would amend reporting requirements for asset forfeiture cases. The bill would repeal the provision requiring the attorney general to develop an annual report detailing the total amount of funds forfeited or credited after the sale of forfeited property. Instead, the bill would require the attorney general to establish and make available to the public on a website with a searchable database:

- the information included in the case tracking system;
- the total amount of funds expended from the proceeds of property seized or forfeited, categorized by expenditure;
- an itemized list of any other expenditure of proceeds that was received from a forfeiture and that was reported, including payments to trade associations, lobbyists, and other agencies; and
- the total value of seized and forfeited property held by a law enforcement agency or attorney representing the state at the end of the state fiscal year.

The attorney general could not require a law enforcement agency or attorney to disclose, and the website could not include, any information identifying the property or the individual involved in the proceedings.

HB 2992 would require a law enforcement agency or applicable attorney that expended funds from the proceeds of property seized or forfeited to submit a report with the information specified by the bill to the attorney general within 30 days after the end of the state fiscal year. The commander or a multijurisdictional task force could appoint one law enforcement agency to report the relevant expenditures. The bill would authorize the attorney general to extend the 30-day period upon finding good cause existed for the extension.

A law enforcement agency or attorney that failed to submit such a report would be subject to a civil penalty of \$500 or 25 percent of the forfeiture proceeds received, whichever was greater, for each violation. The office of the attorney general also could determine the civil penalty amount. The office of the attorney general would be required to deposit a collected civil penalty in the general revenue fund.

Sovereign immunity of the state and governmental immunity of a political subdivision to suit and from liability would be waived to the extent of liability of a law enforcement agency or state's attorney for a civil penalty.

The bill would allow the attorney general to charge a reasonable fee to an applicable law enforcement agency or attorney representing the state to cover the costs associated with maintaining the case tracking system and website.

Attorney general report. HB 1992 would require the attorney general to submit a report related to property seized and forfeited.

Within 120 days after the end of the state fiscal year, the attorney general would be required to compile and submit to the governor, the lieutenant governor, and the speaker of the House a report summarizing activity related to property seized or forfeited. The bill would specify information required to be in the report. The attorney general could make legislative

recommendations in the report and would be required to post a copy of the report on the website.

All information and reports submitted to the attorney general or published by the attorney general would be public information subject to disclosure, with certain exceptions.

Other provisions. HB 2992 would amend various provisions relating to proceeds from the seizure and forfeiture of property.

HB 2992 would add an exception to provisions requiring that proceeds from the seizure or forfeiture of property be deposited into special funds if a local agreement existed between the attorney representing the state and law enforcement agencies. Under the exception, the attorney or head of the law enforcement agency could use any portion of the gross amount credited to the attorney's or agency's special fund to pay:

- the fee charged by the attorney general for costs associated with maintaining the case tracking system and website; or
- any costs incurred in compiling information to submit reports to the attorney general as required by the bill.

HB 2992 also would prohibit the attorney representing the state from disbursing funds received from the seizure or forfeiture of property to a law enforcement agency if the agency did not report the expenditures of proceeds as required by the bill. The agency could not expend any proceeds or use any property received and awarded until the agency submitted the required report to the attorney general. An attorney representing the state also would be prohibited from expending proceeds if the attorney did not comply with the reporting requirement.

The bill also would allow the state auditor to perform an audit related to the seizure, forfeiture, receipt, and specific expenditure of proceeds and property received, on request of a member of the Legislature. The state auditor would not be required to perform more than one audit per year. Within 90 days after such an audit was completed, the state auditor would be required to submit a copy to the attorney general for publication on the searchable database.

The attorney general would be required to adopt rules as necessary to implement the bill's provisions, including rules regarding how often law enforcement agencies and attorneys representing the state would be required to submit the specified information.

The bill would repeal provisions requiring a law enforcement agency or attorney representing the state who did not receive proceeds or property under during an annual period to report such to the attorney general.

The bill would take effect September 1, 2023, and would apply only to a state fiscal year beginning on or after January 1, 2024

NOTES:

According to estimates by the Legislative Budget Board, the bill would have a negative impact of \$3,842,837 to general revenue related funds through fiscal 2024-25.

SUBJECT: Implementing regulations for certain short-term rental units

COMMITTEE: Urban Affairs — committee substitute recommended

VOTE: 5 ayes — Lozano, Bernal, Cortez, Cunningham, Hayes

1 nay — J. González

3 absent — Gates, Romero, Tepper

WITNESSES: For — Michelle Villanueva (*Registered, but did not testify*: Kenneth Flippin, US Green Building Council Texas Chapter; Debra K. Hughes)

Against — Thomas Blauvelt, Mayor - Volente, TX; Stephanie Ashworth, Texas Neighborhood Coalition; Sean Brown, Village of Volente; Timothy McMillan, Village of Volente City Council; Scott Attwood; Alix Brewer; Pat Sablatura; (*Registered, but did not testify*: Brie Franco, City of Austin; Sally Bakko, City of Galveston; Angela Hale, City of McKinney; Christine Wright, City of San Antonio; Angela Hale, McKinney Chamber of Commerce; Justin Bragiell, Texas Hotel and Lodging Association; JJ Rocha, Texas Municipal League; Sofia Avant-Mier)

BACKGROUND: Some have suggested that creating a standard regulatory framework for short-term rental units for certain municipalities could help to provide more clarity and guidance to property owners.

DIGEST: CSHB 3169 would amend the Local Government Code to implement a standardized regulatory framework for short-term rental units. The bill would apply only to a municipality with a population of less than 1,000 individuals and that borders Lake Travis.

The bill would define a "short-term rental unit" as a dwelling that was intended for use as the home of a person, family, or household, including single-family and multi-unit buildings, apartments, condominiums, cooperatives, and timeshares. A dwelling also would have to be rented wholly or partly for a fee, and for a period of less than 30 consecutive days to be considered a short-term rental unit.

The bill would authorize a municipality to prohibit:

- the use of a short-term rental unit to promote activities that were illegal under municipal or other law;
- the provision or management of the unit by a registered sex offender or any person having been convicted of a felony;
- the serving of food to a tenant unless the serving of food at the unit was otherwise authorized by municipal law;
- the rental of the unit to a person younger than 18 years of age; or
- the rental of the unit for less than 24 hours.

A municipality could require a unit provider to:

- designate an emergency contact that was responsible for responding to complaints regarding the unit;
- have the unit inspected on an annual basis by the local building code department or fire marshal, as applicable, to verify that the unit met state and municipal requirement; and either
- maintain property and liability insurance for the unit in an amount required by the municipality; or
- provide proof that the short-term rental unit listing service used to list the unit maintained property and liability insurance for the unit in an amount required by the municipality.

Under the bill, a municipality could not:

- adopt or enforce an ordinance, rule, or other measure that prohibited or limited the use of property as a short-term rental unit, or was applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units; or
- apply a municipal law, including a noise restriction, parking requirement, or building code requirement, or other law, to short-term rental units in a manner that was more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons.

The bill would not prohibit:

- a lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or
- a property owner from placing a restrictive covenant or easement on the property that restricted the future use of the property as a short-term rental unit; or
- a municipality from contracting with a third party, which could potentially be a short-term rental unit listing service, to provide services that assisted in ensuring compliance with municipal requirements imposed in accordance with these provisions.

The bill would take effect September 1, 2023.

SUBJECT: Prohibiting a candidate from filing in more than one party's primary

COMMITTEE: Elections — committee substitute recommended

VOTE: 9 ayes — Smith, Bucy, Burrows, Capriglione, DeAyala, Manuel, E. Morales, Swanson, Vo

0 nays

WITNESSES: For — Brenda Cruz, Texas Democratic Party (*Registered, but did not testify*); Alan Vera, Harris County Republican Party Ballot Security Committee; Cynthia Van Maanen, Travis County Democratic Party; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; and 16 individuals)

Against — (*Registered, but did not testify*): Russell Hayter)

BACKGROUND: Concerns have been raised that current law does not provide a mechanism for rejecting applications for a candidate who files in more than one party's primary election.

DIGEST: CSHB 3537 would prohibit candidates from making an application for a place on the general primary election ballot with more than one political party in the same voting year.

If a candidate violated this provision, the candidate's application would be rejected. A candidate whose application was rejected for these reasons could not be refunded for filing fees and would be ineligible for a place on the ballot for the succeeding general election for state and county officers as:

- an independent candidate for an office for which a candidate filed for a place on the ballot for the primary; or
- the nominee of a political party other than the party holding the primary in which the candidate filed an application for a place on the ballot.

The secretary of state would be required to prescribe any procedures necessary to implement the bill.

The bill would take effect September 1, 2023.

- SUBJECT:** Requiring a license for sewage disposal pumping technicians
- COMMITTEE:** Environmental Regulation — favorable, without amendment
- VOTE:** 8 ayes — Landgraf, Guerra, K. Bell, Kuempel, J. Lopez, Meza, Morales Shaw, Reynolds
- 1 nay — Dean
- WITNESSES:** For — Randall Chelette, Texas On-Site Wastewater Association
(*Registered, but did not testify*: Alexa Aragonéz, City of Houston, Mayor's Office)
- Against — None
- On — (*Registered, but did not testify*: Kristi Mills-Jurach, Jaya Zyman, TCEQ)
- BACKGROUND:** Some have suggested that licensing and regulations for sewage disposal pumping technicians could help to address potential public health and safety concerns related to on-site sewage disposal systems.
- DIGEST:** HB 3128 would require a person who was compensated for pumping an on-site sewage disposal system to hold a license or registration issued by the Texas Commission on Environmental Quality (TCEQ).
- The bill would specify that licensing would not be required if an applicable sewage system of a single residence was located in a county with a population of less than 40,000. This provision would apply only to a residence for which construction began on or after the effective date of the bill.
- By September 1, 2024, TCEQ would be required to adopt rules to implement the licensing requirements that provided for the creation of a sewage disposal system pumping technician license or registration.

Except for the provision regarding the creation of a license or registration, the bill would take effect September 1, 2023.

SUBJECT: Extending the Bexar County health care participation program

COMMITTEE: County Affairs — committee substitute recommended

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

1 nay — Tinderholt

WITNESSES: For — (*Registered, but did not testify:* Travis Richmond, CHRISTUS Health; Juliana Cruz Kerker, HCA Healthcare; Christine Yanas, Methodist Healthcare Ministries; Jessica Schleifer, Teaching Hospitals of Texas; Michelle Apodaca, Webb Cochran, Tenet Health; Jennifer Banda, Texas Hospital Association; Andrew Smith, University Health; Carl Jacob)

Against — None

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

BACKGROUND: Some have suggested that legislative action is needed to continue the Bexar County Hospital District health care provider participation program that is set to expire on December 31, 2023.

DIGEST: CSHB 3231 would extend the authority of the Bexar County Hospital District to administer and operate a health care provider participation program until December 31, 2027.

The bill also would authorize the district to impose and collect interest and penalties on delinquent mandatory payments that do not exceed the maximum amount authorized for other delinquent payments owed.

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.

NOTES: According to the Legislative Budget Board, the bill would have an estimated negative impact of about \$3.7 million to general revenue related funds through fiscal 2024-25.

- SUBJECT:** Amending grounds for removal of county officers
- COMMITTEE:** County Affairs — committee substitute recommended
- VOTE:** 9 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal, Schatzline, Slaton, Tinderholt
0 nays
- WITNESSES:** For — John Palmer (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas)
Against — None
On — (*Registered, but did not testify*: Shawn Hall Lecuona, Kri’ah b’shalom)
- BACKGROUND:** Concerns have been raised that the removal process for a county officer on grounds of intoxication applies only to alcohol intoxication and does not account for other substances.
- DIGEST:** CSHB 3264 would amend the grounds for removal of county officers from office by removing provisions specifying that intoxication be caused by drinking an alcoholic beverage. The bill also would specify that intoxication would not be grounds for removal if the intoxication was caused by the use of a substance, rather than the drinking of alcohol, on the direction of a licensed physician in Texas.

The bill would establish “intoxication” to mean the state of having an alcohol concentration to qualify as intoxicated under Penal Code or not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.

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

SUBJECT: Revising DFPS investigation requirements for a hospitalized person

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Frank, Rose, Campos, Klick, Manuel, Noble, Ramos, Shaheen
1 nay — Hull

WITNESSES: For — Brad Nitschke, Dallas County Hospital District (*Registered, but did not testify*); Rebekah Chenelle, Dallas County Commissioners Court; Clayton Travis, Texas Pediatric Society; Ashley Ford, The Arc of Texas; Susan Stewart)
Against — None
On — Marta Talbert, Kez Wold, Department of Family and Protective Services

BACKGROUND: Concerns have been raised that certain abuse or neglect victims may not be considered to be in imminent danger if they are hospitalized.

DIGEST: CSHB 3329 would establish that, for the purposes of determining whether there was an immediate danger to a child’s physical health or safety, the child’s temporary hospitalization would not mitigate the danger to the child who was otherwise in danger of abuse or neglect.
The Department of Family and Protective Services (DFPS) could not refuse or delay conducting an investigation or providing protective services related to the abuse, neglect, or exploitation of an elderly person or a person with a disability based solely on the fact that the person was temporarily hospitalized.
The bill would take effect September 1, 2023.

- SUBJECT:** Adding eligibility requirements for a sheriff or a sheriff candidate
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 7 ayes — Neave Criado, Stucky, Gerdes, J. Jones, Orr, Rosenthal, Schatzline
- 2 nays — Slaton, Tinderholt
- WITNESSES:** For — Ray Scifres, Hockley County Sheriff’s Office; Brian Hawthorne, Buddy Mills, Sheriffs Association of Texas; Doc Wigington, Throckmorton County Sheriff’s Office (*Registered, but did not testify*: Chris Jones, Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Adam Haynes, Conference of Urban Counties; Rebekah Chenelle, Dallas County Commissioners Court; Elisa M. Tamayo, El Paso County; Francis Nugent, Harris County Commissioners Court; Ray Hunt, HPOU; Charles Maley, South Texans Property Rights Association)
- Against — None
- BACKGROUND:** Some have suggested that counties should require sheriffs to hold a peace officer license before taking the position in order to reduce the time a sheriff must spend in training.
- DIGEST:** HB 3477 establishes that, in addition to existing requirements, a person would not be eligible to serve as a sheriff unless the person held an active permanent peace officer license and had a minimum of:
- five years experience as a full-time, paid peace officer or federal special investigator; or
 - ten years combined active duty or national guard service experience and was a military veteran.

In order to be eligible, the person would also be required to hold an intermediate, advanced, or master proficiency certificate issued by the

Texas Commission on Law Enforcement that recognized proficiency based on law enforcement training, education, and experience.

The bill would take effect September 1, 2023, and would not apply to a sheriff serving a term that began before the effective date.